

C E R T I F I C A T E

#13072 C.D.
STATE OF MINNESOTA
DEPARTMENT OF STATE
JUL 1 1956
Joseph R. Haberman
Secretary of State

I, GLEN M. MYERS, the duly elected, qualified and acting Mayor,
as Chief Magistrate of the city of Owatonna, in the county of Steele and
state of Minnesota, do hereby certify and state that hereto attached and
made a part hereof is a full, true and correct copy of an amendment to the
Charter of the said city of Owatonna, as proposed by the Board of Freeholders
heretofore duly appointed by the Judge of the District Court of Steele
County, Minnesota, to be adopted or rejected by the qualified voters of
said city of Owatonna at a Special Election duly held in said city on the
11th day of September, 1956, which said proposed amendment was, as shown
by the official canvas of votes cast at such election, adopted and ratified
at such election with the following vote thereon: In favor of the adoption:
1477; Opposed to the adoption: 926.

That this Certificate is made in duplicate pursuant to and in con-
formity with Article 4, Section 36 of the Constitution of the state of Minne-
sota, and laws enacted thereunder, for deposit with the Secretary of State
and for recording in the office of the Register of Deeds in and for the said
county of Steele, which recorded copy shall be deposited among the archives
of said city, and that thereafter all Courts shall take judicial notice of
such amendment so adopted.

WITNESS My hand officially as Mayor of the said city of Owatonna,
and the corporate seal of said city of Owatonna, this 14th day of September, A.D.,
1956.

(SEAL OF THE CITY)
(OF OWATONNA)

Glen M. Myers
Mayor, City of Owatonna, Minnesota
ATTEST: Joseph R. Haberman
City Clerk, City of Owatonna, Minnesota

13072

That Chapter XIII (Amendment of 1924) entitled, "PUBLIC UTILITIES COMMISSION" of the charter of the city of Guatemala be renumbered Chapter II, otherwise to remain in full force and effect, and that the remainder of said charter, as heretofore duly adopted by the qualified voters of the city of Guatemala on March 9th, 1909, be revised and amended in words and figures as follows:

I N D E X

CHAPTER I - Boundaries, Wards and Powers

- Section 1.1 Name and Boundaries
- 1.2 Wards
- 1.3 Change in Ward Boundaries
- 1.4 Powers of City

CHAPTER II - Officers

- Section 2.1 Elective Officers
- 2.2 Appointive Officers
- 2.3 Qualifying
- 2.4 Term of Office
- 2.5 Suspension
- 2.6 Removal
- 2.7 Removal from City or Ward
- 2.8 Filling Vacancies
- 2.9 Mayor
- 2.10 Acting Mayor
- 2.11 City Clerk
- 2.12 City Treasurer
- 2.13 City Attorney
- 2.14 City Assessor
- 2.15 City Engineer
- 2.16 Mayor as Head of Police Department
- 2.17 Salaries

CHAPTER III - Elections

- Section 3.1 Conduct of Elections
- 3.2 Regular City Election
- 3.3 Special Elections

CHAPTER IV - City Council

- Section 4.1 Council and Quorum
- 4.2 Powers
- 4.3 Meetings
- 4.4 Rules
- 4.5 Records
- 4.6 Ordinances and Resolutions
- 4.7 Official Newspaper - Publication -
Ordinance Code
- 4.8 Acquiring and Selling Property
- 4.9 Contracts
- 4.10 Plats
- 4.11 Franchises

CHAPTER V - Taxes and Finance

- Section 5.1 Fiscal Year
- 5.2 Property Tax
- 5.3 Board of Equalization
- 5.4 Taxing Powers
- 5.5 Budget Estimates
- 5.6 Preparation of Budget
- 5.7 Budget Approval
- 5.8 Tax Levy
- 5.9 Funds
- 5.10 Payments from Treasury

CHAPTER V continued

Section 5.11 Annual Reports

5.12 Borrowing

5.13 Certificates of Indebtedness

5.14 Temporary Borrowing

5.15 Adjustment of Accounts

CHAPTER VI -- Public Improvements

Section 6.1 Supervision of Streets

6.2 Vacating of Streets

6.3 Grade of Streets

6.4 Sidewalks

6.5 Cleaning Streets

6.6 Authority to Make Improvements

6.7 Ordering Improvement

6.8 Contracts

6.9 Assessments Authorized

6.10 Initial Proceedings

6.11 Ordering Work

6.12 Levying Assessment

6.13 Corner Lot Assessment

6.14 Sidewalk Assessment

6.15 Re-assessment

6.16 Installments of Assessments

6.17 Collection of Assessments

6.18 Validity of Assessments

6.19 Former Assessments

CHAPTER VI - Continued
Section 6.20 Assessment Items

6.21 Appeal from Assessments

CHAPTER VII - Condemnation

Section 7.1 Power to Acquire Property

7.2 Initial Resolution

7.3 Service

7.4 Commissioners

7.5 Determination of Damages and Benefits

7.6 Confirmation by Council

7.7 Appeals

CHAPTER VIII - Fire Department

Section 8.1 Fire Chief

8.2 Election of Firemen

8.3 Powers and Duties of Chief

8.4 Authority at Fires

8.5 Fire Alarm and Other Property

8.6 Destruction of Buildings

8.7 Penalties

CHAPTER IX - Boards

Section 9.1 Power to Establish Boards

9.2 Board Members and Officers

9.3 Powers of Boards

CHAPTER X - Miscellaneous Provisions

Section 10.1 Limitation of Actions

10.2 Validity of Ordinances

10.3 Continuance in Office

10.4 Effective Date

AMENDED CHARTER
CITY OF OMATONNA

CHAPTER I

Boundaries, Wards and Powers.

Section 1.1 Name and Boundaries. The City of Omatonna shall continue to be a municipal corporation under the name and style of City of Omatonna with the boundaries as now established.

