

Office of City Clerk

DULUTH, MINN.

CHARLES K. ULSRUD, CITY CLERK

ETHEL C. BROWN, DEPUTY

I, Charles K. Ulsrud, City Clerk of
the City of Duluth, in the State of
Minnesota, do hereby certify that I
have compared the annexed copy of
canvas of vote of 9/8/64
Resolution passed by the City Coun-

cil of the City of Duluth, on the
14th day of September

1964, with the original document
and record thereof on file and of rec-
ord in my office, and in my custody
as City Clerk of said city, and that
the same is true and correct copy
thereof, and the whole thereof, and
a true and correct transcript there-
from.

In Witness Whereof, I have here-
unto set my hand and affixed the
corporate seal of said City of Duluth,
this **16th day of Sept.**

19 **64**

CHARLES K. ULSRUD, City Clerk,

By *Ethel C. Brown*
Deputy.

City of Duluth, Minn.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 18 1964

Joseph B. Anderson
Secretary of State

#17086

BY COUNCILMAN LA PINE:

Whereas on Tuesday September 8, 1964 there was held in the City of Duluth a Special Municipal Election on the proposition "Shall the proposed amendments to the City Charter of the City of Duluth be adopted?" (amending sections 2, 4, 7, 8, 11, 13, 15, 18, 19, 20, 21, 22, 24, 27, 31, 34, 40, 41, 42, 44, 45, 48, 51, 52, 53, 54, 55, 60, 61, 62, 64, 65, 66, 67, 68, 88, and 100 of the present City Charter and to repeal Sections 38 and 37 of such Charter) and

Whereas the judges of the several election precincts in the City have made their returns of said election and the City Council acting as a Canvassing Board have duly canvassed said returns at 8 o'clock p. m. on Monday September 14, 1964 in compliance with Section 48 of the City Charter, and ascertained the number of ballots cast at said election, and hereby declare that at said election there were cast Eighteen thousand four hundred sixty one (18,461) ballots and said proposition having received in the affirmative Fourteen thousand fifty nine (14,059) votes and in the negative Four thousand three hundred sixty two (4,362) votes,

Now Therefore be it Resolved, That the proposition "Shall the proposed amendments to the City Charter of the City of Duluth be adopted" having received more than a fifty-five (55%) per cent of all votes cast on said Proposition, be and the same is hereby declared duly ratified. which resolution was unanimously adopted.

Approved Sept. 14, 1964.

GEORGE D. JOHNSON, Mayor.

Approved:

Councilman La Pine

Councilman Iverson

Councilman Solberg

Canvassing for the City Council.

#17086
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 18 1964

Joseph L. Asanow
Secretary of State

SPECIAL MUNICIPAL ELECTION

1.

Duluth, Minnesota
July 30, 1964

In compliance with the resolution adopted by the City Council of the City of Duluth on Monday, July 27, 1964, I, Charles K. Ulsrud, City Clerk of such City, do hereby give notice to the qualified voters of the City of Duluth and to all others whom it may concern, that at the City of Duluth, Minnesota, on Tuesday, September 8, 1964 there will be held a Special Municipal Election for the purpose of submitting to the qualified voters of the City of Duluth for their approval or rejection, proposed amendments to the City Charter as hereinafter in this notice set forth.

Further notice is hereby given that the full text of the proposed Charter Amendments, and all other particulars relating to the form of ballots and the purpose and effect of such Charter amendments, are hereinafter set out as follows:

Section 2 (A) The Council may, by ordinance, combine or rearrange election districts within a councilmanic district as the needs or convenience of the electors may require, provided that such combination or re-arrangement shall make no geographic change in any legislative or county districts.

Section 4. The office of Mayor or Councilman shall be deemed vacant in case of failure to qualify within ten (10) days after election, or by reason of death, resignation, removal from the city or the district except as in Section 2 provided, conviction of a felony, violation of any of the duties of office, which, by provisions of this Charter, render the office vacant, or continuous absence from the City for more than thirty days, but if additional time is needed, leave may be granted by the Council for a longer absence.

