

CERTIFICATE

**AMENDMENTS TO THE CHARTER OF THE CITY OF AUSTIN
IN MOWER COUNTY MINNESOTA**

THIS IS TO CERTIFY that I, the undersigned, am the chief magistrate of the City of Austin, in Mower County, Minnesota; that I am the Mayor of said City; that the seal hereto attached is the corporate seal of said City; that an election was duly held in said City, on September 30, 1913, that notice thereof was duly and legally given, that the election was duly and legally held, that the ballots were duly and legally cast, voted, counted, canvassed and returned, that the results of said election were duly and legally returned, published and declared. That the following amendments to the charter of said city were duly and legally proposed, submitted and adopted by three-fifths of those lawfully voting at said election, and that three-fifths of those lawfully voting at said election did duly and legally declare in favor of each and every of the amendments so proposed and hereinafter set forth in full, ~~inwit~~ and that three-fifths of the qualified voters of said city, voting at said election, did ratify the said following amendments, to-wit:

**CHARTER OF THE CITY OF
AUSTIN, MINNESOTA.**

PROPOSED AMENDMENTS.

The following amendments to the Charter of the City of Austin are framed, adopted and proposed by the Charter Board, Board of Freeholders of the City of Austin, pursuant to Section 756 Revised Laws of Minnesota for 1905, and acts amendatory thereto.

**AMENDMENT NO. 1, TERMS OF
APPOINTIVE OFFICERS.**

Section 9 of Chapter 2, is amended by adding thereto at the end thereof, the following to-wit: "Officers appointed by the Mayor or Council, except as herein otherwise provided, shall hold their respective offices for the term of two years, or such lesser time as the Mayor or Council may at the time of election or appointment designate; but no such officers shall hold office beyond the first Monday in May following the next city election after his appointment, except as he holds office until his successor is elected and qualified."

**AMENDMENT NO. 2, OATH OF
CLAIMANTS.**

Section 8 of Chapter 3, is amended by inserting after the word, "claimant" in the sentence "All claims and demands against the city, before they are allowed by the Common Council, shall be fully itemized and verified by the oath of the claimant, and shall be filed in the office of the City Recorder" the words, "or by some-one in his behalf."

**AMENDMENT NO. 3, REPORTS
DEFECTS IN STREETS, ETC.**

Section 12 of Chapter 3, is amended by striking out and eliminating therefrom the following words: "And shall also report in detail any defects he may have discovered in any street, sidewalk, crossing, bridge or culvert in said city, together with his recommendation as to the best means for repairing thereof, which said report shall be by the City Recorder presented to the Council at said meeting; but until such report is filed as above provided no salary shall be allowed or paid said street commissioner."

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AMENDMENT NO. 4, PRINTING.

Section 19 of Chapter 3 is hereby amended by striking out and eliminating therefrom the word, "school."

AMENDMENT NO. 5, EXPIRATION OF LICENSE.

Paragraph 1 of Section 6 of Chapter 5, is hereby amended by adding after the sentence, "Provided that all licenses except for exhibitions, caravans, circuses, menageries, concerts and theatrical performances shall expire on the first day of July of each year next following the issuing thereof" the following words, to-wit: "Unless it shall be sooner terminated by the ordinance, resolution or order under or by which it was granted."

AMENDMENT NO. 6, LIQUOR LICENSE BOND.

Paragraph 2 of Section 6, of Chapter 5, is hereby amended by adding thereto at the end thereof the following words, to-wit: "Unless the statutes of the State of Minnesota shall provide for a bond to be given prior to the issuance of a liquor license, and in such case a bond conforming to such statutory law shall be sufficient."

AMENDMENT NO. 7, BOARD OF REVIEW.

Section 17 of Chapter 5 is hereby amended by striking out and eliminating the words, "five persons who shall constitute a Board of Review" and substituting therefor the words "a Board of Review consisting of."

AMENDMENT NO. 8, TIME OF ESTIMATE.

