

CITY OF FRIDLEY
(Legal Notice)

PUBLIC HEARING NOTICE BEFORE THE CITY COUNCIL
ON PROPOSED AMENDMENT TO FRIDLEY CITY CHARTER

Notice is hereby given that there will be a public hearing of the Fridley City Council at the Fridley Municipal Center, 6431 University Avenue NE, Fridley, Minnesota, on Monday, June 26, 2017 at 7:00 pm for the purpose of conducting a public hearing on the following amendment to the City Charter:

ORDINANCE NO. _____
AN ORDINANCE AMENDING FRIDLEY CITY CHARTER CHAPTER 7.
TAXATION AND FINANCES

The Fridley City Charter has reviewed, discussed and recommended an amendment of the City Charter by Ordinance to the City Council on May 15, 2017.

The Fridley City Council hereby finds after review, examination and recommendation of the Charter Commission and staff that Fridley City Charter Chapter 7 related to taxation and finances be hereby amended and ordains as follows:

FRIDLEY CITY CHARTER
CHAPTER 7. TAXATION AND FINANCES.

SECTION 1: THAT SECTION 7.02.1 BE HEREBY AMENDED AS FOLLOWS:

Section 7.02. POWER OF TAXATION.

1. The City shall have, in addition to the powers by this Charter expressly or impliedly granted, all the powers to raise money by taxation pursuant to the laws of the State which are applicable to cities of the class of which it may be a member. ~~from time to time, provided that~~ The amount of taxes levied against real and personal property within the City for general City purposes shall not exceed ~~in dollars, five percent (5%) more a tax levy that is greater~~ than the prior year tax levy. ~~increased.~~ Moreover, if necessary, the tax levy may be increased up to an additional 3% with an affirmative vote of at least four members of the Council, by an inflationary index, or 5%, whichever is less. Said inflationary index shall be that as defined by the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all Urban Consumers in the Minneapolis, St. Paul metropolitan area. (Ref. Ord. 592, 1102 and 11/7/00 Amendment)

Nothing in this provision shall be construed to impair any general obligation the City may have in support of otherwise lawful indebtedness or similar obligation supported by the full faith and credit of the City, provided, however, that long-term, general obligation indebtedness shall not be used for the purpose of funding the routine and daily business operations of the City. (Ref Ord 1152)

SECTION 2: THAT SECTION 7.02.3 BE HEREBY AMENDED AS FOLLOWS:

3. Any other fees created, or increased beyond the limits set forth in subsection 1, shall require voter approval as stipulated in subsection 2.
 - A. For the purposes of this subsection, "fees" includes sales and use taxes, recycling

fees, gas and electric franchise fees and any other fee that produces a tax burden or direct financial obligation for all property owners and/or residents of Fridley. (Ref Ord 1152, 1244)

- B. For the purposes of this subsection, the term "fees" does not include: utility charges, Parks and Recreation Department participation fees, charges for photo-copying, sales of municipal liquor store products, or civil and criminal fines and other charges collected in cases of restitution or violation of law or contract. The term "fees" also does not include rental housing fees, building permit fees, liquor license fees, the extension or transfer of cable television service authority to additional service providers for which fees are already being charged, fees for the operation of junk yards, annual license fees for the operation of pawn shops and other regulated business, and any other charge for services, including health and safety related Code enforcement, and other goods, services or materials routinely provided by the City to its citizens or other members of the public which, by law, must be limited to the actual cost of the service being provided. The term "fees" shall not include any special assessments made under Minnesota Statutes ~~Section~~ 429. (Ref Ord 1152, 1244)
- C. For the purposes of this subsection, "fee increase" includes a new tax or fee, a monetary increase in an existing tax or fee, a tax or fee rate increase, an expansion in the legal definition of a tax or fee base, and an extension of an expiring tax or fee. (Ref Ord 1152)
- D. For the purposes of this subsection, "city" includes the city itself and all its departments and agencies that are organized to exercise the "Powers of the City" as defined in Chapter 1 of this Charter. "City" shall not include any body of government owing its existence to separate constitutional or statutory authority outside of the Charter, regardless of whether that other body of government has jurisdiction or performs duties and services within the boundaries of the City. (Ref Ord 1152)
- E. For the purpose of addressing natural disasters this subsection does not apply to any specific emergency measure authorized in ~~Chapter 7~~, Section 7.08 or state law.