If any such vacancy occurs (other than by recall or resignation after recall petition is filed) the Council shall without delay appoint an eligible person to fill the same until the next municipal election, when the office shall be filled by election for the unexpired term.

In the absence of shorter duration than render his office vacant, or in the event of disability of the Mayor, his duties shall be filled by an Acting Mayor who shall be appointed by the Mayor from the councilmen-at-large after each general municipal election. Should the Mayor become disabled or be absent for more than ten (10) days without having appointed an Acting Mayor, the district councilmen, by majority vote, shall appoint one of the councilmen-at-

large as Acting Mayor. The Mayor shall not be considered disabled within the meaning of this Charter unless such disability shall be determined by the Council at a hearing held upon notice to the Mayor for the purpose of making such determination. The appointment of a councilman as Acting Mayor shall not be deemed to create a vacancy in the office of the councilmen-at-large, but while serving as Acting Mayor he shall not perform his duties as a member of the City Council.

The compensation of the Acting Mayor during the absence or disability of the Mayor shall be set by the City Council in an amount commensurate with the duties required of the Acting Mayor from time to time.

Section 7 (A) All meetings of the Council shall be public. It shall keep minutes of its proceedings which shall be a public record. The Council shall hold at least one regular meeting semi-monthly and shall fix the date of all regular meetings. Special meetings of the Council may be called by the President of the Council, or the Mayor, and shall be called by the President upon petition of a majority of all members of the Council. At any meeting of the Council six members shall constitute a quorum, but a less number may adjourn from time to time. The Council shall provide, by ordinance, a means by which a minority may compel the attendance of absent members. All Councilmen including the President, shall be entitled to vote in the Council at all times. Any administrative officer of the City in matters relating to the functions of his office, and the Mayor at any time shall have the right to attend any meeting of the Council, or any of its committees, and may express his views on matters pending before the Council, but he shall have no right to introduce any motion, resolution or ordinance, or amendments thereto, nor to vote thereon. The manner in which each member of the Council votes upon all propositions shall be entered upon the minutes of the proceedings.

(B) The Council may, by ordinance, establish a procedure not inconsistent with law for the holding of investigations of the operation of any office or department administering the affairs of the City, or on any subject upon which it may legislate. In conducting such investigations, the City Council, or any member thereof, acting under authority of a resolution adopted by a majority of all members of the Council, shall have the right to apply to any court of competent jurisdiction for

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Joseph L. Shanahan
Secretary of State

subpoenas to compel the attendance of witnesses, the production of their books and papers, and the giving of testimony by such witnesses, whenever such attendance, production of books and papers, or the giving of testimony shall be in connection with a subject within the jurisdiction of the City Council.

For the purpose of conducting inquiries and investigations the Council may employ and fix the compensation of counsel, experts, and employees, and authorize such other expenditures as it deems necessary.

(C) All appointments to municipal office of the Mayor, except his choice of administrative assistant, and all appointments of the administrative assistant shall be submitted to the Council for approval, and no appointment shall be effective until such approval is granted.

Section 8. Except as in this Charter otherwise provided, all legislation and appropriations of money shall be by ordinance, save that where obligations have been incurred by ordinance, payment thereof may be ordered by resolution, and save also that licenses may be granted, flow of traffic regulated, and the powers conferred by Chapter IX hereof exercised, by resolution. The Council may by ordinance authorize executive and administrative officers of the City to issue licenses and permits, except when statutes require licenses to be granted by the Council, and to make contracts involving less than Five Thousand Dollars (\$5,000.00), pursuant to appropriations made by ordinance. Every ordinance and resolution shall be in writing, and read in full at a Council meeting before a vote is taken, except every ordinance or resolution, copies of which, together with a brief description of the purpose of said ordinance or resolution, are presented to each member of the Council at least twelve (12) hours prior to the time of the introduction of such ordinance or resolution, shall not be required to be read in full at each reading before the Council, but may be read by title and such description. Ordinances and resolutions may be passed upon a voice vote of the Council, but if such voice vote is not unanimous, the ayes and nays shall then be called and recorded.