Section 4 of Chapter 6 is hereby amended by striking out and eliminating the words "third Monday" and inserting in lieu thereof the words, "first Friday."

AMENDMENT NO. 9, WATER AND LIGHT FUND.

The paragraphs, commencing with the words, "The water works fund" and "The electric, gas and power fund" in Section 10 of Chapter 6, are hereby stricken out and eliminated, and there is substituted therefor the following, to-wit, "The water and light fund, into which shall be paid all money received from water rents, commercial and street lighting and power, gas and heat, and from which shall be paid to the extent thereof all expenses and outlay connected with the water works, electric light, power, gas and heat and for the payment of principal and interest on water works, electric light, power, heat and gas bonds. The receipts and outlay shall be, at least annually, allocated as accurately as may be to water, light, power, heat and gas accounts. Whenever a deficiency occurs in this fund, money may be transferred from the general fund thereto; and if there be surplus in this fund, money may be transferred therefrom to the general fund. This fund shall be subject to the order of the proper officers of the Board of Water, Electric Gas and Power Commissioners."

AMENDMENT NO. 11, PARK BOARD ESTIMATE.

Section 3 of Chapter 12 is hereby amended by striking out the words "provided that the amount of such estimate shall not in any one year exceed the sum of \$1000." and inserting in lieu thereof the words, "provided the amount of such estimate shall not in any one year exceed the sum of \$2500 for beautifying and maintaining; not however limiting the estimate and expenditure for extensions."

AMENDMENT NO. 12, BONDS AND UNDERTAKINGS.

Chapter 14 is hereby amended by adding thereto a section to be known as Section No. 13, as follows to-wit: "Whenever a bond has been or is required to be given under the terms of this charter or any resolution, ordinance, rule or regulation of the Common Council or any board, such bond may be either a bond signed by the principal and the surety or sureties, or an undertaking signed by the surety or sureties, and the security on such bond or undertaking shall be executed by two or more persons who are free holders of the State of Minnesota and who shall truly justify in an amount equal to twice the amount of the bond, or it shall be executed by a corporate surety company authorized to do business in the State of Minnesota."

AMENDMENT NO. 13, CURBS.

Paragraph 51 of Section 6 of Chapter 5 and Section 1 of Chapter 7 are each hereby amended by adding thereto after the word "grade" in each the word "curb." Section 12 of Chapter 8 is hereby amended by adding thereto after the word "repaved" the word "curbed."

AMENDMENT NO. 14, CITY ENGINEER.

Section 16 of Chapter 3 is hereby amended by striking out and eliminating the word "civil" from the words "City Civil Engineer." Section 17 of said chapter is hereby amended by striking out the words "civil engineer" and substituting therefor the words, "city engineer." Section 2 of Chapter 12 is hereby amended by striking out the words "City Surveyor" and substituting therefor the words "City Engineer."

AMENDMENT NO. 15 STREET SPRINKLING.

Chapter 8 is hereby amended by striking out and eliminating the whole of section 15, and substituting in lieu thereof the following words, to-wit: "Section 15; the Common Council shall by ordinance or resolution, designate the streets or parts of streets which shall be sprinkled, and may from time to time make additions thereto or eliminations therefrom; provided that when the owners of a majority in frontage of assessable property on any street or part of a street not less than one block long and contiguous to a sprinkled street, shall, on or before April 1st in any year, petition for sprinkling, then such petition shall be granted; and provided further, that when the owners of a majority in frontage of assessable property on any street or part of a street not less than four blocks long, shall on or before April 1st in any year petition against sprinkling, then such petition shall be granted for the then current sprinkling season."

On or before September 1st of each year, the city recorder shall prepare an assessment roll, describing the property benefitted by such sprinkling, and shall apportion the total cost of the season's sprinkling, so that each piece of property benefitted thereby shall pay its just proportion thereof. The cost shall include all outlay then made, and the estimated outlay to the end of the season. The allotment on side streets shall be apportioned fairly and equitably to the property on each side to the center of abutting blocks, in the manner and proportions which the Common Council shall determine.