Sec. 1.2 Wards. The city is divided into five wards as follows:

First Ward -- That portion of the city lying East of Cedar Street and South of Main Street from Cedar Street to Chambers Avenue, Chambers Avenue from Main Street to Rice Lake Street and Rice Lake Street from Chambers Avenue to East City Limits.

Second Ward -- That portion of the city lying East of Cedar Street and South of Rose Street and North of Main Street from Cedar Street to Chambers Avenue, Chambers Avenue from Main Street to Rice Lake Street and Rice Lake Street from Chambers Avenue to East City Limits.

Third Ward -- That portion of the City lying West of Cedar Street and North of Bridge Street.

Fourth Ward -- That portion of the city lying West of Cedar Street and South of Bridge Street.

Fifth Ward -- That portion of the city lying East of Cedar Street and North of Rose Street.

Sec. 1.3 Change in Ward Boundaries. The city council may change ward boundaries at any time by ordinance adopted by five-sevenths vote.

Sec. 1.4 Powers of City. The city may sue and be sued; shall have and use its present seal and may alter its seal at any time; shall be capable of contracting and being contracted with, may acquire by purchase, condemnation or otherwise, and hold, lease, sell and convey real and personal property as its purposes may require or the transaction of its business may render convenient, within or without the limits of the city; may acquire, construct, own, lease and operate public utilities and render public service of every kind; may license and regulate persons, corporations, and associations engaged in any business, occupation, trade or profession; may define, prohibit, abate, or suppress all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city and all nuisances and causes thereof; may regulate and control the use of the streets and other public places and ways; may make and enforce local police, sanitary and other regulations and may do and perform all other things necessary or convenient for maintaining and promoting the peace, good government and welfare of the city and for the performance of all functions thereof. The city shall have all the powers possessed by municipal corporations at common law. It shall have, retain and may exercise all powers, functions, rights and privileges heretofore possessed by it or granted by the Laws of the State of Minnesota to cities of the class of which the city may at any time belong and any other powers, functions, rights and privileges exercised by or which are incidental to or inherent in municipal corporations

or which are not denied to it by the Constitution and Laws of the State of Minnesota or the provisions hereof. Its powers shall extend beyond its corporate limits as may be necessary for the effective exercise of any powers granted herein or as may be authorized by law. The city shall have full power to deal with all matters of municipal concern and have complete self-government in harmony with and subject to the Constitution and Laws of the State of Minnesota.

CHAPTER II

Officers

Section 2.1 Elective Officers. The elective officers shall be a mayor, one alderman from each ward, two aldermen at large, one municipal judge, a city clerk, and a city treasurer. The terms of all elective officers shall continue until their successors are elected and qualify.

Section 2.2 Appointive Officers. The city council shall appoint a city assessor, a city attorney, a city engineer and such other officers as shall be necessary for the proper conduct of the affairs of the city.

Sec. 2.3 Qualifying. Every person elected or appointed to any office shall take and subscribe the oath provided by law. The city clerk, city treasurer, chief of police, fire chief, city engineer and such other officers as are designated by the city council shall, before entering upon their respective duties, furnish bond to the city in such manner, form and amount as the city council may direct. If so determined by the city council the bond may be in the form of a blanket bond, and the premium may be paid by the city.

Sec. 2.4 Term of Office. The term of all elective officers shall commence on the first Tuesday in April, next succeeding their election. The term of all appointive officers shall commence on the first day of April of the year following each biennial city election, and shall be for two years, and until their successors are appointed and qualified. The term of all of the aforesaid officers of said city elected by the people, except the two aldermen at large and municipal judge shall be for two years, and until their successors shall be elected and qualified. The municipal judge shall be elected for a term of four years and until his successor is elected

and qualified. The two aldermen at large shall each be elected for a term of four years and until his successor is elected and qualified, provided that only one alderman at large shall be elected for a four year term at any regular city election.

Sec. 2.5 Suspension. The mayor may suspend any appointive officer for a period not exceeding sixty (60) days. Forthwith he shall report his action with the reasons therefor to the city council by written communication filed with the city clerk and shall call a meeting of the city council and shall devolve the duties of the suspended officer upon some person who shall receive the same compensation as that of the officer suspended. During the period of suspension the suspended officer shall be entitled to no compensation unless the city council shall decide the suspension was not warranted.

Sec. 2.6 Removal. Every officer and every member of any board or commission, whether appointed to office by the city council or by the mayor or elected by the people, may be removed from his said office by vote of five-sevenths of the city council, provided that an official elected by the people shall not be removed except for cause after having been furnished with a written statement of the charges against him and given a reasonable opportunity to be heard in his defense. The city council shall fix a time for hearing on such charges not less than ten (10) days after notice to the accused officer and shall have power to compel the attendance of witnesses and the production of books and papers. In the event the officer neglects to appear and answer the charges or the city council finds that the charges are sustained and furnish sufficient cause for removal it

shall by five-sevenths vote declare the office vacant.

Sec. 2.7 Removal from City or Ward. Any official who removes from the city or any ward alderman who removes from the ward from which he was elected or any official who neglects or refuses to qualify within ten (10) days after an election or appointment shall be deemed to have vacated the office. The city council shall by resolution declare the office vacant.

Sec. 2.8 Filling Vacancies. If a vacancy exists in any elective office, excepting that of mayor, the city council by vote of a majority of the members remaining in office shall fill the vacancy until the next regular city election when a successor shall be elected for the remainder of the unexpired term. In the event of a tie vote in the city council on the filling of the vacancy the mayor shall cast the deciding vote.

Sec. 2.9 Mayor. The mayor shall be the titular head of the city. He shall have the veto power including item veto of the budget. He shall meet with the city council at his pleasure and give to the city council such information and recommend such measures as he may deem advantageous to the city.

Sec. 2.10 Acting Mayor. In event of vacancy in the office of mayor or absence of the mayor from the city or his inability from sickness or other cause to perform the duties of his office, the president of the council, or, if he is also absent or incapacitated from acting, such other member of the city council as it may designate shall exercise the powers and perform the duties of the mayor during such absence or disability. While

so acting he shall be styled "acting mayor" and his acts in that capacity shall have the same force and effect as if performed by the mayor.

