

EARL V. ZEHNDER  
City Clerk  
JOSEPH GIEFER  
City Treasurer  
GERALD E. CARLSON  
City Attorney  
WALTER H. CARLSON  
City Engineer  
JOSEPH STEVENSON  
City Assessor  
J. JEROME KLUCK  
City Justice  
MARVIN BINDER  
Constable

JOHN V. SPERL  
MAYOR

Alderman-At-Large  
GEO. W. HAMILTON  
Aldermen First Ward  
HENRY F. KNOCH  
ROBERT P. (Bob) RUSSELL  
Aldermen Second Ward  
B. J. (Birney) NOVOTNY  
WM. I. RADDATZ  
Aldermen Third Ward  
C. FRANCIS SCHOLZ  
R. W. (Dick) YOERKS

CITY OF WEST ST. PAUL  
1170 SO. ROBERT ST.  
WEST ST. PAUL 7, MINNESOTA  
TELEPHONE CE. 5848

July 24, 1952

The total vote cast in West St. Paul in the Special election held July 8, 1952 was reported by the City Clerk:

CLERK'S REPORT ON SPECIAL ELECTION, JULY 8, 1952

Amend. No.	First Ward		Second Ward				Third Ward		Total	
	1st Prec.		2nd Prec.		1st Prec.		2nd Prec.		Yes	No
	Yes	No	Yes	No	Yes	No	Yes	No		
1	66	46	50	29	58	62	30	61	263	278
2	66	46	53	26	64	56	42	48	287	253*
3	91	21	73	6	107	13	71	20	458	83
4	75	37	66	13	69	51	59	32	336	205
5	74	38	66	13	91	29	60	31	372	169
6	81	31	67	12	89	31	59	32	380	161
7	85	27	70	9	93	27	64	27	429	112
8	64	48	53	26	61	59	40	51	269	272
9	84	28	67	12	95	25	60	31	414	127
10	88	24	72	7	93	27	66	25	420	121
11	95	17	76	3	108	12	70	21	458	83
12	97	15	76	3	90	30	73	18	450	91
13	88	24	69	10	87	33	58	33	392	149
14	83	29	68	11	95	25	67	24	418	123
15	79	33	54	25	84	36	58	33	369	172
16	100	12	77	2	110	10	77	14	481	60
17	92	20	69	10	98	22	67	24	416	125
18	73	39	61	18	88	32	62	29	383	158
19	92	20	71	8	105	15	68	22	445	95*
20	84	28	61	18	100	20	57	34	400	141
21	87	25	61	18	92	28	56	35	395	146
22	77	35	60	19	82	38	46	45	358	183
23	99	13	72	7	95	25	65	26	433	108
24	95	17	65	14	91	29	57	34	392	149
25	94	18	71	8	95	25	67	24	428	113
26	94	18	71	8	102	18	59	32	418	123
27	89	23	66	13	91	29	59	32	408	133
28	94	18	71	8	104	16	69	22	448	93
29	91	21	65	14	96	24	64	27	420	121
30	92	20	70	9	95	22	66	25	418	123
31	72	40	60	19	72	48	38	53	313	228

\* One absentee ballot and one spoiled ballot  
325 votes required for passage of any amendment

On motion of Ald. Novotny seconded by Ald. Knoch resolved that the report of the City Clerk regarding results of Special Election held Tuesday July 8, 1952 be accepted and placed on file and that a certified copy of all amendments that passed, namely all amendments except 1, 2, 8, and 31, be filed in the Office of the Secretary of State of the State of Minnesota.

Ayes:-6 Nays:-0

I, Earl Zehnder, City Clerk, hereby certify that the above resolution is a true and correct copy as adopted by the Council at their regular meeting held July 14, 1952 and as recorded in minute book.

11794

E. Zehnder, clerk.

PROPOSED AMENDMENTS TO THE CHARTER  
OF THE CITY OF WEST SAINT PAUL

AMENDMENT NO. 1

That Sections 3 and 4 of Chapter I of the existing City Charter be amended to read as follows:

SECTION 3. CITY DIVIDED INTO FOUR WARDS. The said City shall be divided into four (4) wards, to be called the First (1st), Second (2nd), Third (3rd), and Fourth (4th) Wards, limited and bounded as follows:

The First Ward shall consist of the easterly three-fourths ( $E.3/4$ ) of Section seventeen (17).

The Second Ward shall embrace the westerly one-fourth ( $W.1/4$ ) of Section seventeen (17), the easterly half ( $E.1/2$ ) of Section eighteen (18) and the Southwest Quarter ( $SW\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section seven (7).

The Third Ward shall embrace the West one-half ( $W\frac{1}{2}$ ) of Section eighteen (18).

The Fourth Ward shall embrace Sections nineteen (19) and twenty (20) and the North one-half ( $N\frac{1}{2}$ ) of Sections twenty-nine (29) and thirty (30).

