

10826
O.D.

CHARTER

CITY OF WINDOM
MINNESOTA



STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 12 1949

Wm. H. ...
Secretary of State

YEAR 1949

State of Minnesota
ss
County of Cottonwood

I, Paul J. Gillam, Mayor of the City of Windom
in said County and state, being the chief magistrate of
said city, do hereby certify:

That on March 31, 1949, a special election was
duly called and held for the purpose of amending the
charter of said city; that the vote on the proposed amend-
ment was duly canvassed and the following is the result
thereof:

Total votes cast	332
Affirmative votes	285
Negative votes	57

and the said amendment was thereupon duly declared to
be ratified and adopted.

And I further certify that a true and correct
copy setting forth the said amendment so adopted is
attached hereto and made a part hereof.

In Witness Whereof, I have hereunto set my
hand and affixed the seal of the City of Windom, this
2nd day of May, 1949.

Paul J. Gillam

Mayor

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CHARTER

of the

CITY OF WINDOM, MINNESOTA

as amended and revised by the Charter Commission, submitted to the council on February 9, 1949 and adopted by the voters on March 21, 1949; Effective on April 20, 1949.

Charter Commission

Dr. H. C. Beise, Pres.	Arthur Nelson
O. J. Nelson, Vice, Pres.	A. P. Nerdahl
Paul J. Gillam, Sec.	Oscar A. Olson
R. G. Anonsen	G. A. Redding
William Bunkers	W. L. Silliman
Harry Carlberg	Dr. L. L. Sogge
Dr. C. H. Curry	J. O. Thompson
Thorval Damm	

CHAPTER I

Name, Boundaries, Powers and General Provisions

Sec. 1. NAME. — The City of Windom, in the County of Cottonwood, and State of Minnesota, upon the taking effect of this charter, shall continue to be a municipal corporation, under the name and style of the City of Windom, with the same boundaries as now are or hereafter may be established.

Sec. 2. BOUNDARIES. — The territory included in the present boundaries is as follows:

All of Section 25, east half of Section 26, the northeast quarter of Section 35, the north half of Section 36, all in Township 105, Range 36, in Cottonwood County, Minnesota.

Sec. 3. WARDS. — The City of Windom is hereby divided into two wards called the first and second wards respectively and to be limited and bounded as follows:

All that part of said city lying west of Fourth Avenue shall constitute the First Ward.

All that part of said city lying east of said Fourth Avenue shall constitute the Second Ward.

Sec. 4. POWERS OF THE CITY—The City of Windom, by and in its corporate name, shall have perpetual succession; and save as herein otherwise provided and save as prohibited by the constitution or statutes of the State of Minnesota, it shall have and exercise all powers, functions, rights, and privileges usually exercised by or which are incidental to or inhere in municipal corporations of like power and degree; also all powers, functions, rights and privileges now or hereafter given or granted to municipal corporations of like power and degree by the constitution and laws of the State of Minnesota. In its corporate name it may take and hold, by purchase, condemnation, gift, or devise, and may lease and convey any and all such real, personal, or mixed property, within or without its boundaries, as its purposes may require, or as may be useful or beneficial to its inhabitants; and it may contract with the county or with other municipalities for such joint services and utilities as may seem desirable and for all other legitimate purposes. Said city shall have and possess power to levy taxes and expend money for the treatment, purification, and betterment of the waters in lakes, rivers, creeks and marshland within, without and adjacent to the corporate limits of said city.

The jurisdiction of the city for the suppression of diseases and the abatement of public nuisances or the suppression of any business or traffic contrary to the regulations of the council, shall extend for a distance of one mile beyond the limits thereof.

Sec. 5. CONSTRUCTION OF THE CHARTER.—The provisions of this charter shall be construed liberally in favor of the city, to the end that it may have all necessary power for the efficient conduct of the municipal affairs as contemplated by the municipal home rule provisions of the constitution and laws of the State of

Minnesota. The specific mention of particular municipal powers in other sections of this charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned.

Sec. 6. POWERS, HOW EXERCISED.—All powers of the City of Windom, unless otherwise provided by this charter, shall be exercised by the city council or under its direction.

CHAPTER II

Form of Government

Sec. 7. FORM OF GOVERNMENT.—The form of government established by this charter shall be known as the "Mayor-Council Plan."

Sec. 8. ELECTIVE OFFICERS.—The elective officers of the city shall be the members of the council, including the mayor, and two justices of the peace all of whom shall be qualified electors of said city. The mayor shall hold his office for the term of two years and the aldermen shall hold their offices for the term of four years, all commencing on January 2nd, next following their election and until their successors are elected and qualified, except that at the first election held after the adoption of this amendment, the candidate for alderman in each ward having the highest number of votes shall serve for four years, and the candidate in each ward having the next highest number of votes shall serve for two years and the alderman at large shall serve for two years. The justices of the peace shall hold their respective offices for the term of two years, commencing on January 2nd, next following their election and until their successors are elected and qualified.

Sec. 9. COUNCIL.—The council shall be composed of the mayor and five aldermen, two of which aldermen shall be elected by and from the electors of each ward of said city respectively, and who

shall be bona fide residents of their respective wards, and one alderman to be elected by and from the electors of said city at large. The mayor shall have no vote in the proceedings in said council except in the case of a tie vote.