SECTION 3: THAT SECTION 7.03 BE HEREBY AMENDED AS FOLLOWS:

Section 7.03. BOARD OF REVIEW.

The Council shall constitute a board of review and shall meet as such in the usual place for holding Council meetings to review, amend and equalize the assessed valuations according to state law, and ~~a published notice of such meeting shall be given in the official newspaper of the City at least ten (10) days prior to the day of said meeting. (Ref. Special Election 4/12/60, Ord. 592)~~

SECTION 4: THAT SECTION 7.05 BE HEREBY AMENDED AS FOLLOWS:

Section 7.05. PASSAGE OF THE BUDGET.

The estimated budget shall be a principal item of business at a regular meeting(s) prior to the deadline established in state law, at the times required by law and at in September. The Council shall hold subsequent meeting(s) until the budget is adopted. - from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable amount of time in which to be heard, and an opportunity to ask questions prior to passage of the final budget. The budget estimates shall be read in full and the City

Manager shall explain the various items thereof as fully as may be deemed necessary by the Council. The adopted annual budget ~~finally agreed upon~~ shall set forth in such detail as may be determined by the City Council, the complete financial plan of the City for the ensuing fiscal year, ~~and shall be signed by the majority of the Council upon being adopted~~. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, according to ~~the plan indicated in~~ Section 7.04. The total sum appropriated shall not exceed the total estimated revenue. The Council shall adopt the budget by resolution pursuant to state law. ~~in accordance with State Law. The resolution shall set forth the total of the budget and the totals of the major divisions of the budget, according to the plan indicated in Section 7.04. The budget resolution as adopted.~~

SECTION 5: THAT SECTION 7.08 BE HEREBY AMENDED AS FOLLOWS:

Section 7.08. EMERGENCY APPROPRIATION IN THE BUDGET.

1. The Council shall have power to establish an emergency appropriation as a part of the budget, but not to exceed ten percent (10%) of the total budget. Transfers from the emergency appropriation to any other appropriation shall be made only by a vote of at least four (4) members of the Council.
2. The sums transferred to the several departments or divisions shall be considered as a part of such appropriations and shall be used only for the purposes determined by the city manager and approved designated by the Council.

SECTION 6: THAT SECTION 7.09 BE HEREBY AMENDED AS FOLLOWS:

Section 7.09. LEVY AND COLLECTION OF TAXES.

In accordance with Minnesota State Law, the Council shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. ~~The City Clerk shall transmit to the county auditor annually, not later than the date required by Minnesota Law, The tax levy resolution must be certified to the county pursuant to state law.~~ A statement of all the taxes levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in that case the surplus shall go into a suspense fund, and shall be used to reduce the levy for the ensuing year.

SECTION 7: THAT SECTION 7.11 BE HEREBY AMENDED AS FOLLOWS:

Section 7.11. DISBURSEMENTS, HOW MADE.

All disbursements shall be made only upon the order of the City Manager or designee and City Clerk, duly authorized by a resolution or motion of the Council, and every such order shall specify the purpose for which the disbursement is made, and indicate the fund out of which it is to be paid. Each such order shall be directed to the Treasurer, and the latter shall issue a check payable to the order of the person in whose favor the order was drawn. The Treasurer shall issue no check upon any City funds except upon such order. In the discretion of the Council the order and check may be a single instrument. No claim against the City shall be allowed unless accompanied by either an itemized bill, or a payroll, or time sheet, each of which shall be approved and signed by the responsible City officer who vouches for the correctness and reasonableness thereof. The Council may by ordinance make additional regulations for the safekeeping and disbursement of the City's funds. The Council may by resolution or motion provide for the regular payment without specific

individual authorization by the Council of salaries and wages of regular employees, laborers, and fixed charges which have been previously duly and regularly incurred.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS
____ DAY OF _____ 2017.**

/s/ Scott J. Lund, Mayor

ATTEST: /s/ Debra A. Skogen, City Clerk

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