SECTION 4. CITY DIVIDED INTO FOUR ALDERMANIC DISTRICTS. Said City of West Saint Paul shall be, and is hereby, divided into four (4) aldermanic districts, and each Ward shall constitute an aldermanic district. Said aldermanic districts shall be numbered to correspond with the numbers of the Wards.

Each of said aldermanic districts, as above defined and constituted, shall form a separate election precinct of said City for the holding of all the general elections provided for under the laws of the State, and for the election of all corporate officers provided for in this Charter.

Provided, however, that the Common Council of said City shall by a vote of two-thirds ( $2/3$ ) of the members-elect of said Common Council divide such of said aldermanic districts as may contain over four hundred (400) resident electors into two (2) or more election precincts of said district and, from time to time, designate by resolution or ordinance such election precincts as may be deemed necessary, in order to provide for the convenience of electors and to prevent illegal voting.

AMENDMENT NO. 2.

That Section 2 of Chapter II of the existing City Charter be amended to read as follows:

SECTION 2. OFFICERS TO BE ELECTED. At each general city election there shall be elected a Mayor and a Common Council composed of eight (8) aldermen.

All other officers necessary for the proper management of the affairs of said city, shall be appointed by the Common Council for a term co-extensive with the life of said Common Council, except as otherwise provided in this charter. All officers and employees of said city shall be bona fide residents thereof during the term of their office or employment.

There shall also be elected at the general city election on the first Tuesday after the first Monday in November, 1952, and quadrennially thereafter on the first Tuesday after the first Monday in November a Municipal Judge who shall hold office for the term of four (4) years, beginning on the first Monday of the month next following his election, and until his successor duly qualifies.

AMENDMENT NO. 3.

That Section 3 of Chapter II of the existing City Charter be amended to read as follows:

SECTION 3. OFFICIAL YEAR. The official year of said City shall begin on the first Monday after the First day of January, and the term of office of the Mayor and the members of the Common Council shall be two (2) years from and after the first Monday after the first day of January next succeeding their election, and until their successors shall have been duly elected and qualified.

AMENDMENT NO. 4.

That Section 5 of Chapter II of the existing City Charter be amended to read as follows:

SECTION 5. OFFICERS - HOW ELECTED. The Mayor, Municipal Judge and members of the Board of Education shall be elected by and from the body of electors of said city, and two (2) aldermen shall be elected by and from the electors of each ward respectively.

AMENDMENT NO. 5.

That Section 10 of Chapter II of the existing City Charter be amended to read as follows:

SECTION 10. SPECIAL ELECTIONS. Special city elections for any purpose and all preliminaries thereto, shall be held and conducted and the returns thereof shall be made and canvassed in the same manner as in the case of general city elections. The Common Council may by resolution adopted by the affirmative vote of three-fourths (3/4) of the members-elect, order a special election for the voters of the city, and provide for holding the same. The purpose of such special election shall be clearly stated in such resolution, and no other matter shall be submitted thereat.

AMENDMENT NO. 6.

That Section 14 of Chapter II of the existing City Charter be amended to read as follows:

SECTION 14. REMOVAL FROM OFFICE OR EMPLOYMENT. Any person appointed to an office by the Common Council, or elected to any office by the people, except the Municipal Judge, may be removed from such office by the Common Council by a vote of three-fourths (3/4) of the members-elect, in the following manner: Any person appointed to an office, after 15 days notice in writing; any officer elected by the people for cause only, and not until such officer shall have a reasonable opportunity to be heard in his defense. The Common Council shall have power to fix a time and place for the trial of such officer, of which not less than ten (10) days' notice shall be given, and to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall neglect to appear and answer to such charge, the Common Council, by the aforesaid vote, may declare the office vacant.

No employee who has been in the City's service continuously for the period of six months, shall be discharged except upon ten (10) days' notice in writing.

AMENDMENT NO. 7.

That Section 15 of Chapter II of the existing City Charter be amended to read as follows:

SECTION 15. VACANCIES WHEN THE COMMON COUNCIL SHALL FILL. Whenever a vacancy shall occur in the office of any officer elected by the people, such vacancy shall be filled by the appointment by the Common Council until the next general city election; excepting ~~that vacancies in the Board of Education shall be filled by the appointment of the said Board~~ and that this power of appointment shall not extend to the office of the Municipal Judge.

AMENDMENT NO. 8.

That Section 2 of Chapter III of the existing City Charter be amended to read as follows:

SECTION 2. DUTIES OF MAYOR. The Mayor shall be ex-officio a member of the Common Council and President of the same, but shall have no vote except in case of a tie. He shall take care that the laws of the State and the Ordinances of the City are duly observed and enforced, and that all executive officers of the city discharge their respective duties. He shall from time to time give the Common Council such information and recommend such measures, as he may deem advantageous to the city. All ordinances and resolutions shall, before they take effect, be presented to the Mayor, and if he approves thereof, he shall sign the same; such as he shall not sign he shall return to the Common Council with his objections thereto by depositing the same with the City Clerk to be presented to the Common Council at their next regular meeting.