Sec. 10. INCOMPATIBLE OFFICES.—No member of the council shall hold any other municipal office or become an employee of said city while serving as such council member. No former member shall be appointed to any paid office or employment of the city, which office or employment was created, or the emoluments of which were increased, during his term as alderman, until two years after the expiration of the term for which he was elected.

Sec. 11. VACANCIES.—A vacancy in the council or in the office of justice of the peace shall be deemed to exist in case of the failure of any person elected thereto to qualify within 30 days from and after his election, or by reason of death, resignation, removal from office, removal from the city, continuous absence from the city for more than six months, or by conviction of a felony of any such person whether before or after his qualification; or by reason of any failure of any alderman or justice of the peace, as the case may be, without good cause to perform any of the duties of his office or membership in the council for a period of three months. In each such case, the council by resolution shall declare such vacancy to exist, and except in the case of office of mayor, forthwith shall appoint an eligible person to fill the vacancy until the next regular municipal election.

Sec. 12 THE MAYOR, POWERS, AND DUTIES.—The mayor shall be the presiding officer of the council; except that the alderman elected at large shall serve as president in the mayor's absence, and as acting mayor in case of the mayor's disability prevent-

ing him from performing his duties or in case of his absence from the city. He shall be the chief executive officer of the city and shall have command and control of its police force. The mayor shall exercise all powers and perform all duties conferred and imposed upon him by this charter, the ordinances of the city, and the constitution and statutes of the State of Minnesota.

In the event of a vacancy in the office of mayor, whether by death, resignation, or any other cause, the council forthwith shall order a special election to fill the vacancy for the unexpired term; provided that if such vacancy occurs less than six months from the expiration of the term of said mayor, then no special election shall be held; but the duties of said mayor shall rest upon and be discharged by the president pro tempore of said council as full and to all intents and purposes as if said president pro tempore were the duly elected and qualified mayor.

Sec. 13. VETO POWER.—Every ordinance or resolution of the council before it takes effect, shall be presented to the mayor for approval. If he shall approve it, he shall sign the same, but if he disapproves it, he shall return it to the council with his objections thereto, by depositing the same with the clerk, to be presented to the council at its next regular meeting, or at a special meeting called for that purpose. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be put again upon the passage of the same, notwithstanding the objection of the mayor; and if, upon such submission, the council shall pass the same by a four-fifths vote of all of the aldermen, it shall have the same effect as if approved by the mayor. If an ordinance or resolution shall not be deposited with the clerk by the

mayor within ten days after it shall have been presented to him, the same shall have the same effect as if approved by him.

Sec. 14. CITY CLERK, DEPUTY CITY CLERK, POWERS AND DUTIES.—The City Clerk shall be the clerk of the City Council. He shall have the care and custody of the corporate seal of said city and of all papers, instruments, files and records of the city. He shall prepare and sign all orders and warrants and keep such records and accounts as he shall be required to keep by this charter or by the council. He shall keep in permanent form minutes of all council meetings. He shall have all the powers, rights and privileges and perform all the duties imposed or granted by the city council, or by the statutes of the State of Minnesota so far as applicable and except as herein otherwise provided. All fees paid to the city clerk shall be turned over by him to the city treasurer or a depository designated by the council.

During the absence or disability of the city clerk, the deputy clerk shall have all the powers, rights and privileges, and perform all the duties imposed on or granted to the city clerk.

Sec. 15. OATH OF OFFICE.—Every officer of the city before entering upon the duties of his office shall take and subscribe an oath of office in substantially the following form:

"I do solemnly swear (or affirm) to support the Constitution of the United States, and of the State of Minnesota, and the charter and ordinances of the City of Windom, and to faithfully discharge the duties devolving upon me as _____ of the City of Windom, to the best of my judgment and ability."

Sec. 16 SALARIES. — The council shall fix salaries of all officers of said city, either elective or appointive, including heads

of departments, provided that the mayor's salary shall not exceed \$200.00 per year and the aldermen's salary shall not exceed \$100 per year; provided, that the city council may create a contingent fund for the mayor not exceeding \$200.00 per year to cover legitimate expenses incurred by him in his official capacity. For their first term under this charter, the mayor's salary shall be \$200.00 per year and the aldermen's salary shall be \$100.00 per year. The salary of no officer shall be increased during the term for which he is elected. The salaries or wages of all employees of the city, except the salaries or wages of the employees of the public utilities hereinafter mentioned shall be fixed by the city council.

Sec. 17. OFFICIAL BONDS.—The Clerk, Treasurer, Chief of Police, Street Commissioner, Secretary of the Water and Light Commission, Assessor and such other officers and employees of the city as designated by the council, before entering upon the duties of their respective offices, shall give a corporate bond to the city in such sum as may be fixed by the council as additional security for the faithful performances of their respective official duties and safe-keeping of the public funds. Such bonds shall be approved by the city council and shall be endorsed by the mayor as having been so approved.

The provisions of the statutes of the State of Minnesota relative to official bonds, not inconsistent with this charter, shall be complied with.

