



**LE SUEUR CITY CHARTER
COMMISSION
Tuesday, May 18, 2021
Legion Park Shelter
6:00 P.M.**

1. Call to Order
2. Approval of the Agenda
3. Approval of Minutes
 - a. July 20, 2020
4. Section 6.04 Update
5. Le Sueur City Charter Review: Chapters 9 – 11
 - A. https://codelibrary.amlegal.com/codes/lesueur/latest/lesueur_mn/0-0-0-5
6. Le Sueur City Charter Review: Discuss Next Section
7. Adjourn



**LE SUEUR CHARTER COMMISSION
MEETING MINUTES
Monday, July 20, 2020
American Legion Park Shelter
6:00 P.M.**

A meeting of the Charter Commission was held on Monday, July 20, 2020, at 6:00 p.m. at the American Legion Park Shelter with the following attendees: Robert Broeder, Johnny Favolise, Jack King, Judith Jones, Michelle Steiger, Ruth Vortherms, Jack Roberts, Marilyn Wells Absent: Patrick Barry Staff: Jasper Kruggel, City Administrator.

Chair Broeder called the meeting to order at 6:00 pm.

A motion by Vortherms, seconded by Steiger to approve the agenda adding "Agenda Item 7. Patrick Barry Resignation" and moving "Adjourn" to Agenda Item 8. Voting in favor: All. Voting against: None. Motion carried.

A motion by King, seconded by Roberts to approve the minutes from the previous meeting of September 16, 2019. Voting in favor: All. Voting against: None. Motion carried.

The Charter Commission reviewed the proposed Section 2.05 Update.

A motion by Broeder, seconded by Roberts to add the language "over a three-month time period" to the proposed language between >25% and "of the City Council meetings...". Voting in favor: All. Voting against: None. Motion carried

The Charter Commission discussed Chapters 5-8. Chapter 6.04 was discussed in detail and directed staff to examine if language could be added that addresses conflicts of interest. There were no other comments on Chapters 5-8.

The Charter Commission also determined that Chapters 9-11 will be reviewed at the next meeting. Once a full review of the Le Sueur City Charter is complete, all proposed changes will go to City Council for consideration of adoption.

A motion by Favolise, seconded by Jones to adjourn the meeting at 7:04 P.M. Voting in favor: All. Voting against: None. Motion carried.

Next meeting is Tuesday, January 19, 2021.

Respectfully submitted,
Jasper Kruggel

CHAPTER 9. EMINENT DOMAIN

SEC. 9.01 POWER TO ACQUIRE PROPERTY.

The city may acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by the city for any public use or purpose. Easements for slopes, fills, sewers, building lines, poles, wires, pipes and conduits for water, gas, heat, and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.

SEC. 9.02 PROCEEDINGS IN ACQUIRING PROPERTY.

The necessity for the taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. In acquiring property by exercising the power of eminent domain, the city shall proceed according to the laws of this state.

(Ord. 556, passed 6-27-2016)

CHAPTER 10. FRANCHISES

SEC. 10.01 FRANCHISES REQUIRED.

Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefor from the city. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the city to guarantee publication before the ordinance is passed.

SEC. 10.02 TERM.

No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty years shall be effective until approved by a majority of the electors voting thereon.

SEC. 10.03 PUBLIC HEARING.

Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the council, the council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official publication not less than ten (10) days prior to the date of the hearing.

SEC. 10.04 POWER OF REGULATION RESERVED.

Subject to law the council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

SEC. 10.05 RENEWALS OF EXTENSIONS.

Every extension, renewal or modification of any existing franchise or of any franchise granted hereafter shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

CHAPTER 11. PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

SEC. 11.01 ACQUISITION AND OPERATION OF UTILITIES.

The city may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but no proceedings to acquire any such public utility shall be consummated unless the city has the money in the treasury to pay for acquisition or has made provision for paying for the property proposed to be acquired. The operation of all public utilities owned by the city shall be under the supervision of the city council.

SEC. 11.02 RATES AND FINANCES.

The council may fix rates, fares and prices, for municipal utilities but such rates, fares and prices shall be just and reasonable. In like manner the council may prescribe the time and manner in which payments for all such services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

SEC. 11.03 PURCHASES IN BULK.

The council may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

SEC. 11.04 LEASE OF PLANT.

The council may, if the public interest will be served thereby, contract with any responsible person, co-partnership, or corporation for the operation of any utility owned by the city, upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an ordinance. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten years.

SEC. 11.05 HOW PUBLIC UTILITIES MAY BE SOLD.

No public utility owned by the city shall be sold or otherwise disposed of by the city unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the electors voting thereon at a general or special election. In the case of a water works or light plant, any sale, lease, or abandonment shall be subject, in addition, to the requirements of state law.