Except for emergency ordinances or emergency resolutions every ordinance and resolution shall be filed with the City Clerk at least 24 hours prior to the introduction of the same, and not less than three copies shall be furnished the Clerk at the time of such fil-

ing for distribution to interested members of the public. No ordinance or resolution shall be effective unless this requirement is met.

Section 11. Every ordinance, other than an emergency ordinance, shall have two (2) public readings either in full or by title and description as provided in Section 8 hereof, which readings shall not both be given on the same day. At least three (3) days shall elapse between the introduction and the final passage of any ordinance, except as otherwise provided in this Charter. Every ordinance appropriating money in excess of Five Thousand Dollars (\$5,000.00) and every ordinance and resolution authorizing the making of any contract involving a liability on the part of the City in excess of Five Thousand Dollars shall remain on file at least one week before its passage, except an emergency ordinance or resolution.

An emergency ordinance or resolution is an ordinance or resolution for the immediate preservation of the public peace, health or safety, in which the emergency is defined and declared in a preamble thereto separately voted on, and receiving the affirmative vote of all members of the Council in attendance at the meeting considering such emergency legislation; provided that no grant of any franchise shall be construed to be an emergency ordinance or resolution. An emergency ordinance or resolution may be enacted without previous filing.

If by reason of simultaneous death, civil or military disaster, absence or disappearance, it shall not be possible to assemble a regular quorum, then for the purpose of filling vacancies on the Council pursuant to Section 4 hereof, the member or members of the Council present at a meeting shall constitute a quorum. If subsequent to appointment of his successor a member of the Council replaced by this procedure shall appear and claim his office during the term thereof, then and thereafter the successor's appointment shall cease, without affecting the validity of acts taken by the successor prior to such time.

Section 13. Every ordinance shall be published in full at least once in the official paper of the City within ten days after its passage and approval.

Section 15. Ordinances making the annual tax levy and ordinances relating to local improvements and assessments shall take effect immediately upon their passage and approval. Emergency ordinances and resolutions shall take effect immediately upon their passage

by the Council. All other ordinances enacted by the Council shall take effect thirty days after the date of their last publication, as required by this charter, unless a later date is fixed therein, in which event they shall take effect at such later date.

Section 18 (d). Appoint, with the approval of the Council, the members of all non-salaried boards and commissions established by ordinance pursuant to the provisions of this Charter. When such boards and commissions are specifically declared by the Council to be advisory to the Mayor, no Council approval shall be required.

Section 19. There is hereby established the office of Administrative Assistant, who shall be appointed by the Mayor for an indefinite term and may be removed by the Mayor at his pleasure. The Administrative Assistant shall be the Mayor's principal assistant. He shall be appointed solely on his ability to perform the duties and functions of his office, as set forth in this charter, and shall have had, during the ten years immediately preceding his appointment, at least five years of successful experience as an executive or administrator such as would qualify him for the performance of these duties. At the time of his appointment he need not be a resident of the City or State, but during his tenure of office he shall reside within the City. Should the Mayor fail to appoint an Administrative Assistant within ninety days of the effective date of this amendment, or within ninety days of the occurrence of any vacancy in the position, the Council shall make the appointment of an individual meeting the qualifications set forth in this charter. The Mayor may assign any other officer or employee of the City to perform the duties of the Administrative Assistant during the vacancy of that office or absence or disability of that officer. The Administrative Assistant, under the supervision of the Mayor and subject to direction by the Mayor, shall supervise the heads of all departments, except the City Attorney; appoint, with the approval of the Mayor and the Council, and remove, with the approval of the Mayor, the heads of all departments; inform himself and keep the Mayor advised concerning the activities of all offices, departments and boards and make, or cause to be made, investigations and studies of the internal organization and procedure of any office or department, and may require such reports from any of them which he deems necessary; prescribe ac-

cepted standards of administrative practice to be followed by all offices and departments; prepare the annual operating and capital budgets and supervise the execution of budget ordinances; make information available to the Mayor, the Council and the public concerning the current status of the financial affairs of the City and all offices, departments and boards receiving appropriations from the City; attend meetings of the Council at its request, and make available such information as it may require; perform all other duties required of him by this charter, or by ordinance or assigned to him in writing by the Mayor.