Sec. 18. INVESTIGATION OF CITY AFFAIRS. — The council and any officer or officers authorized by such council shall have power to investigate the affairs of the city, to subpoena witnesses, administer oaths, and compel the production of books and papers. The council at any time may provide for an examination or audit of the accounts of any officer or department of the city.

CHAPTER III

Council and Legislation

Sec. 19 COUNCIL MEETINGS AND QUORUM.—Regular meetings of the council of said city shall be held on the first Monday in each month at 8:00 p.m. in the months of May to October, and at 7:30 p.m. from the months of November to April, provided, however, that the council may by resolution, change the hour of such meetings. A majority of said council shall constitute a quorum, but a smaller number may meet and adjourn from time to time. The mayor or any two members of the council may call special meetings of the council upon such reasonable notice to all members of the council as the official or officials calling the same deem sufficient. All meetings of the council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

Sec. 20. RULES OF PROCEDURE.—The council shall make its own rules, prescribe the order of business, and keep a journal of its proceedings. The council shall provide by ordinance a means by which a minority may compel the attendance of absent members.

Sec. 21. ORDINANCES, RESOLUTIONS AND MOTIONS. — Except as in this charter otherwise provided, all legislation shall be by ordinance or resolution. The final vote upon all ordinances or resolutions shall be by ayes and noes, and the vote of each member shall be recorded in the minutes. The affirmative vote of a majority of the aldermen shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this chapter.

Sec. 22. PROCEEDINGS OF ORDINANCES. — The enacting clause of all ordinances shall be the words "BE IT ORDAINED BY THE CITY OF WINDOM,

MINNESOTA, AS FOLLOWS:"

Every ordinance shall be in writing. Every ordinance, other than emergency ordinances, shall have two public readings in full, and the second reading shall be not less than fourteen days after the first reading thereof. Every ordinance shall be published forthwith once in the official newspaper of the city, and shall take effect and be in force from and after its publication, except in case of emergency ordinances.

Sec. 23. EMERGENCY ORDINANCES AND RESOLUTIONS.—An emergency ordinance or resolution, is an ordinance or resolution for the immediate preservation of the public peace, health or safety, in which the emergency is defined or declared in the preamble thereto. There shall be a separate vote on the preamble by recorded ayes and noes to determine whether or not an emergency exists. An emergency ordinance or resolution may be enacted at the meeting at which it is introduced and upon one reading thereof. Such emergency ordinance shall be published, but such ordinance shall take effect immediately upon its passage and before publication. No grant of any franchise or sale or lease of property, shall be construed to be an emergency ordinance or resolution.

Sec. 24. SIGNING AND RECORDING ORDINANCES.—Every ordinance shall be signed by the mayor, or by two other members, attested by the clerk, and filed by the clerk in his office. The clerk forthwith shall record such ordinance in a book kept for the purpose, and the record shall be certified by the clerk.

Sec. 25. AMENDMENT AND REPEAL OF ORDINANCES. — Every ordinance purporting to amend any ordinance shall set forth therein the section or sections of the original ordinance in the form that such section or sections will read when amended.

Every ordinance for the repeal of an ordinance shall refer to the ordinance to be repealed by its number and by its caption.

Sec. 26. PROCEEDINGS ON RESOLUTIONS.—All resolutions affecting public welfare shall be published in like manner as ordinances are published. Every resolution shall be in writing, and shall be read in full at a council meeting before the vote thereon is taken, except that the reading thereof may be dispensed with by unanimous consent. All resolutions shall be signed by the mayor, attested by the clerk, recorded and kept on file in the office of the clerk.

CHAPTER IV Elections

Sec. 27. REGULAR MUNICIPAL ELECTIONS.—A regular municipal election shall be held on the first Tuesday after the first Monday in November, in the year 1949, and biennially thereafter on the first Tuesday after the first Monday of November at such time and place or places as the city council may designate. The city clerk shall give notice of the time and places of holding such election and of the officers to be elected thereat, and the questions to be submitted to vote, if any, by publishing a notice thereof in all the newspapers in said city. Said notice shall be published twice in each newspaper. The first publication shall be more than 7 days but not more than 14 days before the election and the second publication shall be not more than 7 days before the election. A failure to give such notice, however, shall not invalidate the election. All elective officers shall be elected at such municipal election. The polls shall be kept open from seven o'clock a.m. to eight o'clock p.m.

The present officers of the city shall continue in their respective offices and functions, and shall continue to govern the city in the

usual manner until the officers provided for in this charter are elected and qualified.

Sec. 28. SPECIAL ELECTIONS.—The council by resolution may order a special election, fix the time of holding the same, the notice thereof, and provide all means for holding such special election. The procedure at such election shall conform as nearly as possible to that herein provided for the regular municipal elections.

Sec. 29. JUDGES & CLERKS OF ELECTION.—The council at least ten days before each regular municipal or special election shall appoint three qualified voters of each election precinct to be judges of election therein. The judges of each precinct shall appoint two qualified electors of the same precinct, or as many more as may be authorized by the council to serve as clerks of election.

