

CERTIFICATE OF PASSAGE
OF CHARTER AMENDMENTS.

I, H. E. SWENSON, do hereby certify that I am the duly elected and acting Mayor of the City of Fergus Falls, Otter Tail County, Minnesota and that I held that office on the 25th day of November, 1947.

I do further certify that on the 25th day of November, 1947, at a Special Election called for that purpose, the following proposed amendments to the City Charter were submitted to the voters of said city, in the manner prescribed by statute, after being duly presented and proposed by a Board of Freeholders appointed and acting as by statute provided:

I.

That Paragraph 9 of Section 94 of the City Charter be amended so as to read as follows:

"The Highway Fund is created to provide for the care of the streets and bridges of the city and for no other purpose. It shall be maintained by a tax levy but no larger amount shall be levied in one year than twelve mills on the dollar of the assessed valuation of the taxable property of the city, as appears from the record of the assessment of said city for the previous year. Until such time as taxes levied after the adoption of this amendment are received into the Highway Fund, the council is authorized to transfer from the General Fund to the Highway Fund such funds as the council shall, from time to time, by resolution, deem necessary, other provisions of this charter to the contrary notwithstanding."

II.

That the City Charter be amended by adding thereto a new section to be Section 109¹/₂, to provide as follows:

"The Water & Light Commission shall, within thirty days after the close of each fiscal year, pay into the General Fund of the city an amount equal to 7% of the gross revenues received from the sales of electricity for the preceding fiscal year. Such payment shall be accounted for by the Water & Light Commission, as an operating expense in lieu of property taxes that would be paid by private enterprise engaged in the same business."

III.

That Paragraph 1 of Section 130, Chapter 10, be amended so as to read as follows:

"All contracts for commodities or services to be furnished or performed for the city or any department thereof, involving an expenditure of more than \$500.00, shall be made as in this chapter provided and not otherwise".

That Paragraphs 2 and 3 of Section 131 be amended to read as follows:

"In case such estimated cost, as determined by the Council, shall not exceed the sum of \$500.00, the council may direct that the commodities, work or service be procured by or through the proper department or officer of the city without public bids."

"In all cases where such estimated cost shall exceed the sum

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of \$500.00, said commodities or service shall only be furnished or done upon public bids or procured in open market".

IV

That Parts II, III, IV, and V of Chapter XII, being Sections 172 to 205 inclusive, of said Charter, be repealed in their entirety and the following substituted therefor:

"LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS".

"Section 172. Power To Make Improvements and Levy Assessments".

"The City Council shall have power to make any and every type of local improvement deemed necessary by the Council for the welfare or convenience of the City and its inhabitants and not forbidden by the laws of this State, and to assess the cost of such part thereof as they deem just against any property found benefited thereby. Any two or more local improvements may be made at the same time and as part of the same proceedings and the assessment therefor likewise levied and collected. The amount assessed to benefited property may equal the cost of the improvement including damages, if any, and interest until paid, but shall in no case exceed the value of the benefits received by such property. Public works including all local improvements may be constructed, extended, repaired and maintained either directly by the City by day labor or by contract".

"Section 173. Procedure to Secure Local Improvement".

"Local improvements may be initiated either by a Petition submitted to the Council by interested property owners for such improvement, or by a Resolution passed by the Council to investigate the necessity and feasibility of such improvement. Before taking any further action, the Council shall refer the matter to the City Engineer who shall investigate as to whether the proposed improvement is feasible and as to whether it should best be made as set forth in the Petition or Resolution, or in connection with some other improvement or improvements not included in the Petition or Resolution and the estimated cost of the improvement. Upon the filing of the City Engineer's report with the City Clerk, the council by resolution shall fix the time, hour and place when the Engineer's Report will be considered in public hearing and action taken thereon, and shall direct the Clerk to give notice of such hearing by publication once in each week for two consecutive weeks in the official newspaper of the City. The notice shall describe in general language the improvement or improvements recommended in the Engineer's report and the estimated cost thereof, and shall include a description of the properties liable to be assessed therefor. At the time fixed in the notice or at some subsequent time or times to which the hearing may be adjourned, the Council shall hear all persons as care to be heard in reference thereto, and at the conclusion of the hearing, the Council shall determine by Resolution whether the improvement or improvements, as set forth in the Engineer's report or any part thereof shall be made, which Resolution shall describe the improvement or improvements to be made and the limits thereof in general language".

"Section 174. Regulation By Ordinance".

"Immediately upon the adoption of this Amendment to the City Charter, the Council shall prepare and adopt a complete local

improvement ordinance which may be amended from time to time as other ordinances. The ordinance shall provide a complete working code covering procedure for preparation of plans and specifications; the award of contracts; the determination of assessments; hearing on and appeals from special assessments; reassessments; the collection of assessments along with other taxes or other penalties for delinquency in making payments; the issuance of local improvement certificates or warrants; and all other matters appropriate to the subject of local improvements and assessments. After the passage of such ordinance all Resolutions pertaining to local improvements shall conform to the provisions of such local improvement ordinance".

I do further certify that on said date at said Special Election a total of 1975 ballots were cast and that more than three fifths of the qualified voters voting at said election, did ratify said amendments by affirmative ballots cast therefor and that said Charter amendments, by operation of law will become operative and take effect at the expiration of thirty (30) days following said election in the manner prescribed by law.

W. E. Swenson
Mayor.

Attest:

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(CORPORATE SEAL)

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

DEC 15 1947

W. H. Holm
Secretary of State.

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