The Mayor, by prior written notice directed to the Administrative Assistant, may relieve the Administrative Assistant of any duties, powers or responsibilities granted the Administrative Assistant by the terms of this charter. Such written notice, signed by the Mayor, shall be filed with the City Clerk as a document of public record.

The Administrative Assistant is forbidden to use his official authority or influence for the purpose of affecting or interfering with a nomination or election to municipal office; or directly or indirectly to coerce, attempt to coerce, command or advise any municipal officer or servant or employee to pay, lend or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency or person for municipal political purposes. The Administrative Assistant is forbidden to make any contributions for municipal political purposes, but he shall have full right to hold his personal political beliefs and to speak on municipal issues.

The sole ground for removal of the Administrative Assistant and his discharge from the office of Administrative Assistant by the Council shall be the finding by the Council, based on due proof submitted to the Council upon a hearing held upon notice for that purpose, that the Administrative Assistant has violated the terms of the Charter restricting his political activity.

Section 20. The administration of the City shall be distributed among not to exceed nine departments.

Section 21. At the head of each department there shall be an officer of the City, who shall have control and direction of the department subject to the general supervision of the Administrative Assistant. The head of each department shall, with the approval of the Administrative Assistant,

have the power to appoint and remove all officers and employees of the department subject to the Civil Service provisions of this Charter. Two or more departments may be headed by the same individual and the Administrative Assistant may head one or more departments, and heads of the departments may also serve as chiefs of divisions thereof as may be established by ordinance, upon recommendation by the Mayor. The authority herein conferred upon the Administrative Assistant is granted subject to the limitations contained in Section 19 of this Charter.

Each department head shall possess the necessary qualifications to insure efficient administration of such department. The Council by ordinance shall establish appropriate minimum qualifications for department heads.

A municipal employee who wishes to run for office before commencing his campaign, shall apply for and shall obtain a leave of absence from his municipal position. Except in the case of municipal emergency, leave of absence shall be granted by appropriate authority to every municipal employee desiring such leave for the purpose of running for political office.

All city employees shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

Section 22. All persons employed by the City, whether officers or otherwise and paid either in part or in whole by appropriations made by the Council, except those whose compensation is fixed by this Charter or by statute, shall be compensated only in accordance with a pay plan or plans recommended by the Mayor and adopted by ordinance. For employees subject to the Civil Service provisions of this Charter, such pay plan or plans shall conform to the classification established thereunder.

Section 24. The Auditor shall be the accountant of the City. He shall pre-audit all obligations proposed to be incurred to determine that they are within and pursuant to an appropriation made by ordinance and are not in excess of the limitation established in Section 57 of this charter. In addition, he shall perform all other duties imposed upon him by the Council, by the laws of this State or by the provisions of this charter.

Section 27. The Council may provide, by ordinance, for appropriate non-salaried boards or commissions which it deems desirable to serve in an advisory ca-

capacity, or to perform quasi-judicial functions, or to act as a board of appeal in the administration of regulatory ordinances, or to perform such other proper functions as the Council may direct. Among such boards the Council shall provide for a Planning Commission, Building Code Appeals Board, a Board of Zoning Appeals, an Airport Board, a Library Board, and Alcoholic Beverage Board and a Park and Recreation Board.

Members of all such boards and commissions, including the Civil Service Board, shall be subject to removal by the Mayor, for cause, but only after Council approval after notice and an opportunity for a hearing before the Council.

The cost of sending notices, preparing and distributing minutes and other similar clerical expense actually incurred by non-salaried boards and commissions shall be borne by the City from the general fund, together with such extraordinary expense as shall be authorized in advance by Council resolution.