Sec. 30. NOMINATIONS FOR OFFICE.—At any time not more than sixty days preceding any municipal election and at least fifteen days prior to such election, any eligible person may become a candidate for any office elective under the provisions of this charter by filing an affidavit with the city clerk, specifying therein the office for which he is a candidate at the ensuing election and that he is a candidate for such office. At the time of filing said affidavit, he shall pay to said clerk a fee of five dollars.

Sec. 31. COUNTING OF VOTES.—When the polls at any election are closed, the votes cast upon any proposition or for any candidate shall be forthwith and publicly counted by the judges and clerks of election, who forthwith shall make return thereof showing therein the total number of votes cast in such precinct, the number of votes cast for each person and for each office, and the number of votes cast for or against any proposition voted upon. The ballots and the return shall be sealed in an envelope

prepared for the purpose and be delivered to and left with the city clerk.

Sec. 32. CANVASS OF VOTES. TERMS OF OFFICE.—The Council of the City of Windom as then constituted shall meet on the Thursday next following the first election of officers under this charter, canvass the returns and declare the results as appear therefrom; and the council of said city shall meet on the Thursday next following each city election under this charter, canvass such returns and declare the result as it appears therefrom. The Clerk shall forthwith notify all persons declared elected to office of that fact, which said notice shall be given by registered mail.

Sec. 33. STATE ELECTION LAWS TO APPLY.—Except as herein otherwise provided, and as far as practicable, the statutes of the State of Minnesota governing, controlling and regulating general elections, shall apply to, govern, control and regulate municipal elections provided for in this charter.

CHAPTER V

Administration of City Affairs - Departments

Sec. 34. SUBORDINATE OFFICERS.—There shall be a city clerk, a deputy city clerk, a city treasurer, a city attorney, a city engineer, a city assessor, a street commissioner and other subordinate officers as are designated in this charter or as the council may create, each of whom shall be appointed by the mayor and whose appointment shall be confirmed by the council and shall perform such duties as are required of them by the council. The duties of the various officers may be altered or combined as the council may see fit.

Sec. 35. DEPARTMENTS.—The following departments of the City of Windom are hereby created: Water and Light; Fire;

Health; Police; Planning; and the Council may create in addition such other departments, boards, commissions or bureaus for the administration of the city's affairs as may seem necessary. The council from time to time may define, alter or combine the powers and organization of departments, boards, commissions or bureaus.

Sec. 36. WATER AND LIGHT DEPARTMENT.—The water, heat and light utilities of the City of Windom shall be in charge of a water and light commission composed of three members. The members of the commission shall be appointed by the mayor for the terms of three years each and their appointment shall be confirmed and their salaries fixed by the city council.

One member of the commission shall be appointed each year for a term of three years, and all appointments to said commission shall run until the second Tuesday in January of the third year following appointment and until a successor is appointed and qualified.

Sec. 37. POLICE DEPARTMENT.—The mayor shall be the head of the Police Department. There shall be a Chief of Police and such other officers of the peace as the mayor, from time to time, may deem necessary. The Chief and all regular officers of the Department shall possess the authority and rights of and perform all the duties of constable. The present police civil service commission shall continue to function as provided by statute.

Sec. 38. FIRE DEPARTMENT.—There shall be a chief of the Fire Department, elected by its members from the personnel of the voluntary fire department of the City of Windom, and whose election shall be confirmed by the council. He shall serve until his successor is elected and qualified.

Sec. 39. HEALTH DEPARTMENT.—The Health Department

shall be controlled by the Board of Health which shall be comprised of five members appointed by the mayor, whose appointment shall be confirmed by the Council. One member of the Board shall be the Chief of Police; one member shall be a regularly licensed and practicing physician and one member shall be a regularly licensed and practicing dentist residing within the city.

Sec. 40. PLANNING DEPARTMENT.—The planning department shall be controlled by a planning commission which shall be composed of seven members. Four shall be appointed by the mayor, whose appointment shall be confirmed by the council, one shall be selected by the council from among its own members and the city attorney and city engineer shall be members ex-officio. Of the members first appointed, one shall be appointed for a term of one year, and one for a term of two years, one for a term of three years, and one for a term of four years. Their successors shall be appointed for terms of four years. The terms of ex-officio members shall correspond to their respective official tenures.

The powers and duties of the planning commission shall be defined by ordinance.

Sec. 41 CONTRACTS AND PURCHASES.—In cases of work to be done by contract or in the purchase of property of any kind, except for the supplies and materials required for proper operation and maintenance by the public utilities herein referred to, where the amount involved is more than two thousand five hundred dollars, unless the council, by an emergency ordinance otherwise shall provide, the city clerk shall procure bids in such manner as may be designated by the council. Contracts of this magnitude shall be let only to the lowest responsible bidder. The council, however, may reject any and all bids.

Sec. 42. EXECUTION OF CONTRACTS.—All contracts, municipal bonds, certificates of indebtedness, and all instruments of every kind to which the city shall be a party, shall be signed by the mayor and the city clerk in behalf of the city, and shall be executed in the name of the city and shall have the corporate seal of the city thereto attached.