Sec. 2.11 City Clerk. The city clerk shall have custody of the corporate seal and of all books and records of the city. He shall attend meetings of the city council and keep a correct record of all proceedings, ordinances and resolutions in suitable books to be kept for that purpose. He may administer oaths and acknowledgments in all cases as required or sanctioned by law. He shall keep an office open at hours fixed by the city council and at the place designated by the city council. All records and files therein shall be open to public inspection. He shall sign and file all contracts and perform all things incident thereto as directed. He shall draw and sign orders upon the city treasury for money authorized to be paid out by the city but, except as in this charter otherwise authorized, he shall not sign any order unless there is a sufficient amount credited to the fund upon which the same is drawn to pay the same. He shall keep a list of outstanding bonds showing the purpose, when and where payable, the rate of interest and the date of payment, including a specimen bond of each issue.

Sec. 2.12 City Treasurer. The city treasurer, shall be the custodian of all moneys and securities belonging to the city. He shall be responsible for the safe keeping thereof and shall keep an accurate and detailed account thereof in such form as the city

council shall direct. On the first business day of each month, he shall make and file in his office a detailed statement of receipts and disbursements of the city during the preceding month specifying the funds and the amount in each fund. He shall make an annual report and such other reports and perform such other duties as required by the city council.

Sec. 2.13 City Attorney. The city attorney shall be a person admitted to practice in all courts of this state. He shall be the legal advisor of all officers and boards of the city. He shall prosecute or defend all suits, actions or proceedings, either civil or criminal, to which the city is a party. He shall furnish written opinions upon all subjects submitted to him by the city council, or by any of its committees, or by the mayor or by any board of the city. He shall attend city council meetings, when so requested, draw all contracts affecting the city and such other legal instruments and papers as may be required in connection with city affairs and perform such other services as pertain to his office.

Sec. 2.14 City Assessor. At the time of his appointment the city assessor shall be a resident and qualified voter of the city. He shall have and possess the authority, rights, powers, and duties of city assessors under the laws of the state. The city council may appoint one or more assistants who shall have all the powers and perform all the duties imposed by law upon the assessor.

Sec. 2.15 City Engineer. The city engineer shall be a qualified graduate civil engineer. He shall possess the same powers in making surveys and plats within the limits of the city and certifying to the same as are vested in county surveyors and the same force and validity shall be ascribed to his surveys and plats as to the plats of the county surveyor. Under the direction of the city council, he shall superintend all work done by or for the city in which engineering skill is required. He shall draw plans and specifications for all work and estimate the expense. When work is done by contract, he shall issue certificates required by law showing the amount and value of the work performed and the proper performance and completion of the contract. All surveys, profiles, diagrams, specifications and estimates in reference to any work shall be filed in his office for public inspection. When plans and specifications are required for reference or for use in doing any work, he shall make or cause to be made copies of such plans and specifications. Under the direction of the city council he shall superintend all work and improvements on streets, alleys, bridges and public grounds of the city. He shall see that all streets and public ways which are graded and open for travel, are kept free from obstruction and in such repair as to be safe and passable and that all trees along or over sidewalks shall be trimmed and awnings kept so as not to obstruct or interfere with public travel. He shall supervise and inspect all sewer connections and the construction and laying out of sewers. He shall collaborate with the utility commission on any new project involving any utility.

Sec. 2.16 Mayor as Head of Police Department. The mayor is charged with the management of the police department with power to appoint and remove any police officer and see that he discharges his duties properly. He shall see that the laws of the state and the

ordinances and regulations of the city are strictly enforced. In case of riot, large public gatherings or disturbances of the peace he may appoint as many temporary or special police officers or watchmen as he may deem necessary. All such officers shall be discharged by him, provided that special or temporary appointments shall not continue for more than two weeks without the consent of the city council. At the request of any person, firm or corporation, he may appoint special policemen or watchmen to serve without expense to the city. They shall have police powers to preserve the peace and protect property within limitations and at such places as may be designated in the appointment, but shall not exercise any authority or wear any badge of office outside of the limits named in the appointment. Whenever necessary and with the approval of the city council the mayor shall make regulations for the control of the police force and fixing the powers and duties of the officers thereof which he deems necessary or expedient.

Sec. 2.17 Salaries. The officers of the city shall receive no compensation for their services except as is herein provided. The members of the city council shall each receive for their services Seven Dollars (\$7.00) for each meeting of the city council at which he is present, but not to exceed Three Hundred Dollars (\$300.00) in any one year. The mayor

shall receive Four Hundred Dollars (\$400.00) per year plus a contingency fund in amount fixed by the city council. The compensation of all other officers and employees of the city shall be fixed by the city council at the time such officer or employee is appointed or hired. The city council may adjust or change such compensation from time to time.

CHAPTER III

Elections.

Section 3.1 Conduct of Elections. All city elections shall be held and conducted and the votes canvassed in the manner provided by law.

Sec. 3.2 Regular City Elections. The regular city election shall be held on the third Tuesday in March in each even-numbered year.

Sec. 3.3 Special Elections. The city council may call special elections in the manner provided by law.

CHAPTER IV

City Council

Section 4.1 Council and Quorum. The aldermen shall constitute the city council and shall elect a president from their membership. A majority shall constitute a quorum to transact business but a smaller number may adjourn from day to day and compel the attendance of absent members.

Sec. 4.2 Powers. Unless otherwise expressly provided in this charter, the city council shall have all powers granted to the city, including management and control of the finances and property of the city with full power and authority to make, ordain, establish, publish, alter, modify, amend and repeal ordinances, resolutions, rules and regulations for the government and good order of the city, for the protection of its property, for the suppression of vice, for the prevention of crime or for the benefit of trade and commerce. It shall have full power and authority to declare and impose penalties and punishment against any person, firm or corporation violating any ordinance, rule or regulation. Its ordinances, rules and regulations shall have the force of law.