Upon the return of any ordinance or resolution by the Mayor without his signature the vote by which the same was passed shall be reconsidered and, if after such reconsideration the Common Council shall pass the same by a vote of seven-eighths (7/8) of the members-elect, it shall have the same effect as if approved by the Mayor; and in such case the votes shall be by yeas and nays, and shall be entered by the City Clerk of record.

If any ordinance or resolution shall not be returned by the Mayor within five (5) days (Sundays excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

AMENDMENT NO. 9.

That Section 4 of Chapter III of the existing City Charter be amended to read as follows:

SECTION 4. CITY CLERK - POWERS AND DUTIES. There shall be a Clerk of said city styled the City Clerk, who shall be appointed by the Common Council for a term of three (3) years, and in addition to his duties as City Clerk he shall exercise the functions of City Comptroller.

He shall keep the corporate seal and all papers and records of the city, a copy and record of the proceedings of the Common Council whose meetings he shall attend; copies of all papers filed in his office, and transcripts from the records of the Common Council, certified by him under the corporate seal, shall be evidence in all courts as if the originals were produced.

He shall draw and countersign all orders on the Treasurer in pursuance of any order or resolution of the Common Council and keep a full and accurate account thereof in books provided for that purpose.

The clerk shall have the power to administer oaths and affirmations and take the acknowledgments of deeds and other instruments.

AMENDMENT NO. 10.

That Section 12 of Chapter III of the existing City Charter be amended to read as follows:

SECTION 12. CITY TREASURER-GENERAL POWERS AND DUTIES. The City Treasurer shall receive all moneys belonging to said city, including all taxes, license moneys and fines and other revenues of said city, and keep an accurate and detailed account thereof in such manner as to show the exact financial condition of said city. He shall exhibit to the Common Council at the first meeting in January, and as often as the said Common Council or the Finance Committee thereof may require, a full and detailed account of all receipts and expenditures since the date of his last annual report, or for any required period, and also the state of the City Treasury, which accounts shall be filed with the clerk.

He shall give such bond as the Common Council may require, and the same shall be conditioned on the faithful performance of all duties imposed by this charter and particularly the duties required by Chapter five (5) of this charter, relating to the Treasury Department.

He shall devote his entire and undivided time and attention to the duties of his office and such additional functions as may be assigned to him.

No funds of the city shall be loaned by the Treasurer to any City Officer or other person, or otherwise disposed of except in accordance with law.

At the first meeting of the Common Council in each month the Treasurer shall report the amount of city funds under his control, and where placed or deposited.

All moneys received by the City Treasurer by virtue of his office as such Treasurer ~~(except the moneys belonging to the Board of Education, which shall be deposited as required by law)~~ shall be deposited daily by said City Treasurer in one (1) or more designated national or State Banks, which bank or banks shall furnish sufficient security to the city to protect and safeguard said city as to all moneys so deposited. Such bank or banks shall be designated by the Common Council of the City of West St. Paul.

AMENDMENT NO. 11.

That Section 13 of Chapter III of the existing City Charter be amended to read:

SECTION 13. THE CITY ATTORNEY. The City Attorney shall be a person admitted to practice in all courts of this State, and shall have been in actual practice for at least five (5) years prior to his appointment. He shall be the legal advisor of all officers of said city upon all subjects arising under this charter and ordinances adopted in accordance therewith. He shall attend and prosecute or defend all suits, actions or proceedings, either civil or criminal, for or in behalf of said city, or to which the city may be a party. He shall, when required, furnish written opinion upon any subject submitted to him by the Common Council or any of its committees, or by the Mayor, or any board created under this Charter, attend the meetings of the Council and draw all contracts between said City and other parties, and such other legal instruments and papers as may be required in connection with the administration of city affairs, and to perform such other professional services as shall properly pertain to his office.

AMENDMENT NO. 12.

That Section 14 of Chapter III of the existing City Charter be amended to read as follows:

SECTION 14. ASSESSOR-GENERAL POWERS AND DUTIES. The assessor shall at the time of his appointment be a resident and qualified voter of said city. He shall be appointed by the Common Council for a term of two (2) years, the same to commence in an odd-numbered year. He shall have and possess all the authority, rights, powers and duties of assessor under the general laws of this State, except as hereinafter provided and qualified. In case of his inability to perform the duties of his office, from any cause whatever, the Common Council shall appoint an assistant, to serve until such disability shall be removed; and such assistant shall have all the powers, and perform all the duties which are by law imposed upon his principal, and shall receive, from the salary of his principal, all the compensation he shall be entitled to for such service, which shall be at the same rate as his principal. Said assessor shall, whenever the Common Council shall so determine, make and return a census of the population of the city, in a manner and form prescribed by said Common Council.

AMENDMENT NO. 13.