CHAPTER VI

Taxes and Finance

Sec. 43. COUNCIL TO CONTROL FINANCES.—The council shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safe keeping and disbursement of public moneys; and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

Sec. 44. FISCAL YEAR.—The fiscal year of the city shall end each year on the last day of December.

Sec. 45. BOARD OF EQUALIZATION.—The mayor, clerk and three aldermen selected by the council, shall constitute a board of equalization for the city. They shall meet and perform their duties as provided by law.

Sec. 46. LEVY AND COLLECTION OF TAXES.—On or before the first day of October each year, the council by resolution, shall levy the taxes necessary to meet the requirements of the budget for the ensuing fiscal year, subject to the limitations of this charter. The city clerk shall transmit to the county auditor annually, not later than the tenth day of October, a statement of all taxes levied, and such taxes shall be collected, and the payment thereof be enforced, as provided by the statutes of the State of Minnesota. No tax shall be invalid by reason of any informality in the

maner of levying the same, nor because the amount levied exceeds the amount required to be raised for the specific purpose for which the same was levied; but in such case, the surplus shall go into the fund to which such tax belongs.

Sec. 47. BONDED INDEBTEDNESS.—All provisions of the statutes of the State of Minnesota authorizing the incurring of indebtedness and the issuance of bonds or other evidences of indebtedness and prescribing the procedure therefor, by cities of like power and degree as the City of Windom, whether operating under home rule charters or otherwise, are hereby referred to and made a part of this charter.

Sec. 48 DEBT LIMIT.—The city shall not issue its bonds to an extent whereby its bonded indebtedness shall be made to exceed ten percent of the last assessed valuation of the taxable property in the city, including money and credits; provided however, that in computing said indebtedness there shall be excepted therefrom and not included therein all certificates or bonds issued before, or after the adoption of this charter if (1) held in a sinking fund maintained by the city, and (2) issued for the acquisition, equipment purchase, construction, maintenance, extension, enlargement or improvement of street railways, telegraph or telephone lines, water, lighting, heat and power plants, or either, or any other public convenience from which revenue is or may be derived, owned and operated by the city, or the acquisition of property needed in connection therewith, or for the construction of public drainage ditches or the acquisition of lands therefor, or for the improvement of streets, parks or other public improvements, to the extent that they are payable from proceeds of assessments levied upon property especially benefited by such ditches or improvements, or (3) issued for the creation of a permanent improvement revolving

fund, or (4) for the purpose of anticipating the collection of general taxes for the year in which issued.

Sec. 49 CITY BUDGET COMMITTEE.—There shall be a city budget committee composed of the mayor, city clerk, and the chairman of the finance committee of the council.

Sec. 50. ANNUAL CITY BUDGET.—Not later than the first meeting in August of each year, the city budget committee shall prepare and submit to the council a budget for the ensuing fiscal year, exclusive of the public utility departments. The city budget shall be based upon detailed estimates and shall present the following information:—

(a). An itemized statement of the appropriations recommended by the city budget committee for current expenses and for permanent improvements for the ensuing fiscal year, with comparative statements of the appropriations and expenditures for the current and next preceding fiscal year.

(b). Such other information as may be required by the council.

The proposed budget shall be published not later than two weeks after its submission to the council, and before final action of the council thereon notice of hearing also shall be published.

Sec. 51. PASSAGE OF THE CITY BUDGET.—The budget shall be the principal item of business at the first regular meeting in August and at all subsequent regular meetings until passed and adopted. All interested citizens shall have reasonable opportunity to be heard at said meetings. The annual budget finally agreed upon shall be adopted by an aye and no vote. The total sum appropriated in the budget shall be less than the total estimated revenue and by a safe margin. The council shall adopt the budget by resolution not later than the first day of October.

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Sec. 52. ENFORCEMENT OF THE CITY BUDGET.—It shall be the duty of the council to enforce strictly the provisions of the budget. It shall not approve any order upon the city treasurer for any expenditures unless an appropriation has been made in the budget, nor for any expenditure covered by the budget unless there is sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances. No officer or employee of the city shall place any orders or make any purchases except for the purposes and to the amount authorized in the budget. Any obligation incurred by any person in the employ of the city for any purpose not authorized in the budget or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

Sec. 53. READING OF THE CITY BUDGET.—The proposed budget shall have not less than two readings which readings shall be not less than seven days apart.

Sec. 54. ALTERATIONS IN THE CITY BUDGET.—After the budget shall have been adopted, the council shall not have power to increase the amounts therein fixed, whether by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts shall exceed such estimates and in that event not beyond such actual receipts. The sums fixed in the budget shall be and become appropriated at the beginning of the fiscal year for the several purposes named therein and no other. The council at any time, by a resolution passed by a four-fifths vote, may reduce salaries or the sums appropriated for any other purpose, or authorize the transfer of sums from unexpended balances to other purposes provided, however, that no reserve necessary to meet incurred liabilities which will thereafter accrue shall be construed to be unexpended balance.