Sec. 4.3 Meetings. The city council shall hold regular meetings at such times and places as it shall prescribe by resolution. The first regular meeting after the biennial election shall be held on the first Tuesday in April. The mayor or any four aldermen may call special meetings. Notice of special meetings shall be delivered to each alderman and to the mayor personally or left at the office

or usual place of abode of the person served with some person of suitable age and discretion residing therein.

Sec. 4.4 Rules. The city council shall be the judge of the election and qualification of its members. The proceedings of the city council shall be governed by Robert's Rules of Order. It may punish members for misconduct. Continued absence from six consecutive regular meetings without excuse shall constitute cause for removal.

Sec. 4.5 Records. The city clerk shall keep a record of proceedings of the city council. When demanded by any member present the "ayes" and "noes" upon any question shall be entered on the minutes, and upon final passage of any ordinance or resolution or motion appropriating money for any purpose, the ayes and noes shall be entered.

Sec. 4.6 Ordinances and Resolutions. Unless a larger majority is required under the provisions of this charter, ordinances and resolutions must be passed by an affirmative vote of a majority of all members and approved by the mayor. An ordinance shall embrace a single subject which shall be expressed in the title. The enacting clause shall be as follows: "The City Council of the City of Omatoma Do Ordain". No ordinance shall be passed at the same meeting at which it is presented or at any but a regular meeting or an adjournment thereof. Within forty-eight hours after adoption the city clerk shall present each ordinance or resolution to the mayor. If he approves he shall sign the

same. Otherwise he shall return the same to the city clerk with his objections thereto. The vetoed resolution or ordinance shall be presented to the city council at its next regular meeting thereafter. If upon reconsideration, the city council shall pass the same by five-sevenths vote of all members thereof, it shall be in force and effect without approval by the mayor. If an ordinance or resolution is not returned by the mayor within seven days after it was presented to him, Sundays and legal holidays excepted, it shall be in effect without approval. All ordinances and resolutions with the affidavit of publication shall be recorded by the city clerk in a separate book. The record of any ordinance or resolution or a duly certified copy of the record shall be evidence of passage, approval and publication.

Sec. 4.7 Official Newspaper - Publication - Ordinance Code. At its first regular meeting each year the city council shall designate a newspaper of general circulation in the city as the official paper for publication of all matters required by law to be published and no ordinance or resolution shall be in effect until published therein, provided that a recodification of existing ordinances may be made under the direction of the city attorney and such ordinance code when certified by the city attorney to be a recodification of existing ordinances shall be filed with the city clerk and shall be in full force and effect without publication.

Sec. 4.8 Acquiring and Selling Property. The city

council may acquire by purchase, lease, gift, grant or condemnation such property as it may deem necessary as sites for public buildings, streets, or grounds and other necessary municipal purposes, provided, however, that if the cost to the city of any parcel so acquired shall exceed an amount equal to five mills on the value of taxable property in the city, the same shall not be acquired unless the proposal to acquire the same is submitted to vote of the people and favored by a majority vote thereof. The city council may sell, convey and dispose of any real property not needed for municipal purposes by unanimous vote.

Sec. 4.9 Contracts. Every contract to which the city is a party shall be void unless signed by the mayor and attested by the clerk with the seal of the city affixed thereto, after the same has been ordered by motion adopted by a majority of the members of the city council; provided, however, that the ordinance establishing any board under Chapter IX may authorize the board by its President and Secretary to enter into valid contracts relating to its affairs and the public utilities commission shall be authorized to enter into valid contracts as provided in Chapter XI.

Sec. 4.10 Plats. Any person desiring to lay out an addition to the city or subdivide any lot, piece or parcel of land within the city, including any tract of land theretofore platted, shall cause the same to be surveyed and platted in accordance with the provisions of the general laws of the state relating to town and city plats. The completed and acknowledged survey plat shall be presented to the City Planning Commission. The City Planning

Commission may approve or disapprove the plat or request that it be changed or modified. The plat, with the recommendation of the City Planning Commission, shall then be presented to the city council for acceptance or rejection. When a plat is accepted the city clerk shall so certify upon the face of the plat. The plat may then be filed for record in the manner provided by law. The acceptance of any plat of an addition or subdivision shall not make the city liable to grade the streets therein designated.

Sec. 4.11 Franchises. The city council may by ordinance grant, regulate and control the exercise of any privilege or franchise in, upon or over any street or public place in the city. No privilege or franchise shall be granted for a period of more than twenty-five (25) years, nor shall any exclusive privilege or franchise be granted unless the proposed ordinance is submitted to the voters of the city and approved by at least sixty percent (60%) of those voting thereon.

CHAPTER V

Taxes and Finance

Section 5.1 Fiscal Year. The fiscal year of the city shall start on the first day of March in each year and terminate on the last day of February following.

Sec. 5.2 Property Tax. All property taxes shall be assessed and collected in the manner provided by law. Ad valorem taxes on real and personal property shall be levied in specific amounts by resolution adopted by the city council on or before the 10th day of October each year.

Sec. 5.3 Board of Equalization. The city council shall meet at the Council Room on the fourth Monday of June as a Board of Equalization for the purpose of reviewing the assessment of property in the city. A majority of the Board shall constitute a quorum. The Board may adjourn from day to day until the hearing is finished. Each alderman shall receive as compensation for services on the Board the sum of one dollar per hour for actual time spent in attendance.

Sec. 5.4 Taxing Powers. In addition to any specific powers granted by law, the city council may levy and collect taxes for general or special purposes on all subjects or objects which the city may lawfully tax.

Sec. 5.5 Budget Estimates. On or before the first Monday in August, the heads of departments, officers, boards, commissions or committees of the city council charged with the management of any department shall deliver to the city clerk an

estimate in writing of all expenditures for such department during the ensuing fiscal year, specifying in detail the purposes thereof.