Section 31 (e). The awarding of contracts of Five Thousand Dollars (\$5,000.00) or less may, by ordinance, be delegated to administrative officers. Contracts involving more than Five Thousand Dollars (\$5,000.00) shall be awarded only after authorization by the Council.

Section 31 (j). The Council shall by ordinance establish proper procedure whereby the head of any using agency may purchase directly any supplies immediate procurement of which is essential to prevent delays in the work of the using agency which may vitally affect the life, health or convenience of citizens. A full report of the circumstances of every emergency purchase shall be made to the Council at the meeting of the Council next held after such emergency purchase, and the report regarding such purchase shall be entered in the minutes of the Council and be open to public inspection.

Section 34. The fiscal year shall be the calendar year. At the end of each year the Council shall cause a complete examination and audit of all books and accounts of the City to be made by competent accountant, who shall not otherwise be an officer or employee of the City, unless such examination is to be made by the State Public Examiner. In either event a summary of the audit in a form approved by the Council shall be published in the official paper of the City. The Mayor shall cause such summary to be published annually within 60 days after the completion of such

audit.

Section 38. Section 38 of the Home Rule Charter of the City of Duluth as amended March 20, 1956 is hereby repealed and this number saved for future amendment of the Charter.

Section 40. The Clerk, at least ten days before any primary election, shall prepare the necessary ballots including not less than 1,000 sample ballots to be used at such primary on which shall be printed the names of the several persons who have filed as candidates for the nomination for the several offices as provided for in Section 39 of this Charter.

The ballots so to be prepared and used shall be similar to those used in the General Municipal Elections. Inasmuch as Duluth uses voting machines, the word ballot shall mean voting machine ballot label, paper ballot and absentee ballot.

If any office is to be filled for an unexpired term the names of all applicants as candidates for the nomination for such unexpired term shall be placed in a separate space on the ballot immediately following the space in which the names of the candidates for nomination appear for that particular office for the full term. If there is no such office to be filled for the full term, then such space for the unexpired term in such office shall occupy the position on the ballot that would naturally be the place for such office.

Section 41. The Clerk shall cause ballots for each primary election to be prepared, printed and authenticated. The ballot shall contain a complete list of the offices to be filled and the names of the persons who have filed therefor. All ballots used at any primary election shall be identical in form and color except that names of the candidates shall be rotated. Nothing on the ballot shall be indicative of the source of the candidacy. No ballot shall have printed thereon any party or political designation or mark and there shall not be appended to the name of any candidate, any party or political designation or mark or anything indicating his views or opinions.

In the several spaces at the head of the column where the voter is to make a cross (X), shall be printed the number of candidates that are to be voted for, which shall always be a number equal to the number of offices of a particular class to be filled at the coming election, so that such heading shall read: "Vote for one," or "Vote for two," or "Vote for three," as the case may be. In using voting machines title labels shall be placed above

the names of the candidates indicating the number to be voted for.

Only votes of qualified registered voters shall be received by the judges of election. The City Clerk shall furnish the necessary return sheets for recording the number of votes cast. Upon the close of polls, the judges in each election district shall count and canvass the ballots cast and enter the result of the vote on the return sheets substantially according to the method used at general elections throughout the State.

When the canvass of the vote at any primary election is completed, the judges shall sign and certify the return sheets and return same and paper ballots to the City Clerk forthwith.

Section 42. Upon the receipt of the full returns from any primary election, the City Clerk shall proceed to canvass and determine the result. For that purpose he shall call to his assistance the City Auditor and one of the Councilmen-at-large. A full count of the votes cast at the primary election as shown by the several district returns shall be made and the results shall be entered on a sheet prepared for that purpose containing the names of all the persons voted for as candidates at the primary, and showing the number of votes cast for each in separate columns. Such sheet shall be signed and certified to as correct by the Clerk, Auditor and Councilman-at-large acting as Canvassers and shall be filed in the office of the City Clerk.

From the result of the primary election as so determined by the canvassing sheet filed in his office, the City Clerk shall prepare the necessary ballots on which the votes shall be cast at the coming election.