Sec. 55. DISBURSEMENTS, HOW MADE.—All disbursements except those made from public utility funds shall be made only upon regular vouchers issued by the city clerk, duly authorized by the council, countersigned by the mayor which shall indicate the fund out of which the disbursements shall be made. Each order, when signed by the city clerk, countersigned by the mayor, shall become a check payable to the payee at the bank indicated thereon. The clerk shall issue no checks upon any fund except as above. No such check shall be issued until there is money to the credit of the fund out of which it is to be paid, sufficient to pay the same, together with all then outstanding orders against and encumbrances upon such fund. Any check for the payment of money violating any provision of this section shall be void and any officer of this city violating any provision of this section shall be personally responsible for the amount of such payment, if any such payment is made contrary to the provisions hereof. No claim against the city shall be allowed unless accompanied by an itemized and verified statement, payroll, or time sheet signed by the officer who has personal knowledge of the facts in the case and vouches for the correctness and reasonableness of the claim. The council by ordinances may make further regulations for the safe-keeping and disbursement of the city's funds.

Sec. 56. FUNDS TO BE KEPT.—The city shall keep a general fund, a water and light fund, and such other funds as are required by law and the charter or ordinances of said city, or by the council thereof.

Sec. 57. RECEIPTS TO GO TO THE CITY TREASURER.—All receipts of money belonging to the city, or any branch thereof, excepting only those funds collected by the county treasurer, shall be paid to the city treasurer

by the person authorized to receive the same at the close of each business day. All such moneys and also all moneys received upon tax settlements from the county treasurer, shall be deposited as soon as received in a bank or banks approved by the city council. Any person in the employ of the city guilty of a violation of this provision shall be liable to be reduced in salary or to be dismissed from his office or position, as the council may determine after a hearing.

Sec. 58. ACCOUNTS AND REPORTS.—The council may prescribe and enforce proper accounting methods, forms, blanks and other devices consistent with the law, this charter and the ordinances in accord with it. The city clerk shall submit to the council a statement each month showing the amount of money in the city treasury, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the city as the council may require. Once in each year and on or before the last day of January the city clerk shall submit a report to the council covering the entire financial operations of the city for the past fiscal year. Such report shall be as complete in detail as said monthly reports and as complete as required by the city council and shall cover the entire past fiscal year. It also shall show the total outstanding bonds and debts of the city, the maturity of the same, the amount of bonds and other evidences of indebtedness issued during the past fiscal year and the amount redeemed during the same period. It also shall show the rate of interest of said bonds, or other evidences of indebtedness. It shall show the condition of all the annual budget allowances and contain an inventory of all the property owned by the city, and such other information as the council may require.

Sec. 59. ANNUAL AUDIT.—The books of the city shall be audited regularly at least once each year by some reliable firm of certified public accounts employed by the city council. In addition to reports furnished the city council, such certified public accountants shall furnish a condensed report covering their audit, and such condensed report shall be published once in the official city newspaper.

Sec. 60. EMERGENCY DEBT CERTIFICATES.—If in any year any calamity or other public emergency or unforeseen circumstances should subject the city to the necessity of making expenditures not provided for in the budget, then the council may authorize the issuance and sale of emergency debt certificates to run not to exceed one year and to bear interest at the rate not to exceed six per cent per annum. The full amount of such certificates with interest to maturity shall be included in the next budget and a tax levy therefor. The authorization of any issue of such certificates shall take the form of an ordinance approved by four-fifths of all the aldermen and such ordinance, if deemed necessary, may be passed as an emergency ordinance.

CHAPTER VII

Public Improvements and Special Assessments

Sec. 61. POWER TO MAKE IMPROVEMENTS AND ASSESSMENTS.—The City of Windom shall have the power to make any and every type of public improvement not forbidden by the laws of this state, and to levy special assessments for all such as are of a local character.

Sec. 62. ASSESSMENTS.—The amount assessed to benefit property to pay for local improvements may equal the cost of the improvement with interest until paid.

Sec. 63. PENDING IMPROVEMENTS TO BE CONTINUED UNDER EXISTING LAWS.—All

improvements commenced prior to the adoption of this charter shall be continued and completed under and pursuant to the provisions of the charter or law under which such improvements were begun.

Sec. 64 STATE LAWS MADE APPLICABLE.—Except as herein otherwise provided, the statutes of the State of Minnesota governing, controlling and regulating the making of public improvements of every type and character, and of special assessments therefor, and all provisions for certificates of indebtedness in connection therewith, and all future amendments thereof and supplements thereto, shall apply, govern, control and regulate in the City of Windom.

CHAPTER VIII

Eminent Domain

Sec. 65. STATE LAWS MADE APPLICABLE.—The City of Windom shall have and possess all the powers of eminent domain conferred upon it by the statutes of the State of Minnesota, and shall exercise said powers in the form and manner prescribed and provided by said statutes. All future amendments and supplements to said statutes are hereby made applicable to said city.

CHAPTER IX

Franchises

Sec. 66. FRANCHISE DEFINED.—The word "franchise" as used in this charter shall mean any special privilege granted to any person, co-partnership, or corporation, in, over, upon, or under any of the highways or public places of the city, whether such privilege heretofore has been granted by it or by the State of Minnesota, or hereafter shall be granted by the city or by the State of Minnesota.