Sec. 5.6 Preparation of Budget. On or before the first Monday in September, the city clerk or other officer designated by the city council shall prepare a proposed budget estimate for the entire city which shall show expenditures of all departments for the ensuing fiscal year, including the amounts which will be required to pay interest and principal on outstanding debt and the salaries and other costs and showing in detail the amounts necessary to be appropriated to each department. The budget estimate shall also show the estimated revenues from fines, licenses and other sources of revenue exclusive of property taxes and the amount to be raised by ad valorem taxes.

Sec. 5.7 Budget Approval. Prior to the 10th day of October in each year, the city council by resolution shall adopt a budget stating the amount required to pay expenses of the city for the ensuing fiscal year and showing in detail the amount allowed to each department, office, board, or commission and the amount of taxes to be levied. In event the entire budget or any item thereof is vetoed by the mayor it may be passed by a five-sevenths vote in the manner provided in this charter for vetoed ordinances or resolutions.

Sec. 5.8 Tax Levy. On or before the 10th day of October in each year, the city clerk shall transmit to the County Auditor of Steele County a statement of the amount of ad valorem

taxes to be levied by the city and all special assessments of the city to be collected by the county auditor during the ensuing year and such taxes and special assessments shall be levied and collected and payment thereof enforced with and in like manner as state and other taxes are levied and the collection enforced.

Sec. 5.9 Funds. The moneys and accretions in the city treasury except funds under the jurisdiction of the Public Utilities Commission shall be credited to the following funds, to wit:

(a) A Bond and Interest Fund into which shall be paid all moneys, raised by taxation or otherwise provided, for the payment of bonds of the city and interest thereon and bonds and interest shall be paid from such fund.

(b) A General Fund into which shall be paid all moneys from taxes, receipts from licenses and fees, fines and costs, sales of city property or from any other source except such as are expressly allocated to a special fund. All ordinary current expenses, debts and liabilities of the city shall be paid from such fund.

(c) The city council may create other funds which it deems necessary for the efficient accounting of the city's affairs. Each fund so designated shall receive a like proportion of tax proceeds as the taxes levied for such fund bear to total taxes levied by the city in accordance with the annual budget.

The several funds shall be kept separate and distinct and the city clerk or the treasurer or the several boards or commissions charged with the management of the funds shall keep a

separate account of receipts and disbursements thereof. Each fund shall be devoted only to the particular purpose for which it was created, provided that the city council may at any time for any lawful purpose transfer money under its control from one fund to another fund and it shall make provision in the next budget for return of the amount to the fund from which it was taken.

Sec. 5.10 Payments from Treasury. No money shall be paid out of the city treasury except upon an order specifying the fund as authorized by resolution or informal motion of the city council or of the board or commission charged with the management of the fund and signed by the officer designated by such managing body. Each order shall be made payable to a named person or his order and upon presentation shall be charged against the fund on which it is drawn. The total amount of such orders shall never exceed the amount budgeted to each fund. In event there is an insufficient amount on hand to the credit of any fund to pay an order presented for payment, such order may be marked not paid for want of funds and shall thereafter bear interest until paid at such rate as designated by the city council. Each order shall be called for payment as soon as a sufficient amount is available in the fund.

Sec. 5.11 Annual Reports. On or before the fifteenth day of March, the city clerk shall make and submit to the city council a statement of the financial operations of the city for the preceding fiscal year, including a statement of the

financial condition of the city at the close of such fiscal year, which shall show all operations and the condition in a manner consistent with accounting methods of the city.

Sec. 5.12 Borrowing. Bonds or other obligations of the city may be issued in the manner provided by law.

Sec. 5.13 Certificates of Indebtedness. Whenever any public improvement is ordered by the city council the cost of which is to be paid by special assessments upon benefited property pursuant to Chapter VI hereof, the city may issue "Certificates of Indebtedness" to finance the improvement. Said certificates of indebtedness shall bear not more than five percent (5%) interest, shall mature in not more than twenty (20) years and shall pledge the full faith and credit of the city to their payment.

Sec. 5.14 Temporary Borrowing. By vote of five-sevenths of all members and under such regulations as it may prescribe, the city council may issue temporary certificates of the city in anticipation of taxes or other revenues collectible during the current fiscal year. Such certificates shall bear interest at a rate not to exceed five percent (5%) per annum, and shall fall due in not exceeding one year from their date. The total amount of such certificates shall not exceed one-third of the anticipated taxes or other revenues and the proceeds shall be applied to the same purpose as such taxes or other revenues. When the proceeds of such taxes or other revenues are received a sufficient amount shall be used for payment of the certificates and interest thereon.

Sec. 5.15 Adjustment of Accounts. The city council

shall examine and adjust the accounts of all city officers, boards and employees excepting the Public Utilities Commission, shall employ expert accountants to make an annual examination and shall require such officers, boards and employees to produce and exhibit to the city council or to any committee thereof all books, papers and vouchers belonging to their respective offices. If any such officer, board or employee shall refuse to comply, the city council shall declare the office vacant and may commence such suit or other proceedings as it may deem suitable. The city clerk shall keep a full and complete record of all settlements and adjustments of accounts.

CHAPTER VI

Public Improvements.

Section 6.1 Supervision of Streets. The city council shall have the care, supervision and control of all public ways, bridges, streets, alleys, and public grounds within the limits of the city. It shall cause all streets and alleys which have been opened and graded to be kept open, in repair and free from obstructions. It shall have power to build and keep in repair bridges, and widen, alter or narrow public squares, highways, streets, lanes and alleys. Subject to payment of damages as provided in this charter and by a vote of not less than five members, it may lay out and open new streets, alleys or public grounds, or straighten, widen or extend any street or alley.

Sec. 6.2 Vacating of Streets. The city council may vacate any street, alley or other public way in the manner provided by Section 440.135, Minnesota Statutes, 1953.