That Chapter III of the existing City Charter be amended by including therein Section 14-A, to read as follows:

SECTION 14-A. BOARD OF EQUALIZATION - ITS POWERS AND DUTIES. At the first stated meeting in March, the Mayor, by and with the consent of the Common Council, shall appoint a Board of Equalization, consisting of one member from each ward for an initial term as follows:- The member from the 1st. ward for a term of one (1) year, the member from the 2nd ward for a term of two (2) years, the member from the 3rd ward for a term of three (3) years, the member from the 4th ward for a term four (4) years; thereafter the term of each member shall be four (4) years. They shall be sworn, according to law, as such board, and shall meet annually at the rooms occupied by the Common Council of said city at such time as such boards are required to meet, as provided by the general laws of this State, and revise, alter and equalize the assessments, so that each tract or lot of real property and each article of personal property shall be entered on the assessment list at its full and true value, subject to the following rules:

1. The board shall raise the valuation of such tract or lot of real property, which in its opinion, is returned below its full and true value to such sum as is believed to be the full and true value thereof, first giving notice of intention to do so to the person in whose name it is assessed, which notice shall fix a time and place when and where a hearing will be had.

2. The board shall reduce the valuation of each tract or lot which, in its opinion, is returned above its full and true value to such sum as is believed to be the full and true value thereof.

3. The board shall raise the valuation of each class and item of personal property which, in its opinion, is returned below its full and true value to such sum as is believed to be the full and true value thereof; and shall raise the aggregate value of the personal property of individuals, firms or corporations, when it believes that such aggregate valuation, as returned, is less than the true value of the taxable personal property possessed by such individuals, firms or corporations, to such sum as it believes to be the full and true value



thereof, first giving notice to such persons of intention to do so, which notice shall fix a time and place when and where a hearing shall be had.

4. The Board shall reduce the valuation of each class and item of personal property which is returned above its full and true value to such sum as it believes to be the full and true value thereof; and, upon complaint of any party aggrieved, the board shall reduce the aggregate valuation of the personal property of such individual, or of any class and item of personal property for which he is assessed which, in its opinion, has been assessed at too large a sum, to such sum as it believes was the full and true value of his personal property of such class and items.

5. The board shall not reduce the aggregate value of the real property, or the aggregate value of the personal property of its city below the aggregate value thereof, as returned by the Assessor.

6. The board may require any person who may be required to list property, or whose property is listed for taxation, to appear before said board and submit to an examination under oath touching any property owned by him, or under his control, subject to be listed for taxation, and they may examine upon oath any person whom they may suppose to have knowledge of the amount or value of real and personal property of any person, and for that purpose any member of the said board is hereby authorized to administer oaths to all persons who, by the provisions of this act, are required to submit to an examination before said board.

It shall be the duty of the assessor and City Clerk to be present at all meetings of said Board of Equalization, and the City Clerk shall act as clerk of said board; and the assessor shall prepare an analysis of the current assessments compared with the previous year by items, classes and categories of business enterprises and present to the board all facts relating to the assessments along with his recommendation.

Such Board of Equalization may sit from day to day, or adjourn from time to time, as it shall deem proper until it shall have revised and equalized said assessments. Any person aggrieved by any assessment shall have the right to appear before such Board of Equalization and present his grievances, and whenever it appears upon a hearing, or otherwise, that any property is improperly listed, or classified or overvalued, due adjustment shall be made, or, if it shall appear that any property is listed or assessed at less than its true value, said board shall immediately proceed to correct such undervaluation; and whenever it appears to the satisfaction of the board that property which ought to be listed has been omitted by the assessor or otherwise, the board shall immediately proceed to list and place such property upon the tax roll with the true valuation thereof.

The board shall elect a chairman annually, who will preside over the meetings, and shall have the authority to delegate and direct the members, city assessor and his deputies in investigations during the equalization sessions.

The City Council, by resolution, may order the chairman to conduct any investigation connected with ad valorem assessments.

It will be the duty of the chairman to submit to the City Council a report, setting forth the results of the current ad valorem assessments, percentage-increases or decreases of the aggregate totals of real and personal property and fully advising the Council on the accomplishments of the City Assessor's office, along with recommendations that would be beneficial to the ad valorem tax structure of the City of West St. Paul, Minnesota.

Any three members of said Board of Equalization are authorized to act at any meeting of said board. When the assessment rolls shall have been revised and confirmed by said board, the City Clerk shall attach thereto a certificate of such confirmation, and such roll shall then be returned to the County Auditor within the time and manner as other assessment rolls. Each member of said Board of Equalization shall

receive one dollar and twenty-five cents (\$1.25) per hour for the time actually employed in serving on said board and the statutory mileage rate as applied to other governing officials in the State of Minnesota, during the time that said members are using their personal vehicles during investigations directed by the chairman.

AMENDMENT NO. 14.