To ascertain the nominees whose names shall be placed upon the election ballot, the Clerk shall be guided by the following determinations and rules:

(a) The two candidates for nomination for each municipal office who receive the highest number of votes shall be the nominees for such office and their names shall be placed upon the general election ballot.

(b) When two persons are to be elected for the office of Councilman-at-large for a full term at the general municipal election or when two persons are to be elected for the office of Councilman-at-large for unexpired terms at such election, the nominees to be placed upon the general municipal election ballot shall be twice the number of persons to be elected to such office and who

have received the highest number of votes at such primary election as so ascertained; provided, that when only two persons have filed for nomination for any municipal office, or not more than twice the number of persons to be elected to any office file for the nomination thereof, their names shall not be placed upon the municipal primary ballot, but said persons shall be considered and shall be the nominees for such office and their names shall be placed upon the general ballot as such nominees.

(c) There shall be placed upon the election ballot not more than two nominees for any office to be filled at such election.

The two candidates for nominees for an office who have received the largest number of votes shall be the nominees for such office.

Every ballot shall contain a blank space for each office for which there is a candidate, so that any voter may write therein, the name of any person not appearing on the ballot as a candidate.

Section 44. The Clerk shall at least ten days before any general or special municipal election cause to be printed not less than one thousand (1,000) sample ballots upon paper of different color, but otherwise identical, except numbering, with the ballot to be used at the election, and shall distribute the same to registered voters at his office. Sample ballots shall be posted at the polls on election day. The Clerk shall prepare the regular ballots for use at any general or special election, and shall cause to be printed thereon the names of the several candidates as determined by the canvass of the primary election vote.

Section 45. As soon as the polls are closed at any general or special municipal election the district election officers shall open the voting machines, canvass the vote and enter the total number thereof including absentee votes on the return sheets and return same to the City Clerk.

The candidate receiving a majority of votes for any office at any general or special municipal election shall be elected in all cases where only two candidates are voted for at the election for the same office. In cases where more than two candidates are voted for, the person having the highest number of votes shall be elected. In case of a tie vote between any two or more candidates having the highest number of votes the result shall be determined by lot under the direction of the canvassing board.

Whenever the word "majority"

is used in this chapter it shall mean more than one-half of the total number of ballots cast at the election for the particular office in question.

Section 48. The Council of the City of Duluth shall constitute the canvassing board and for this purpose three members of the Council shall constitute a Quorum, for the canvass of the votes, and the determination of the result of every general or special municipal election held under the provisions of this charter. The Council shall meet as such canvassing board on the Monday following each general or special municipal election at eight p.m., at which time they shall receive the returns from the several election districts of the City, and shall canvass the votes as returned by the judges of election, and shall by resolution certify and determine the result of such election as to each officer and matter voted upon at the election.

Section 51. Any proposed ordinance of the City may be submitted to the Council by a petition signed by electors of the City, as hereinafter required.

The provisions of Section 50 of this charter, respecting the forms and conditions of the petition, the mode of verification, certification and filing, shall be substantially followed, with such modifications as the nature of the case requires.

If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty per cent of the total ballots cast at the last preceding general municipal election, and contains a request that said ordinance be submitted forthwith to a vote of the people, at a special election, then the Council shall, except as herein provided, either:

(a) Pass said ordinance without alteration within twenty (20) days after attachment of the Clerk's certificate of sufficiency to the accompanying petition; or

(b) Within twenty-five (25) days after such certification, proceed to call a special election, to be held not less than forty (40), nor more than fifty (50), days after such call, at which said ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least ten (10), but less than twenty (20), per cent of the total ballots cast at the last preceding general municipal election at which members of the Council were elected, and said ordinance be not passed by the Council, as provided in the preceding paragraph (a), then such ordinance, without alteration, shall be submitted to a vote

of the people at the next general municipal election occurring at any time after twenty-five (25) days from the date of the Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