Sec. 6.3 Grade of Streets. From time to time, under the direction of the city engineer, the city council may establish the grade of any highway, street, sidewalk, alley or public grounds. It shall cause accurate profiles to be made and kept in the office of the city engineer in a book or books of profiles kept for that purpose. Whenever a grade has once been established, it shall not be changed except by a vote of not less than five members of the city council and with the consent of all owners of abutting property or after payment of just compensation for any damage resulting from such change to any non-consenting owner.

Sec. 6.4 Sidewalks. Owners of lands abutting upon a highway, street, lane or alley in said city, shall construct, reconstruct and maintain in good order and repair such sidewalks along the side of the street, lane, alley, or highway adjoining the land of such owners respectively, as directed by the city council. All sidewalks shall be built in such manner and of such material and width, and upon such place and grade as the city council may prescribe.

Sec. 6.5 Cleaning Streets. The city council may designate districts or portions of streets, highways and alleys of the city for the purpose of cleaning the same, and may provide for the cleaning of such districts by contract or otherwise and on such terms as it may deem advisable.

Sec. 6.6 Authority to Make Improvements. The city council shall have the power to make any of the improvements set forth in Section 429.021, Minnesota Statutes, 1953 and to levy special assessments upon property deemed to have received special benefit from any such improvement by proceedings in accordance with this chapter or the general laws of the state. This chapter shall also apply to appropriations of private property for public use except as in this charter otherwise provided.

Sec. 6.7 Ordering Improvement. Before an improvement shall be undertaken under this chapter, an ordinance ordering the improvement shall be adopted by the affirmative vote of not less than five members of the city council, after a public hearing held upon due notice of the time and place published once in

the official paper at least five days prior to the time designated in the notice. The same type of improvement on two or more streets or two or more types of improvement on the same street may be included in one proceeding and conducted as one improvement.

Sec. 6.8 Contracts. Except as otherwise provided in this charter, all work shall be done by contract let to the lowest responsible bidder after public notice given and proposals invited in such manner as the city council shall direct. Bids must be accompanied by a bidder's bond, certified check, cashier's check or other security as required in the invitation for bids. When the engineer's estimate shows that the entire cost of any project will be less than \$5,000.00, or when no bid is received after advertisement or the lowest bid submitted is higher than the engineer's estimate, the city council may advertise for new bids or, without advertising for bids, directly purchase the materials and cause the work to be performed by the employment of day labor or in such other manner as the city council directs. When the estimated cost is more than \$5,000.00, but less than \$100,000.00, the advertisement for bids shall be published in the official newspaper at least once two weeks before the opening of bids. When the estimated cost is more than \$100,000.00, the advertisement for bids shall also be published in a newspaper devoted to construction and similar matters at least three weeks before the opening of bids.

Sec. 6.9 Assessments Authorized. The cost of any improvement may be defrayed by a special assessment upon the

property benefited thereby, to be levied in a manner herein-after described. Improvements in streets, crosswalks, and sidewalks adjacent to public grounds of the city shall be constructed at the expense of the city at large. In addition the city may pay such portion of the cost of any improvement as the city council may determine from general ad valorem tax levies or from other revenues or funds of the city available for the purpose. All assessments provided for in this chapter shall be made upon the real property deemed to be specially benefited by the doing of the work or the making of the improvement in proportion as nearly as may be to the benefits resulting thereto and to the extent of the special benefit deemed to be derived therefrom.

Sec. 6.10 Initial Proceedings. Whenever the city council shall determine to make any improvement by proceedings under this chapter it shall determine and designate in a general way the character and extent of the improvement and the materials to be used therein and direct the engineer to report thereon. The engineer shall then make and present to the city council a report and estimate of the cost, including the following:

(1) the portion of the cost resulting from constructing the improvement in front of abutting lands subject to assessment, which cost in case of a sanitary sewer shall not exceed the cost of an ordinary sewer which shall mean an eight inch pipe, in front of such abutting lands, (2) the portion resulting from constructing the same across streets, lanes and alleys and in

front of lands not subject to assessment, (3) in case of sanitary sewers, the excess of cost over the cost of such eight inch pipe, and (4) a list of the several lots and parcels of land fronting upon the street in which the proposed improvement is located, with the number of feet frontage of each, and the names of the owners thereof as nearly as may be ascertained.

Sec. 6.11 Ordering Work. A brief minute of the reception of the report shall be made and published once in the official paper of the city, which shall be sufficient notice to all persons concerned. The report shall lie over without any action until the next regular meeting of the city council occurring at least one week after the reception of the report. The city council may direct the city engineer to advertise for and receive bids for doing the work or furnishing the material to construct such improvement for consideration of the city council at the meeting to which such report is laid over, or at any subsequent meeting. The city council shall consider the report and any further communications from the engineer respecting the matter and, under such rules as it may make, shall hear all persons interested. It may determine to proceed with an improvement in accordance with its prior resolution or may modify the character of the same, or may abandon it.

Sec. 6.12 Levying Assessment. If the city council determines to proceed with an improvement whether modified or not, it may, either before or after letting a contract for the construction of the improvement, estimate and fix the total cost

and the portion to be assessed, not exceeding in case of sanitary sewer the cost of an eight inch sewer when a larger sewer is constructed. The city council shall then cause to be made and shall by resolution levy a special assessment in such form as it may deem proper.

Sec. 6.13 Corner Lot Assessment. In case a lot which abuts on two streets has been previously assessed for laying a sewer pipe upon a different street from the one upon which a proposed sewer is to be extended, the city council may remit from the assessment of such lot such portion of the second assessment, not exceeding the amount of assessment for a frontage of sixty-six (66) feet on such lot, as may be just under all the circumstances of the case.