That Section 15 of Chapter III of the existing City Charter be amended to read as follows:

SECTION 15. MUNICIPAL JUDGE AND COURT OFFICER - GENERAL POWERS AND DUTIES. The Municipal Judge shall be a man learned in the law and a resident of the City of West St. Paul. His powers and jurisdiction and the practice and procedure in his court shall be those of Municipal Judges and Courts under the applicable general laws of this State, and in addition thereto he shall have sole and exclusive jurisdiction of all offenses committed in the City of West St. Paul otherwise cognizable by a Justice of the Peace, and of all cases arising under this charter, ordinances, by-laws and regulations, or for recovery of any fine, forfeiture or penalty thereunder.

His salary shall be fixed by resolution adopted by a majority of the Common Council, approved by the Mayor, shall be paid in monthly installments and shall not be diminished during the term of office.

In the absence or disability of the Municipal Judge, the Mayor may designate a practicing attorney to sit in place of the Municipal Judge from day to day.

There shall be appointed by the Mayor, for a term running concurrently with that of the Municipal Judge, one (1) court officer for said Municipal Court, who shall serve all papers and process placed in his hands, attend the sessions of court, perform all duties in connection therewith when ordered by the court and receive the same fees as are allowed to constables by law. The Court Officer shall also have the power and authority of a policeman.

AMENDMENT NO. 15.

That Section 16 of Chapter III, of the existing City Charter be amended to read as follows:

SECTION 16. VIOLATIONS OF ORDINANCES - HOW PROSECUTED. All prosecutions for any violation of any ordinance, by-law, regulation or the charter, or for the recovery of any fine, penalty or forfeiture shall be commenced and prosecuted in the name of the "City of West St. Paul", and all such cases shall be tried by the court without a jury.

AMENDMENT NO. 16.

That Section 17 of Chapter III of the existing City Charter be amended to read as follows:-

SECTION 17. DISPOSITION OF FINES. All fines imposed or collected in such cases and in any action, proceeding or prosecution tried before the Municipal Court for any violation of law committed within said City, shall accrue to the benefit of said city, and be paid into the treasury thereof.

AMENDMENT NO. 17.

That Section 29 of Chapter III of the existing City Charter be amended to read as follows:-



SECTION 29. STREET COMMISSIONER - GENERAL POWERS AND DUTIES.

It shall be the duty of the street commissioner to render his personal services and perform labor in repairing the streets of said city and to superintend all work and improvements, and carry into effect all orders of the Common Council in relation to repair work and improvements upon the streets and public grounds of the city. He shall keep accurate accounts of all moneys received by him and of all moneys expended in the discharge of his duties. He shall also keep a record of the number of men employed and their time, and of all supplies ordered and their use, and render a monthly report thereof to the Common Council, or oftener, if required. The duties and functions of the street commissioner shall never be combined with any other office.

AMENDMENT NO. 18.

That Section 33 of Chapter III of the existing City Charter be amended to read as follows:-

SECTION 33. SALARIES TO BE PAID. For the faithful discharge of the duties of their respective offices, the following named officers and employees of the City of West St. Paul, shall receive per annum payable in monthly installments out of the City Treasury, the salaries herein specified: The Mayor, Four hundred and Eighty dollars, (\$480.00), each Alderman three hundred dollars (\$300.00).

The salaries of the following officers shall be fixed by the Common Council, but in no event shall they exceed the amount herein specified: City Clerk, four thousand dollars (\$4000.00), Treasurer, four thousand dollars (\$4000.00).

The salaries of such other City Officers and employees as are not herein determined, shall be fixed by the Common Council.

AMENDMENT NO. 19.

That Sections 7 and 9 of Chapter IV of the existing City Charter, be amended by substituting the words "Municipal Court" for the words "City Justice", wherever the latter may occur.

AMENDMENT NO. 20.

That Subdivision Fifty-ninth of Section 8 of Chapter IV, be amended to read as follows:

FIFTY-NINTH: PUBLIC PLAYGROUNDS. To provide and maintain public parks, public playgrounds and places of recreation for children, and to levy the necessary tax to acquire and support the same not exceeding in any one year the sum of five thousand dollars, (\$5000.00).

AMENDMENT NO. 21.

That Section 3 of Chapter V of the existing City Charter be amended to read:-

SECTION 3. WHEN AND HOW LEVIED-LIMITATION. All taxes shall be levied by resolution of the Common Council at a regular meeting prior to the first day of October in each year. All taxes shall be levied in specific amounts and based upon an itemized estimate of the city expenses for the ensuing year, provided that the annual levy for all general fund purposes shall in no year exceed forty (40) mills on the dollar of the assessed valuation of the taxable property in the City of West St. Paul, computed according to law.

General fund purposes shall mean and include all purposes whatsoever, except the requirements of the street repair fund, the sinking fund, the permanent improvement revolving fund and purposes for which a special tax-levy is permitted by law.

AMENDMENT NO. 22.

