

**ORDINANCE NO. 816  
2<sup>ND</sup> SERIES**

**AN ORDINANCE AMENDING ARTICLE X OF THE HOME RULE CHARTER  
OF THE CITY OF ALEXANDRIA RELATING TO BOARD OF PUBLIC  
UTILITIES**

The City Council of the City of Alexandria does ORDAIN that the Home Rule Charter of the City of Alexandria be amended as follows:

**Sec. 10.02. Board of Public Utilities.**

**Subd. 1. Exclusive Management and Control.**

The Board of public Utilities established by Section 6.02 hereof shall be responsible for the management operation and control of such plants and systems.

**Subd. 2. Vacancies.**

Any member who is absent from board meetings for three successive months without leave of absence granted by the board or excuse satisfactory to the board, provided the member has been notified of such meetings, shall thereby forfeit board membership, and the office shall be declared vacant. Vacancies shall be filled by the council.

**Subd. 3. Organization.**

Said board shall, at its first meeting of each calendar year, appoint from its membership a chairperson, and such other officers as needed.

**Subd. 4. Duties.**

The Board of Public Utilities shall employ a general manager who shall: attend all meetings of the board; be responsible for maintaining the books and records of the board and the utility, including financial records and records verifying compliance in all areas of the utility; and do and perform such other duties incident to such employment as the board shall direct, or as this charter may further prescribe. In all such matters the general manager shall be under the sole control and direction of the board.

**Subd. 5. Employees.**

In addition to the general manager, the board shall employ such other personnel as will enable it properly to perform its duties under this charter and to successfully operate said public utilities system. The duties and compensation of its employees shall be approved by the board.

**Sec. 10.03. Powers of Board.**

**Subd. 1. Bylaws, Rules.**

Said board is hereby vested with full power to make and enforce such by-laws, rules and regulations as may be necessary to carry into effect the object and intent of this chapter and to cause all such by laws, rules and regulations to be entered in a book kept for that purpose and signed by the chairperson. All such books shall be open for inspection subject to the requirements of the Minnesota Government Data Practices Act.

## **Subd.2. Right of Entry; Prosecution of Actions.**

Subject to any limitations imposed by law, the board's authorized representatives may enter upon any premises for the purpose of examining the same and making surveys, and may prosecute any action, in the name of the city, against any person, for the use of water, electricity, businesses communications and other utilities or for any injury to any of the property or entrusted to the utility's care or for the violation of the utility's rules and regulations governing the use of water, electricity business communications and other utilities, or the management of the utilities system.

The Board of Public Utilities shall have the necessary powers to restrain and prevent any and all injuries to said utilities or the unauthorized use of its products and services.

Said board is hereby authorized and required to restrain and prevent any and all waste of water, electricity, business communications and other utilities and may, when in its judgement necessary, shut off such utilities or take such other lawful action.

## **Subd.3. Contracts.**

The board shall have authority to contract for equipment and construction of additional facilities without specific approval by the City Council where the cost incurred shall not exceed the sum authorized to be expended by the City of Alexandria pursuant to applicable State Statutes without first securing competitive bids. If the cost exceeds the amount authorized to be expended without securing competitive bids, it shall first be authorized by the board and City Council. In all cases of work to be done by contract or in the purchase of personal property or supplies, where the amount is more than the amount authorized to be expended in accordance with state statutes without competitive bidding, unless the City Council shall, by and emergency resolution otherwise provide, the council shall advertise for bids. Contracts of this magnitude shall be let to the lowest responsible bidder. The council may, however, reject any and all bids.

## **Sec. 10.04. Duties of Board.**

### **Subd. 1. Reports.**

The board shall annually, or as additionally requested by the council, render a full and complete report setting forth the condition of the utilities system, the improvements made and cost of same, and a detailed report of the earnings and expenses. All minutes of the board's proceedings at regular and special meetings shall be governed by the Minnesota Government Data Practices Act.

### **Subd. 2. Insurance.**

The board shall maintain adequate insurance to safeguard the interest of the city.

### **Subd. 3. Repair and Maintenance.**

The board shall cause the utilities to be maintained in good repair and working condition, and shall cause them to be continually operated in an efficient manner at a reasonable cost and from time to time shall cause to be made all needed repairs, renewals and replacements.