Sec. 6.14 Sidewalk Assessment. Whenever the city council shall order the construction, reconstruction or repair of any sidewalk, it shall prescribe the manner of doing the work and shall cause notice to be given to the owner of lands along which said sidewalk is to be constructed, reconstructed or repaired stating the character of the work, the manner in which it is to be done and the time within which the same shall be completed, which statement may be made in the notice or by reference to any ordinance or resolution then or theretofore published. The notice shall list all lots or tracts of land in front of or adjacent to which the work is to be done, but the name of the owner or occupant need not be stated.

If the owner of land along which the sidewalk is to

be constructed, reconstructed or repaired shall refuse or, for two weeks following the giving of the notice, shall neglect to construct, reconstruct or repair the same according to the order, the city engineer shall report to the city council a description of each lot or parcel of land along which the sidewalk has not been constructed, reconstructed or repaired and the city council may order the construction, reconstruction or repair by city employees or by a contractor designated by it and thereafter shall assess the cost against such lot and parcel of land. Assessments for constructing or repairing sidewalks may be in any form which the city council may adopt.

Sec. 6.15 Re-assessment. In event for any reason whatever any assessment is set aside by the court as to any parcel or parcels of land, or in event the city council finds that any assessment or any part thereof is excessive or determines, on advice of the municipal attorney, that it is or may be invalid for any reason, the city council upon notice and hearing as provided for the original assessment, may make a re-assessment or a new assessment as to such parcel or parcels.

Sec. 6.16 Installments of Assessments. The city council may provide by resolution that any assessment may be paid in annual installments of any number not exceeding twenty with interest upon deferred installments at a rate not exceeding six percent (6%) per annum. Deferred installments shall be payable on the anniversary date and shall become delinquent thirty days thereafter.

Sec. 6.17 Collection of Assessments. The city clerk shall record all assessment rolls of special assessments in books to be kept by him for that purpose. Assessments shall be paid to the city clerk. Unless the first installment is paid within thirty (30) days after the adoption of the assessment roll and each subsequent installment is paid within thirty (30) days of the anniversary date the entire remaining assessment shall be delinquent. All delinquent special assessments shall be certified to the county auditor to be collected in the same manner and as part of the real estate taxes on the same property.

Sec. 6.18 Validity of Assessments. No omission, informality or irregularity in proceedings in the making of any improvement or preliminary to the making of any special assessment shall invalidate the same if the assessment roll has been adopted by the city council. The assessment roll, and the record thereof by the city clerk, shall be evidence that the assessment was duly levied and the assessment roll duly made and adopted and that all other proceedings antecedent to the adoption of the assessment roll were duly had, taken and performed as required by this charter. No failure on the part of the city clerk to record the assessment roll or to do any other act or thing shall in any way invalidate any assessment and no variance from the directions herein contained as to the form or manner of any of the proceedings shall be held material, unless it is clearly shown that the party objecting was materially injured thereby.

Sec. 6.19 Former Assessments. Nothing herein shall interrupt or interfere with collection of any assessments made prior to the adoption of this charter amendment but the collection thereof shall continue in accordance with the charter provisions in force at the time of making such assessment.

Sec. 6.20 Assessment Liens. No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien and no transfer or mortgage shall divest or affect the lien of any assessment chargeable to or assessed against property under this chapter, even though the date of confirmation of the assessment be subsequent to the date of the lien of such judgment, decree or lien or such transfer or mortgage.

Sec. 6.21 Appeal from Assessments. Within twenty (20) days after the adoption of the resolution levying the assessment, any person aggrieved may appeal to the district court by serving a notice upon the mayor or clerk. The notice shall be filed with the clerk of the district court within ten (10) days after its service. The city clerk shall furnish a certified copy of all objections filed in the assessment proceedings, the assessment roll or part complained of and all other papers necessary to present the appeal. The appeal shall be placed upon the calendar of the next general term of the district court commencing more than five (5) days after the date of service of the notice and shall be tried as other appeals in such cases. If appellant does not prevail upon the appeal, the costs shall be taxed by the court and judgment entered against appellant therefor. All objections to the assessment shall be deemed waived unless presented on such appeal.

CHAPTER VII

Condemnation.

Section 7.1 Power to Acquire Property. The city may acquire private property of any kind or any interest therein for any lawful purpose. Proceedings to condemn property may be instituted under procedure authorized by this chapter or under the procedure authorized by Chapter 117, Minnesota Statutes 1953, said chapter being incorporated herein by reference.

Sec. 7.2 Initial Resolution. Proceedings under this chapter shall be initiated by resolution of the city council describing the property to be taken, appointing three commissioners to determine the damages and benefits which may be occasioned by the taking and stating the time and place at which the commissioners will meet to take evidence.

Sec. 7.3 Service. At least ten (10) days before the day set therein for the meeting of the commissioners the initial resolution shall be served upon each person, firm or corporation having an interest in any part of the land sought to be taken, if domiciled in the state or having an agent therein for service of process, and upon any occupant of the land, in the manner provided for service of summons in a civil action in the district court. Non-residents, having an interest in the land, shall be served by mailing such resolution to the last known mailing address and such non-residents and others whose addresses are unknown and unknown owners shall be served by publication of such resolution in the manner provided for service of summons in

a civil action in the district court. The resolution shall also be recorded in the office of the Register of Deeds of Steele County.

Sec. 7.4 Commissioners. The Commissioners appointed to assess damages shall be disinterested freeholders and qualified voters of the city. Each shall reside in a different ward of the city. In the event of absence or disability of one of them, the remaining two may appoint a third to fill the vacancy or the city council may, by motion, fill any vacancies, provided that whenever any vacancy is filled after part or all of the evidence has been taken, such evidence shall again be taken by the three commissioners.

Sec. 7.5 Determination of Damages and Benefits. The Commissioners shall act by vote of the majority and shall determine the manner of their proceedings. If less than all are present at any meeting those present may adjourn the meeting to any stated future time not later than ten (10) days thereafter. The Commissioners may hear testimony, may receive documentary evidence and exhibits and may view the property. When they have completed the taking of evidence, they shall file with the city clerk over the signature of at least two of them a written report of their proceedings including any vacancies filled by them and their determination of the amount of damages and benefits occasioned by the taking and the apportionment thereof.