That Section 5 of Chapter VI of the existing City Charter be amended to read as follows:

SECTION 5. APPLICATIONS-HOW MADE-PREREQUISITES. All Applications or propositions for any improvement mentioned in Section 2 of this Chapter shall be made to the Common Council of said City in writing. Said Common Council shall not be required to proceed further with any such application unless it is satisfied that a majority of the property owners, whose property is fronting and abutting upon the line of said proposed improvement, who would probably be assessed for the expense of any such improvement, have subscribed to such application if said application is signed by at least five (5) property owners whose property is fronting and abutting upon the line of said proposed improvement. Upon such proper application, said Common Council shall proceed to investigate the same, and, if they shall determine that such improvement is necessary and proper, they shall report the same accompanied with an estimate of the expense thereof, and a proper ordinance or order directing the work. If they do not approve of any such application or proposition, they shall report their reasons for their disapproval.

PROVIDED, that the Common Council shall in no case order the doing of any such work, or the making of any such improvement, unless in their opinion the real estate to be assessed for such work or improvement can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby, and

PROVIDED FURTHER, that in all cases of proposed work or improvement, the estimated cost whereof shall exceed the sum of \$500.00 for any individual bona fide property owner, such work or improvement shall not be ordered done or made unless and until each applicant therefor whose assessment exceeds \$500.00, shall have deposited with the City Treasurer a sum in cash, or certified or bank check, payable to the City of West St. Paul, equal to not less than 50% nor more than 80%, as the Council in its discretion may determine, the overplus of his share of the total estimated cost of such work or improvement.

Two or more streets may be ordered to be graded at the same time, so that the material taken from one street may be used in filling the others.

AMENDMENT NO. 23.

That Section 41 of Chapter VI of the existing City Charter, be amended to read as follows:

SECTION 41. SIDEWALKS, ANNUAL CONTRACTS FOR. It is hereby made the duty of the Common Council of the City of West St. Paul, annually, i.e. prior to the first day of May in each year, to cause proposals to be published in the same manner and for the same length of time as in the case of other public improvements, for the construction, repair and relaying of such sidewalks as may be ordered built, repaired or relayed by the Common Council.

Provided, however, that the Common Council may, whenever in their opinion the public interest shall be subserved thereby, cause proposals for bids to be published in the manner hereinbefore prescribed, and award one or more separate contracts for the construction, repair and relaying of sidewalks. General plans and specifications applicable to all sidewalks that may be ordered built, repaired or laid during the year by the Common Council shall be made and filed with the City Clerk at least ten (10) days before the day named for the receipt of said bids, and the work shall be let and placed under contract as now provided by law for the construction, relaying and repair of sidewalks for which an assessment is to be made, except that the bids for the construction, repair and relaying

of said sidewalks shall be accompanied by a bond to the City of West St. Paul, in such sum as the Common Council may direct, executed by the bidder and two (2) responsible sureties, conditioned that he will enter into and execute a contract to perform the work for the price mentioned in his bid, according to the plans and specifications, in case a contract shall be awarded him. And in case of default on his part to execute the contract and perform the work, said bond may be sued and judgment recovered thereon by the City, for the full amount thereof, in any court having jurisdiction of the amount; and, except further, that the question of what constitutes the lowest reliable and responsible bidder may be determined by said Common Council independent and exclusive of the bond required by this section. Whenever said Common Council shall pass a final order for the construction, repair or relaying of such sidewalks, it shall be the duty of the Common Council, without any unnecessary delay, to transmit a copy of said order to the person or persons having the contract, who shall, without unnecessary delay, cause the sidewalk so ordered constructed, relaid or repaired as the case may be.

AMENDMENT NO. 24.

That Section 45 of Chapter VI of the existing City Charter be amended to read as follows:-

SECTION 45. AWARD OF CONTRACTS- PAVEMENTS-BLACKTOP. All contracts shall be awarded to the lowest reliable and responsible bidder or bidders who have complied with the requirements of the preceding section. From all proposals submitted the Common Council may select the one which is relatively the lowest or most satisfactory, all things considered, and the decision of the Common Council shall be final. If the pavement selected is patented, the said Common Council shall require a license from the patentee to lay and relay the same for all time thereafter free from all claims of royalty. Whereupon a contract shall be made on the part of said Common Council in the name of the City of West St. Paul and executed on the part of said City by the Mayor or such other members as said Common Council may designate, and the seal of said City shall be thereto attached, and the said contract shall be countersigned by the City Clerk and filed in his office. The Common Council may in its discretion reject any or all bids, and, in determining the reliability of a bid, the Common Council shall consider the question of the responsibility of the bidder and his ability to perform his contract, without reference to the financial responsibility of the sureties on the bond. Provided, however, that no contract shall be awarded except upon or by vote of at least two-thirds (2/3) of the members of said Common Council in favor thereof, and

PROVIDED FURTHER, that all blacktop-paving to be done, laid or constructed in any one season shall be petitioned for and ordered prior to the first day of May in each year and shall be let on contract in accordance with Section 41 of this Chapter, after advertisement for bids as provided in Section 44 of this Chapter. All work done and all materials used shall conform to the minimum standards prescribed by the Minnesota State Highway Department, and in no event shall City equipment ever be used in the construction of new work.

AMENDMENT NO. 25.