Sec. 67 FRANCHISE ORDINANCES.—Every ordinance granting or extending any franchise

shall contain all of the terms and conditions of the franchise. Franchise rights shall always be subject to the superior right of the public to the use of the streets and public places. All corporations, co-partnerships, or persons desiring to make an especially burdensome use of the streets or public places, inconsistent with the public's rights in such places, or desiring the privilege of placing in, over, upon, or under any street or public place any permanent or semi-permanent fixture for the purpose of constructing, or operating street or other railways, or for telephoning, or telegraphing, or transmitting electricity, or for furnishing to the city or its inhabitants or any portion thereof transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, shall be required to obtain a franchise before proceeding to place such fixtures in such place.

Sec. 68. TERM OF FRANCHISE LIMITED.—No franchise shall be granted for a longer period than 25 years.

Sec. 69. FRANCHISE—HOW GRANTED.—The city council may grant franchises by ordinance adopted by four-fifths vote and published as required by this charter for the publication of ordinances; but before any such ordinance shall be in force it shall be submitted to the qualified voters of the city at a general or special election called for such purpose, and shall be approved by a two-thirds majority of the electors voting at such election, and be accepted by the grantee. The ballots used at such election shall contain the words, "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating the same).

Sec. 70. POWER OF REGULATION RESERVED.—The city shall have the right and power to regulate and control the exercise by any corporation, co-partner-

ship, or person, of any franchise however acquired, and whether such franchise heretofore has been granted by it or by the State of Minnesota, or shall hereafter be granted by the city or by the State of Minnesota.

Sec. 71 REGULATION OF RATES AND CHARGES.—All corporations, co-partnerships, and persons exercising franchises in the city shall give courteous, efficient and adequate service at reasonable rates. The council shall have the power to fix such rates.

Sec. 72. FURTHER PROVISIONS OF FRANCHISES.—The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the city to insert in any such franchise or renewal or extension thereof, such other and further conditions and restrictions as the council may deem proper to protect the city's interests, nor shall anything contained in this charter limit any right or power possessed by the city over existing franchises.

CHAPTER X

Water and Light Department

Sec. 73. ORGANIZATION POWERS.—The Board of Water and Light Commissioners shall organize by electing one of its number president, and another secretary, and such secretary shall be the clerk and bookkeeper of the heat, water and light department, and shall receive for his services such compensation as said board and the council may direct. Said board shall employ a superintendent, a collector, (who may be one of its number,) an engineer and such other necessary help as will enable it to properly perform its duties under this charter, and may discharge said employees at will. Said board shall prescribe the duties of all such employees and shall fix their compensation. Said board and its employees may enter

upon any premises for the purpose of examining the same and making surveys, and it may prosecute any action in the name of the city against any person for the use of heat, water or light, or for injury to any of the property or works entrusted to its care.

Said board may require from the persons employed by it bonds with corporate surety for the faithful performance of their duties. The amount of such bonds shall be fixed by the board, provided that the collector shall give a bond in at least the sum of five hundred dollars.

Sec. 74. BY-LAWS—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 president and secretary, which, when so entered and signed, shall be open at all times for inspection and shall be evidence in any court of justice. Said board shall fix and maintain the rents and rates for heat, water and light furnished by it, so that the heat, water and light fund of the city shall, in each fiscal year, be at least sufficient to defray the cost of the operation, maintenance and extension of the water and light system of the city and to pay the interest on all bonds of the city, designated under this charter which have been issued on account of the construction of the water and light plant.

Sec. 75. DISTRIBUTION - PRICE.—Said board shall regulate the distribution and use of heat, water and lights 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 fountains and water

troughs, and lights for the streets, public buildings and other public places, the board shall fix and locate the same as the council may direct. The city shall pay, out of the general fund to the account of the board or to the water and light fund, at the price and rate fixed by the board, for all water and light supplied to the city for public purposes.

Said board is hereby authorized and required to restrain and prevent any and all waste of water and light, and may, when in its judgement necessary, shut off the water or light or take such other action as in its judgement may be proper.

Sec. 76. PAYMENT IN ADVANCE REQUIRED.—The board shall have full power and authority to require the payment in advance for the use of water furnished by it or upon any building, place or premises, and in case prompt payment for the same shall not be made, then it shall shut off such water; and in case prompt payment of light bills shall not be made, as required by the city where the manner and length of time is prescribed by this charter, then such lights shall be shut off, and said board shall not again supply said building, place or premises with water or light until all arrears, with interest thereon, together with the costs and expenses of turning said water or light off and on, shall have been fully paid.

Sec. 77. LIABILITY OF OWNER OF PROPERTY.—The owner of any private property which has upon its pipes connected with the city water works to convey water thereto, or wires and fixtures connected with the city lighting plant to convey light thereto, shall, as well as the lessee or occupant of such premises, if any, be liable to the city for the rents or rates for all water from said water works, and all lights from said plant, used upon such premises, and such rents or rates may be re-

covered in an action against such owner, lessee or occupant, or against any one or more of them.