Upon any ordinance being submitted to the Council, as in this section provided, the Council may, however, within ten (10) days after attachment of the Clerk's certificate of sufficiency, pass an alternative ordinance covering the same subject matter. If within ten (10) days after the passage of such alternative ordinance, not less than fifty per cent of the petitioners for the submitted ordinance shall file with the Clerk a petition for the withdrawal of their names from such petition, the ordinance petitioned for shall not be submitted to a vote of the people, as petitioned for, and the alternative ordinance shall thereupon become effective. If a petition for withdrawal of names of at least fifty per cent of the petitioners for the ordinance be not filed with the Clerk within said ten (10) days after the passage of such alternative ordinance, the ordinance petitioned for shall be submitted to a vote of the people, as in this section provided. In such event the Council may at the same time submit said alternative ordinance, and the one receiving the highest number of votes at a said election shall thereupon become the ordinance of the City.

Whenever a y ordinance or proposition is to be submitted to the voters of the City at any election, the Council shall either cause the ordinance or proposition to be printed and mailed by the Clerk, with a sample ballot to each voter, at least three days prior to the election, or order such ordinance or proposition to be printed in the official newspaper, and published at least three (3) days prior to the election.

The Council shall prepare suitable ballots for the submission of any ordinance provided for in this section. If a majority of the electors voting on any such ordinance submitted by petition, vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the City.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section.

The Council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any general municipal election; and should such proposition receive a majority of the votes cast thereon at such election, such

ordinance shall be repealed or amended accordingly.

There shall not be held under this section of the charter more than one special election in any period of six (6) months; nor shall any such special election be called to be held within sixty (60) day prior to any general municipal election.

Any ordinance or measure that the Council, or the qualified electors of the City, shall have authority to enact, the Council may, of its own motion, submit to the electors for adoption or rejection at a general or special municipal election.

Section 52. No ordinance passed by the Council shall go into effect before thirty (30) days from the time of its last publication, except when otherwise required by the general laws of the State or by provisions of this charter.

If, during said thirty (30) days a petition, signed by qualified electors of the City equal in number to at least ten (10) per cent of the total ballots cast at the last preceding general municipal election protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation; and it shall be the duty of the Council to reconsider such ordinance, and if the same be not entirely repealed, the Council shall submit the ordinance, as provided in Section 51 of this charter, to a vote of the electors of the City, either at the next general municipal election, or at a special election called for that purpose, and such ordinance shall not become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Sections 50 and 51 of this charter, respecting the forms and conditions of the petition, and the mode of verification, certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

An ordinance approved upon referendum shall have no greater force or dignity than an ordinance passed by the Council without referendum, and shall be subject to amendment and repeal in the regular manner. Similarly, an ordinance submitted to the people at the option of the Council shall be subject to repeal in the regular manner. But an ordinance proposed by petition and adopted by a vote of the people cannot be repealed or amended except by vote of the people.

Section 53. All disbursements, except the principal and interest on bonds and certificates of indebtedness, shall be made only

upon the order of the Mayor and Secretary of the Council, countersigned by the Auditor, duly authorized by a resolution of the Council, and every such resolution and order shall specify the purpose for which the disbursement is made and the fund out of which it is to be paid, provided that the Council may by standing resolution authorize disbursements as otherwise provided in this charter to meet routine and recurring obligations of the City, which routine and recurring obligations shall be set forth in said resolution. The Auditor shall not countersign any such order, including orders made pursuant to a standing resolution, until he has ascertained that the obligation has been incurred within and pursuant to an appropriation, that the goods or services have actually been received by the City as shown by a receiving report or time record which may be signed only by an officer or employee of the City who shall have personal knowledge that the goods or services were received or furnished to the City and that the amount thereof conforms to a valid contract, purchase order or pay schedule. Each such order shall be negotiable and payable to the person who has furnished such goods or services. But no order shall be issued until there is money sufficient to pay the same to the credit of the fund out of which it is to be paid, together with all then outstanding orders against such fund. Any order or resolution for the payment of money violating any provisions of this section shall be void, and any officer of the City violating any provision of this section shall be personally responsible for the amount of such payment if any such payment is made contrary to the provisions hereof. No contract requiring the payment of money by the City shall be valid unless the particular fund out of which the same is to be paid is specified in such contract.