That Section 52 of Chapter VI of the existing City Charter be amended so as to read:

SECTION 52. ASSESSMENTS HOW PAYABLE. At the same time that the Common Council as hereinbefore provided shall ratify any assessment, it shall in such resolution determine and provide in what number of installments, not to exceed five (5), the assessment against any lot, part or parcel of land shall or may be paid; provided however, that when any assessment against any lot or parcel of land amounts to One Hundred Dollars (\$100.00) or less, the amount shall be made payable in not more than three (3) installments, and if the total amount of any assessment against any lot or parcel of land amounts to Thirty-five Dollars (\$35.00) or less, the same shall be paid in one (1) payment; in all cases where an assessment is payable in more than one installment, the City Treasurer shall report to the County Auditor, as provided in Section 32 of this Chapter, only such installment or installments or portions thereof as remain delinquent October first of each year. The Register of Deeds in and for the County of Dakota shall not record any deed or conveyance of property unless there is stamped thereon a certificate by said City Treasurer that all assessments or installments or portions thereof which are due have been paid, and the City Treasurer of West St. Paul is hereby authorized, in case an assessment is payable in more than one installment, to stamp said deeds or conveyances for record if all assessments or installments or portions thereof then due have been paid at the time of stamping said deed for recording. Any other provision in this Chapter inconsistent herewith is hereby repealed.

AMENDMENT NO. 26.

That Section I of Chapter IX of the existing City Charter be amended to read:

SECTION I. DISPUTED CLAIMS AGAINST CITY-COMPROMISE. The Common Council shall not have power to ordain or authorize the compromise of any disputed claim or demand, or any allowance therefor or therein, except as provided in the contract therefor, or to ordain or authorize the payment of any damages claimed for the alleged injuries to persons or property, except by ordinance adopted by a two-thirds (2/3) vote of the Common Council. No action shall be had or maintained against the City of West St. Paul for any damages claimed for alleged injuries to persons or property, unless the same be commenced within one (1) year after a cause of action has accrued, and the person so alleged to be injured or some one in his behalf shall give to the Common Council of said City within thirty (30) days after the alleged injury, notice thereof.

AMENDMENT NO. 27.

That Section 3 of Chapter IX of the existing City Charter be amended to read:

SECTION 3. PROSECUTIONS FOR VIOLATION OF ORDINANCES-HOW BEGUN. In all prosecutions of any violation of this Charter, or of any by-law or ordinance of the City of West St. Paul, the first process shall be a warrant; provided, that no warrant shall be necessary in case of arrest of any person or persons while in the act of violating any law of the State of Minnesota or ordinance of the City of West St. Paul, but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged, in the same manner as if the arrest had been by warrant. All warrants, process or writs by the Municipal Court for violation of any ordinance or by-laws of said City, shall run in the name of the City of West St. Paul, and shall be directed to the Chief of Police or any police officer, or the Municipal Court Officer.

AMENDMENT NO. 28.

That Section 4 of Chapter IX of the existing City Charter be amended by substituting for the words "City Justice" wherever the same occurs, the words "Municipal Judge".

AMENDMENT NO. 29.

That Section 6 of Chapter IX of the existing City Charter be amended by striking therefrom the word "Justice" wherever the same appears.

AMENDMENT NO. 30.

That Section 21 of Chapter IX of the existing City Charter be amended to read:

SECTION 21. WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT-REFERENDUM-PETITION-BALLOTS. No ordinance or resolution passed by the Common Council shall go into effect until the expiration of thirty (30) days after it has been passed, approved and published, unless it shall be necessary for the preservation of the public peace, health or safety, and the Council shall by a three-fourths ( $\frac{3}{4}$ ) vote of all the members elected declare that it shall go into effect immediately upon its publication. The necessity for such action shall be stated in the title and in a section of such ordinance or resolution. If within thirty (30) days after the passing, approval and publication of any ordinance or resolution, a number of the qualified electors of the City of West St. Paul equal to five percent (5%) of all the electors who voted at the last city election for Mayor, shall file a petition with the City Clerk addressed to the City Council asking that said ordinance or resolution shall be submitted to the voters of said city for approval or rejection, it shall be so submitted as hereinafter provided, and shall not go into effect (except in cases of emergency as herein provided) until approved by a majority of all the electors voting thereon at a general or special city election within the City of West St. Paul.

If by action of the Council as aforesaid, any ordinance or resolution shall be declared necessary for the preservation of the public peace, health or safety, and it shall be provided that it shall go into effect immediately upon publication thereof, and if within 90 days of its publication and taking effect a petition shall be filed as aforesaid, asking that such ordinance be submitted to the voters of the City of West St. Paul for approval or rejection, said ordinance or resolution shall be so submitted and, if a majority of said electors voting thereon vote to reject such ordinance or resolution, said vote shall effect a repeal of said ordinance or resolution from and after the announcement of said result.