### **Subd. 4. Distribution, Rates.**

Said board shall regulate the distribution and use of water, electricity, business communications and other utilities in all places and for all purposes where the same shall be required for either public or private use, and shall fix the price and rates therefor, provided that in case of hydrants for extinguishing fires and lights for the streets, public buildings and other public places, the board shall fix and locate the same as the council may direct; provided that said board shall not charge the city for such water, light, power

or heat a higher rate than is charged to private parties. The city shall pay, out of the general fund to the account of the board at the price so fixed by the board, for all services to the city for public purposes. Said payments shall be made monthly or at such other intervals as are agreed upon by the board and the city council. The board shall pay to the city an annual Payment in Lieu of Taxes ("PILOT"). The amount of the PILOT shall be \$.0035 x kWh sold unless otherwise agreed by the board and the city council. Said board shall fix and maintain the rents and rates for power, water, light and such other facilities or plants as may be under its control so that income from such services of the city shall, in each fiscal year, be at least sufficient to defray the costs of the operation, maintenance and extension of such public service and to pay the interest and principal requirements on all bonds of the city which have been issued on account of the construction of such public services and to maintain a sinking fund by transferring annually into said fund not less than 5% of the gross revenues of the utility system. Said sinking fund to be used for the replacement and repairs of properties under the control of the board.

**Sec. 10.05. Certain Acts Prohibited.**

**Subd. 1. Extension of Service.**

No extensions of the water, electricity, business communications and other utilities of the city shall be made except when recommended by the Board of Public Utilities and authorized by the council.

**Subd. 2. Sale of Public Utilities.**

No public utilities owned by the city, whether acquired prior to the adoption of this charter or thereafter, shall be sold or otherwise disposed of by the city, unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefor, shall have been embodied in an ordinance passed by a four-fifths vote of the council in the usual way, and submitted to the electors at a general or special election and approved by a two-thirds vote of the electors voting thereon.

**Subd. 3. Discrimination.**

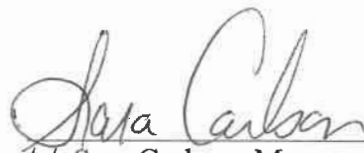
Any member of the board, or any employee of the board who shall knowingly omit any person or property from a proper assessment for water or light rentals, or refuse to collect the same, or who shall discriminate in favor of any person, cooperation or property in regard thereto, shall be guilty of a misdemeanor and punished therefor as prescribed by the ordinance of the city; or in case the offense is not punishable under the ordinances of the city then as misdemeanors are punished under the criminal laws of the state.


**ADOPTED** by the city Council of the City of Alexandria this 10<sup>th</sup> day of February, 2020, by the following vote:

YES: Franzen, Thalman, Osterberg, Benson, Jensen

NO: None

ABSENT: None

  
\_\_\_\_\_  
/s/ Sara Carlson, Mayor

ATTEST:   
\_\_\_\_\_  
/s/ Martin D. Schultz, City Administrator

Affidavit of Publication  
/STATE OF MINNESOTA )  
County of Douglas ) ss.

Diann Drew, being first duly sworn, on oath states as follows:

1. I am the publisher of the Echo Press, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

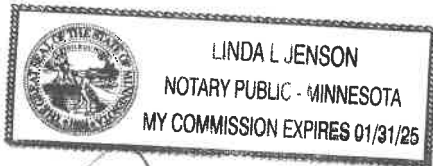
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the Ordinance 816 attached/copied below was published in the newspaper are as follows: Friday, the 15<sup>th</sup> day of May, 2020

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: \$28.38.

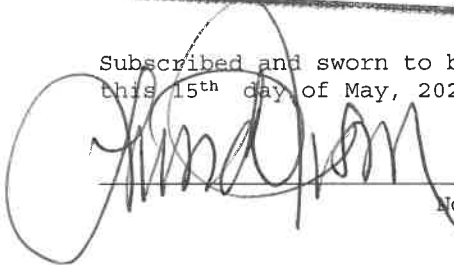
5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Douglas County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.



  
[Signature]

Subscribed and sworn to before me on  
this 15<sup>th</sup> day of May, 2020, By Diann Drew

  
Notary Public

# Ordinance 816

Publish May 15, 2020

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ADOPTED by city Council of the City of Alexandria this 10th day of February, 2020, by the following vote:

YES: Franzen, Thalman, Osterberg, Benson, Jensen

NO: None

ABSENT: None

/s/ Sara Carlson  
Mayor

ATTEST: /s/ Martin D. Schultz  
City Administrator  
2838972