

STATE OF MINNESOTA     )  
                              )  
COUNTY OF FARIBAULT    ) SS:  
                              )  
CITY OF BLUE EARTH     )

MAYOR'S CERTIFICATE OF RATIFICATION  
OF CHARTER AMENDMENT

I, the undersigned, the duly qualified and acting Mayor of the City of Blue Earth, Faribault County, Minnesota, do hereby certify as follows:

1. That the said City of Blue Earth is a municipal corporation duly organized pursuant to a home rule charter adopted in the year 1899.

2. That I, Carl J. Adams, am the duly elected Mayor of the said City of Blue Earth and the chief magistrate of said city.

3. That on the 27th day of March, 1947, the Charter Commission appointed to draft a charter for said City of Blue Earth pursuant to Section Thirty-six of Article Four (4) of the Constitution of the State of Minnesota and the Statutes of the State of Minnesota in relation thereto, did submit the following draft of an amendment to the said City Charter of the said City:

PROPOSED AMENDMENT TO SECTION SEVENTEEN (17) OF  
CHAPTER THIRTEEN (13) OF THE CITY CHARTER OF THE  
CITY OF BLUE EARTH

That Section Seventeen (17) of Chapter Thirteen (13) of the City Charter of the City of Blue Earth be amended to read as follows:

FRANCHISES

ORDINANCES GRANTING FRANCHISES

Section 17A. Every ordinance by which the Council shall propose to grant any franchise must be passed by a five-sevenths (5/7) vote of the City Council and no ordinance for the granting of any franchise shall be put upon its final passage within thirty (30) days after its introduction, and every franchise shall contain all the terms and conditions of the franchise to be granted.

REGULATION OF RATES

Section 17B. The City shall have the power to regulate and control the maximum rate to be charged by any corporation or person exercising any franchise in the City for the service rendered by it to the City, or to the public, but such price shall be fair and reasonable to such corporation or

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persons and to the public. The manner in which such rate shall be regulated shall be fixed by the Council by ordinance and the Council is hereby authorized to provide by ordinance for the appointment of commissioners to fully investigate and determine all questions with reference to rates to be charged by any such corporation or person.

#### LIFE OF FRANCHISE

Section 17C. The maximum length of time for which a franchise or privilege to use the streets, alleys or other public places of the City may be granted to any person, firm or corporation shall be twenty-five (25) years.

#### FORFEITURE FOR NON-COMPLIANCE

Section 17D. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all cases the Council shall have the power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

#### MATTERS IN CHARTER NOT TO IMPAIR RIGHT OF COUNCIL TO INSERT OTHER MATTERS IN FRANCHISE

Section 17E. The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant, shall not be construed as impairing the right of the Council to insert in such franchise or grant, such other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, fares, rentals, charges, control, forfeitures, or any other provision whatever, as the Council shall deem proper to protect the interests of the people.

#### MODE OF PROTESTING AGAINST ORDINANCE

Section 17F. No ordinance passed by the Council granting a franchise shall go into effect before twenty (20) days from the time of its final passage. If during said twenty days a petition signed by the qualified electors of the city equal in number to at least twenty percentum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Council to submit the ordinance to a vote of the electors of the City, either at the next general municipal election or at a special election called for that purpose, and such ordinance shall not become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The petition signed by such electors shall be filed with the City Clerk and such petition shall contain a general statement of the grounds on which the petitioners protest said ordinance. The signature to the petition need not at all be appended to one paper but each signer shall state his place of residence and street number. One of the signers of each such paper shall make oath that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose signature it purports to be. Within ten (10) days from the date of filing such petition, the City Clerk shall ascertain from the voters' register whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the Council shall allow him extra help for that purpose; and shall attach to said petition his certificate, showing the result of said examination. If, by the City Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten (10) days from the date thereof. The City Clerk shall, within ten (10) days after such amendment, make like examinations of the amended petition, and if his certificate shall show the same to be in-

sufficient it shall be returned to the person filing the same; without prejudice however, to the filing of a new petition to the same effect; if the petition is deemed sufficient, the City Clerk shall submit the same to the Council without delay, and thereupon the Council shall order the same filed. If a general City election is to be held within three (3) months after the filing of said petition, then the franchise shall be submitted to the voters at such general election, but if a greater time than three months should elapse between filing of said petition and a general municipal election, then the council must order a special election to be held within thirty (30) days after the filing of said petition. At least ten (10) days before the election is held such franchise ordinance must be published in the legal paper of said city at least once.

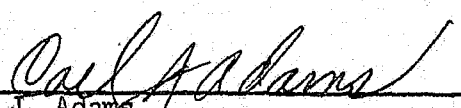
BALLOT FORM

Section 17G. The ballots used in voting upon such proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating the nature of the proposed ordinance).

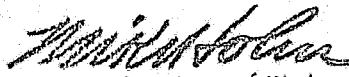
4. That thereafter the said proposed amendment to Section Seventeen (17) of Chapter Thirteen (13) of the City Charter of the City of Blue Earth was duly published for four consecutive weeks in the Blue Earth Post, Blue Earth, Minnesota, a legal newspaper of general circulation in said City.

5. That thereafter the said proposed amendment set forth in Paragraph 3. above was duly ratified and accepted by more than three-fifths of the qualified voters of the said City of Blue Earth voting at a special election held pursuant to law on the 19th day of May, 1947.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of said City this 26 day of May, 1947.

  
Carl J. Adams  
Mayor of the City of Blue Earth,  
Faribault County, Minnesota

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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAY 29 1947

  
Secretary of State.