Such sprinkling may be done by contract or by city employees, as the Common Council shall determine. Sprinkling in front of exempt property, shall be paid out of the general fund.

At the first regular meeting in September, the Common Council shall examine such assessment roll and correct the same and shall hear any and all objections thereto, and when the objections, if any, are heard, and the corrections, if any, are made, the Common Council shall confirm the assessment and the assessment so confirmed and established, shall be final, conclusive and binding upon all persons interested, and no appeal shall lie in any case, from such confirmation.

The City Recorder shall immediately thereafter notify by mail all known owners of property assessed for sprinkling, of the amount of the cost of such sprinkling, advising such owner that payment of said sum may be made to the city treasurer, on or before the 1st day of October of such season and that if such payment is not then made, the amount of the assessment will be increased by ten per cent, for interest, costs and expenses.

All assessments not paid on or before October 1st, shall be increased by ten per cent, for the purpose of paying the interest thereon and the costs and expenses attendant upon the collection thereof.

All assessments levied hereunder shall be specific liens upon the real estate upon which the same are imposed, and shall be taxed as any other special improvement, and the assessment for sprinkling may be in the following form, or in any other form which the Common Council may adopt.

The Common Council of the City of Austin does hereby assess and levy upon and against the several lots, blocks and parcels of land below described and the buildings and improvements thereon, the respective sums of money set opposite each lot, block and parcel. This assessment is levied to defray the costs and expense of sprinkling the street fronting the said lots and parcels of land during the season of 19—, and said assessment is proportioned in accordance with the benefits derived by the various pieces and parcels of property, buildings and improvements thereon, fronting on the portion of the street so sprinkled.

Name of Owner, if known. Description of land. Lot, Block, Addition, Amount.

Passed by a vote of the yeas and nays, at a meeting of the Common Council held on theday of19...

Yeas Nays
Approved

Mayor.

Attest:

.....
City Recorder.

The City Recorder shall make returns to the County Auditor of Mower County, of all unpaid sprinkling assessments, and shall add to each ten per cent of the amount thereof, for interest, costs and expenses.

In all cases where there shall be irregularity in the proceeding or in the assessment, whereby any court shall hereafter cause the assessment to be declared void or set aside, the Common Council shall, without unnecessary delay, make a re-assessment to defray the expense of such sprinkling, which re-assessment shall be made in conformity with law and this charter, and enforce and collect it in the same manner that other assessments are enforced and collected under this charter."

AMENDMENT NO. 16, SIDE-WALKS.

Section 13 of chapter 8 is hereby amended by striking out and eliminating the words "and the time within which the same shall be completed," also by striking out and eliminating the words "and in front of or adjacent to what lots, tracts or parcels of land;" also by striking out the words "following the time within which said work is ordered to be completed and;" also by adding thereto after the words "Said resolution shall state upon what street, lane, or alley;" the words "and describing the termini;" also by adding to the end of said section the following words, to-wit: "The Common Council shall thereafter cause such sidewalks to be laid, relaid or repaired, but in case active work is commenced by the property owner in the laying, relaying or repair of such sidewalk and continued without unnecessary interruption, before a contract therefor is let by the Common Council or work thereon commenced under its direction, then such assessment shall be cancelled or when paid shall be refunded."

No error or informality in any action taken by the Common Council in the ordering or dividing of such assessments into installments or the execution, delivery or issue of any such certificate, or in any proceedings connected with the making of said assessments or the issuance of such certificate, shall in any manner invalidate such certificates or assessments."

AMENDMENT NO. 17, SIDE-WALK REPAIRS.

Section 14 of chapter 8 is hereby amended by adding thereto at the beginning thereof the following words, to-wit: "Repairs of sidewalks when necessary may be made by the street commissioner, under the direction of the Common Council or on his own motion, and the disrepair of the sidewalks shall be deemed sufficient notice to the property owner, and when made the expense thereof shall be reported by the street commissioner to the Common Council, and such expense shall be assessed to the property benefitted."

AMENDMENT NO. 18, CERTIFICATES OF INDEBTEDNESS.