Sec. 78. SUPPLIES.—All supplies for the heat, water and light plants, or either of them, shall be purchased as follows: An itemized list of such supplies shall be made by said board and delivered to the clerk, who shall register the same, and submit it with his report thereon to the council, and if approved by the council, said bill of supplies shall be purchased under the provisions of Section 41 of this charter, by the clerk under the direction of the council; provided that the council may authorize the purchase of supplies for amounts up to the sum of Two Thousand Five Hundred Dollars, in open market, without inviting proposals therefor; provided, further, that the council by a four-fifths vote, may authorize the water and light commissioners to contract for services, and for such supplies which may be absolutely necessary for the operation of the water and light plant; but in the event of any extraordinary or sudden injury to said plant, whereby great damage might ensue by reason of delay, the board shall make its requisition for supplies to the clerk, who, by and with the consent of the mayor, shall purchase supplies on account of the city without an order from the council therefor, and said board shall cause the damage or break to be repaired in such manner as it may deem best for the interests of the city provided, further, that if any requisition of said board for any such supplies shall be refused by the council for any reason, said board may at once make application to the District Court of Cottonwood County for an appropriate writ to compel the council to furnish such supplies, and the Court shall, forthwith hear and determine said matter, upon eight days' notice to the city by service upon the mayor and clerk. And during the pendency of such pro-

ceeding, said Court may order said board to contract for and purchase said supplies as the Court may deem necessary and proper, and all such supplies, so purchased by the Board under order of the Court, shall be paid for by the city by order of the council as other supplies are paid.

Sec. 79. DUTIES OF COLLECTOR AND SECRETARY.—It shall be the duty of the collector, under the direction of the board, to collect and to pay forthwith into the treasury all moneys due on account of the operation of the water and light plant, and all the money which may come into his hands belonging to the city. In case any water or light rate of any tenant of premises shall not be paid for ten days after the same falls due, said collector shall give the owner of such premises notice in writing of such default, and that the city will hold him liable for such bills contracted by such tenant. Such notice shall be served as follows:—If the owner is a resident of the city, then in the manner provided by law for the service of a summons in the District Court; if a non-resident, having an agent in the city, then upon the agent; if a non-resident, without a resident agent, then by mail if his address is known, if not then by publishing said notice in the issue of the official paper. The secretary shall keep a set of books in his office, which shall contain a full and complete statement of the condition and operation of the plant, all moneys received by the board and paid over to the treasurer, and all payments made for account of the water and light plant and all moneys due and owing to the board for any cause whatever, together with an accurate account of all the expenses of the board. At the beginning of every month the secretary shall present to the council, upon carefully prepared vouchers, all the bills for labor and material provided, which, after being examined

and certified to by the board shall be presented to the council at its next meeting for allowance and payment.

Sec. 80. EXTENSION AND SERVICE.—Extension of the water pipes of the city and of electric light lines and steam heating pipes, shall not be made except when ordered by said board and approved by the council.

CHAPTER XI

Miscellaneous and Transitory Provisions

Sec. 81. OFFICIAL PUBLICATIONS.—The council at the first meeting after each biennial election shall designate a newspaper in said city, in which shall be published such measures and matters as by the laws of the state, or by this charter, are required to be published, or which the council deems it wise to publish. The council shall fix the manner and length of time of such publication, either or by the laws of this state.

Sec. 82. SALES OF REAL PROPERTY.—No real property of the city shall be disposed of except by ordinance. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the city in the purchase, construction, or improvement of such real property or other property used for the same public purpose, but if there be no outstanding indebtedness, then the council by a resolution may designate some other public use for such proceeds.

Sec. 83. CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER CITY.—The city shall succeed to all the property, rights, and privileges, and shall be subject to all the legal obligations of the city under the former charter.

Sec. 84. PRESENT OFFICERS TO HOLD OFFICE UNTIL

WHEN.—The present officers of the city shall continue in their respective offices and functions, and shall continue to govern the city in the usual manner until the officers provided for in this charter are elected and qualified. They shall make such financial and other provisions for the fiscal year as will serve to carry on the government until a government has been set up under this charter, and they shall make provision for the election of the first city council as provided for in Chapter IV of this charter.

Subordinate officers and commission members heretofore appointed for a definite term shall continue in office until the expiration of the term for which they were appointed.

Sec. 85. EXISTING ORDINANCES CONTINUED.—All ordinances and regulations of the city in force when this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Sec. 86. ORDINANCES TO

MAKE CHARTER EFFECTIVE.

—The council is hereby empowered to, and it by ordinances shall make such regulations as may be necessary to carry out and make effective the provisions of this charter.

Sec. 87. STATE LAWS TO APPLY.—Whenever in this charter the statutes or laws of the State of Minnesota are made applicable to said city by reference, such reference shall include all amendments and supplements to said laws, including future amendments and supplements and all amendments and supplements to all the statutes and laws of the State of Minnesota made applicable by reference in this charter are hereby expressly made applicable to said city.

Sec. 88 FORMER CHARTER REPEALED.—The Charter of the City of Windom, adopted in 1920, as amended, is amended hereby by striking out all the provisions thereof and substituting therefor the foregoing Charter of the City of Windom, Minnesota, consisting of Section No. 1 to 88 inclusive.

CITIZEN PRINTERY, WINDOM, MINN.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 12 1949

Mark Holm
Secretary of State

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