Sec. 7.6 Confirmation by Council. The city council shall consider the report and, by resolution, may confirm or

revise and confirm the determination or re-refer the matter to the Commissioners. At any time prior to its confirmation of the determination the city council may abandon the proceedings to condemn. The resolution confirming the determination shall vest title to the property in the city. It shall state the fund and appropriation out of which such damages are to be paid and shall constitute an authorization for the payment thereof to the persons, firms or corporations named therein. This resolution shall be recorded in the office of the Register of Deeds of Steele County.

Sec. 7.7 Appeals. Any person aggrieved by the confirmation of the city council who has not accepted the payment authorized thereby, may appeal to the district court within twenty (20) days thereafter by serving upon the city clerk a written notice stating the grounds of appeal and filing a copy thereof with proof of service with the clerk of the district court. Upon request and at the expense of appellant, a transcript of the report of the Commissioners and of the action taken by the city council, certified by the city clerk, shall be filed with the clerk of the district court. Such transcript shall be a necessary part of the proceedings on appeal, and shall be prima facie evidence of the facts stated therein and of the regularity of the proceedings of the Commissioners and of the city council. No pleadings shall be required. The district court may restrain the city from taking possession of or exercising domination and control over the property of appellant, or

may make any other order deemed just. The judge, alone or with a jury, shall hear the cause and may reassess the damages and benefits and apportion the same as justice may require, and may in his discretion award to either party costs and disbursements. In all other respects the appeal shall be heard and the cause disposed of in like manner as other civil actions.

CHAPTER VIII

Fire Department.

Section 8.1 Fire Chief. The head of the fire department shall be known as the chief of the fire department. He shall make and submit to the city council a draft of all needful rules and regulations for the government and control of such department and the prevention and extinguishment of fires. Thereupon the city council may consider the same and formulate and adopt such rules and regulations as shall govern and control the said department in all its operations.

Sec. 8.2 Election of Firemen. On recommendation of its fire committee the city council shall elect the chief biennially and, with the chief's approval, such other officers and members of the department as it may deem expedient. They shall be paid such compensation as it may designate. By resolution, at any time, with or without cause and without notice, it may remove or discharge the chief or any officer or man from the department.

Sec. 8.3 Powers and Duties of Chief. Under the direction of the city council, the chief of the fire department shall have the general superintendence of the fire department and the custody of all engines, hooks and ladders, trucks, hose and other property used and maintained for the purpose of the department. He shall see that the same are kept in proper order and that all the rules and regulations and all provisions of this charter, relative to the department or to the prevention

and extinguishment of fires, are duly executed. He shall superintend the preservation of all property endangered by fire and shall have control and direction of all persons, organizations or associations engaged in preserving such property. In event of his absence or disability, the assistant chief shall exercise all powers, perform all duties, and be subject to all responsibilities of the chief.

Sec. 8.4 Authority at Fires. The city council may, by ordinance, provide for removing and keeping away all persons from fires and may confer power for that purpose upon the mayor, the chief, assistant chief and other officers of the fire department and police officers. For such purpose the chief and assistant chief may be vested with police powers. Subject to such ordinance as the city council may adopt, the mayor may send fire engines and other apparatus of the department with a competent force of employees to the relief of any other community or for the preservation of property endangered by fire outside of the city limits.

Sec. 8.5 Fire Alarm and Other Property. The city council shall provide for the establishment and maintenance of an efficient fire alarm system, for the erection of fire halls and for the purchase or lease of fire engines and other apparatus for fire protection as necessary to secure the highest efficiency of the department. It may provide for the sale or disposal of any property no longer used by the department, the proceeds to be paid over to the city clerk for credit to the fire fund.

Sec. 8.6 Destruction of Buildings. The mayor or the chief of the fire department may order and direct the destruction or removal of any building damaged by fire or any other building in the vicinity, or any part thereof, that he may deem hazardous or likely to communicate the fire. Neither the city nor any officer or employee of the city shall be liable on account of such destruction or removal.

Sec. 8.7 Penalties. Any person, who refuses to obey the orders of the chief or any other officer vested with authority at any fire, shall be guilty of a misdemeanor.

CHAPTER IX

Boards.

Section 9.1 Power to Establish Boards. The city council may, by ordinance, establish or abolish any boards (except the Public Utilities Commission) which it deems essential for the city operations, which ordinance shall fully set forth the powers and duties, including methods of accounting and handling of funds and allowance and payment of claims. Each board shall consist of not less than five (5) nor more than nine (9) members who shall each serve for a term of three (3) years. The number of members and the terms of the Public Utilities Commission shall be as provided in Chapter XI.

Section 9.2 Board Members and Officers. Subject to the confirmation of the city council, the mayor shall appoint the members of all boards. Each board shall elect from its members a president, a vice president, a secretary and a treasurer to serve for the term of one (1) year and until their successors are elected and qualified. The same person may serve as secretary and treasurer at the pleasure of the board. The president shall preside at all meetings and exercise the functions usually devolved upon the presiding officer of similar bodies. The secretary shall keep a record of all business transacted at the meetings of the board and of such other matters as the board may direct. The treasurer shall safely keep and account for and pay over upon proper warrants all moneys that may come into his hands by virtue of his office and shall keep accurate account of all re-

ceipts and disbursements and pay out money only upon the written order of the president and secretary. The treasurer of each board shall, before entering upon the duties of his office, furnish bond to the city in such manner, form and amount as may be determined by the city council, as provided in Section 2.3 of this charter.

Section 9.3 Powers of Boards. All boards may establish such committees as they deem necessary. In accordance with the ordinance creating each board, it shall be responsible for the maintenance and operation of public property under its charge with power to make such rules, regulations and by-laws concerning the same as it deems advisable. All boards shall disburse funds in the exercise of their duties and shall account to the city council annually for both income and disbursements.