Chapter 8 is hereby amended by striking out and eliminating therefrom the whole of section 32, and substituting therefor the following, to-wit: "All receipts from assessments for street improvements heretofore or hereafter made and all outlays therefor, shall be credited and charged to the street improvement fund, but the city recorder shall keep separate accounts of the receipts and disbursements of each of said improvements as separately designated in the ordinance or resolution ordering the same, and into such accounts shall be paid all money transferred from the general fund, or the installments levied in the budget as hereinafter provided, as ordered by the Common Council, for the purpose of paying the cost of such improvements on street intersections and in front of exempt property and other outlay made necessary or proper by reason of such improvements, and from such accounts shall be paid all the costs of such improvements, including the costs thereof on street intersections and in front of exempt property and including outlay made necessary or proper by reason of such improvements.

The Common Council may consolidate two or more of such accounts or parts of accounts, and may divide any such account into two or more accounts, and in such case shall designate the names by which such new accounts shall be known, but no such consolidation or division shall be made unless substantial justice is thereby done toward the property owners along such several improvements.

For the purpose of providing funds for such several accounts, the Common Council may from time to time issue the certificates of indebtedness of the City conditioned to be paid out of such accounts. The certificates shall bear date when issued and delivered, shall be under the corporate seal of the city, signed by the mayor and attested by the city recorder, and may be in such sums and due at such times as the council may from time to time determine. Such certificates shall bear interest at not exceeding six per cent per annum, and shall be payable at the office of the city treasurer, but shall not be negotiated for less than par value. The interest may or may not be evidenced by coupons, as the Council may direct. After the completion of the improvement designated in any such separate account and the making of the assessments as hereinbefore provided, then the balance of the outlay above the amount of such assessment, shall be transferred to said account from the general fund, or the Council may by resolution provide that such amount shall be divided into installments not exceeding ten, and such installments shall annually thereafter be entered in the budget, including interest on all deferred installments, or the amount of such installments with interest may be thereafter annually transferred from the general fund to such accounts. After the certificates of indebtedness are wholly paid, any surplus or shortage in such accounts shall be transferred to or from the general fund.

AMENDMENT NO. 20, RE-ASSESSMENTS.

Section 17 of chapter 8 is hereby amended by inserting after the word "heretofore" in the first line thereof, the words "or hereafter."

AMENDMENT NO. 21.

Section 1 of Chapter 8 is hereby amended by striking out the word "ordinance" and substituting therefor the word "resolution."

This certificate is made in pursuance of section 36 of article 4, of the Constitution of the State of Minnesota, and Chapter 9 of the Revised Laws of 1905, of Minnesota, and the Acts amendatory thereof and supplementary thereto, and the charter of said City; and I hereby certify that the recitals of this certificate are true, and that this certificate is made in duplicate.

Dated, made and certified, at Austin, Minnesota, this third day of October, 1913.

A. C. Page
Mayor.

STATE OF MINNESOTA
ss.
COUNTY OF MOWER

A. C. Page being duly sworn, says that he is the chief magistrate of the City of Austin, Mower County, Minnesota; that the seal attached to the foregoing certificate is the corporate seal of said city, and that the recitals and statements in said certificate are true.

A. C. Page

Subscribed and sworn to before me
this 3rd day of October, 1913.

J. W. Nicholson
Notary Public, Mower County, Minn.
My Commission expires Sept. 1, 1916.

STATE OF MINNESOTA
ss.
COUNTY OF MOWER
City of Austin.

I, Frank Cronen, do hereby certify that I am the City Recorder of the City of Austin, in Mower County, Minnesota; that A. C. Page, who signed the foregoing certificate, is the Chief Magistrate of said City, to-wit, the Mayor thereof. That the seal

attached to said certificate is the corporate seal of said City,
and that the statements and recitals in said certificate made are
true.

Witness my hand and the corporate seal of said City, at
Austin, Minnesota, this 3rd day of October, 1903.

Frank Cronin
City Recorder.

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