Any petition demanding a reference of any ordinance or resolution shall refer to such ordinance or resolution by the number thereof, its title, the date of its approval, and the date of its publication, and shall also briefly state the subject-matter of said ordinance or resolution, and it may give the reasons for demanding such reference. It shall be addressed to the Council and may consist of one or several papers, but each paper shall repeat the words of the petition at the head thereof.

Each signer to such petition shall have been a qualified voter at the last general election, municipal or otherwise, and shall write thereon, in ink, his name, the street and number of his residence at the time of said election, the ward and precinct in which he voted at such time, and the street and number of his present residence.



Each separate page of said petition shall have appended thereto a certificate verified by oath, that each signature was signed by the person so purpo ting to have signed the same in the presence of the person making such certificate.

Any name appearing on the petition not complying with the foregoing requirements shall be stricken therefrom by the City Clerk, by marking opposite the name "Stricken by the City Clerk," and no names shall be substituted therefor; and verified as hereinbefore provided.

Whenever any referendum petition shall be presented to the City Clerk for filing, he shall note on each page thereof the date of presentation, and shall consecutively number each page, and shall thereafter forthwith examine the same as to its sufficiency and, if so found, he shall forthwith file the same in his office and present the same to the Council at its next regular or special meeting.

Whenever any referendum petition shall be found insufficient or defective by the City Clerk, he shall return the same to the person or persons therein named to receive the same, together with a statement in writing of such defects, and the said petition may be amended and presented as often as necessary until the same is found sufficient and be filed.

The Common Council shall provide for the publication at least once in a newspaper published or circulated in the City of West St. Paul of the full text of any ordinance or resolution submitted under this section to the voters of the City for approval or rejection. Such publication shall take place not less than ten (10) days nor more than fifteen (15) days before the date of said election. When any such ordinance or resolution is to be submitted at any special or general election, the notices of said election shall so state and shall designate said ordinance or resolutions by number and title, and shall set forth syllable of said ordinance or resolutions prepared by the City Attorney of West St. Paul.

The budget or ordinance or resolution providing annually for the support of the City of West St. Paul shall go into effect immediately upon publication. Said ordinance or resolution shall not be submitted to the voters of West St. Paul for approval or rejection on petition or otherwise, provided that any item in said budget making appropriation for new outlay shall be subject to the referendum in the same manner as though it were not part of said budget ordinance or resolution.

The Common Council may by a majority vote submit to the voters of West St. Paul any ordinance or resolution without petition in the same manner as said ordinance or resolution might have been submitted on petition.

No ordinance or resolution approved by said voters on referendum shall be repealed by the Common Council within one year after its approval, nor shall it be repealed at all except upon the unanimous vote of all the members elected to the council and with approval of the Mayor expressed in writing or by a majority vote of all the electors voting thereon at a referendum election, at which time the repeal of said ordinance or resolution is submitted under the provisions of this Section.

The ballots used in voting upon any measure as provided for in this Section shall set forth the full title thereof and state briefly the general nature thereof, and thereafter in larger type contain the words "For the measure" and "Against the measure", and shall contain a square opposite each of the aforesaid phrases in quotation so that the elector by a mark in the square may indicate whether he is for or against the ordinance or resolution. Any number of ordinances or resolutions may be submitted at the same election. Any ordinance or resolution receiving an affirmative vote in its favor of a majority of all the electors voting thereon shall be declared passed, and shall be in force from and after such declaration; if it shall not receive such majority, it shall be void and of no effect from and after the announcement of said vote.

Any item or section or items or sections of an ordinance or resolution which may be separated without destroying said ordinance or resolution as a whole, may be made the subject of a referendum, the same as an entire ordinance or resolution and may on adverse vote be disapproved or repealed as may an entire ordinance or resolution.

AMENDMENT NO. 31. ✓

That the existing City Charter be amended by repealing the following sections thereof:

Section 8 of Chapter II and Sections 18 through 27, both inclusive, of Chapter III.

To the Honorable John V. Spearl, Mayor  
of the City of West St. Paul, Minnesota:

We, the undersigned Board of Freeholders, duly appointed by the Honorable Judges of the First Judicial District, State of Minnesota, as a commission with power to propose amendments to the Charter of the City of West St. Paul, pursuant to Article IV, Section 26 of the Constitution of the State of Minnesota and Chapter 410, Minnesota Statutes Annotated, after due consideration, do herewith propose and respectfully transmit to your Honor the foregoing amendments to the Charter of the City of West St. Paul, for submission to the electors as required by law.

Dated this 14th day of April 1952.

Frank Jungbauer

Aloys W. Fischer

Teresa A. Stotz

Anthony Schmidt

Reinhold F. Engfer

Frank W. Fristensky

Ray O. Yaeger

Robert I. Locky

E. C. Meisinger

Thomas A. Thrift

Thomas J. Masek

William A. Stassen

Edgar J. Goulty

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
JUL 25 1952

*H. H. Chesternom*  
Secretary of State

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O.D.

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
JUL 25 1952

*HH Chesterman*  
Secretary of State