Section 54 (a) There shall be maintained in the City Treasury the following funds for the support of which the Council may levy an annual tax:

1. An Interest Fund for which there shall be levied a sum sufficient for the payment of the interest to become due during the next fiscal year upon bonds and debts of the City, and out of this fund only such interest shall be paid.

2. A Sinking Fund for the purchase, or payment when due, of any bonds or any other funded debt of the City.

3. A Permanent Improvement

Fund for the payment of the cost of all real property which the City shall acquire, payment for which is not otherwise provided for out of other funds, and for the payment of such proportion of the cost of local improvements as shall devolve upon the City.

4. A Public Utility Fund for the acquisition, construction, support, maintenance and operation of any public utility owned or operated by the City, including the payment of the interest on any bonds or other indebtedness which may be a lien upon such utility. There shall be paid into this fund all moneys derived from the sale of bonds issued on account of any such utility, and from the operation of such utility, and from the sale of any property acquired for or used in connection with any such utility.

There shall be paid out of this fund the cost of the purchase, construction, extension, operation, maintenance and repair of such utility, including the interest upon all bonds or other indebtedness which may be a lien upon such utility. Any surplus in said fund may be used for the purchase of any bonds or certificates of indebtedness issued against said utility, and for the payment of such bonds or other indebtedness upon their maturity. Separate accounts shall be kept for each such utility operated separately.

5. A General Fund for the support of such other funds and for the payment of such expenses of the City as the Council may deem proper. Into this fund shall be paid all moneys not herein provided to be paid into any other fund.

Section 54 (b). There shall be maintained the following funds which shall not be supported by general taxation:

1. A Permanent Improvement Revolving Fund. There shall be paid into this fund the proceeds of the sale of \$300,000 par value of bonds authorized herein, together with moneys received on special assessments heretofore or hereafter levied by the city for local improvements. For the purpose of financing that portion of local public improvements which is to be paid for by special assessments upon the benefited property, the Council may issue and sell bonds or extended assessment certificates in the manner prescribed by Minnesota Statutes, Chapter 475, and may pledge the full faith credit and taxing power of the City for the payment of such bonds or certificates. The assessment on each improvement shall include the interest cost of the improvement up to the date the assessment will be payable

without penalty. Payment of the principal and interest on such indebtedness shall be made out of the Sinking and Interest Funds, respectively.

Annually on or before October 1st in each year the Council shall transfer and appropriate to the Interest and Sinking Funds from the Permanent Improvement Revolving Fund an amount equal to the bonds and interest becoming due and payable in the next ensuing year issued under the authority granted in this section.

The Council shall annually reimburse the Permanent Improvement Revolving Fund from the General Fund for its loss on the account of delinquent special assessments in the previous year to-wit: the difference between the net amount of delinquent assessments certified to the County Auditor, and the collections received from the County as payments of delinquent special assessments, penalties and interest. There may be levied a special ad valorem tax in addition to and in excess of any limitation of taxes on the General Fund of not to exceed \$30,000 in any one year to assist the General Fund in making these payments.

(c) The aggregate amount levied by general taxation in any one year for all of said funds shall not exceed \$24.00 per capita of the population of the City of Duluth, as determined by the latest federal census from time to time taken, and a levy in excess of such limitation shall be void as to such excess; provided, however, an additional tax may be levied for the following: (a) Interest Fund, (b) Sinking Fund, and further provided that the sum paid by any city-operated utility into the General Fund shall not be included as a part of the per capita limitation.

Section 55. That sub - sections 3 through 13, inclusive, are hereby repealed.

Sub-section 3 is hereby re-enacted to authorize the issuance of an additional \$150,000 in bonds for the Permanent Improvement Revolving Fund, the re-enacted subsection reading as follows:

3. In an amount not exceeding \$300,000 for the benefit of the Permanent Improvement Revolving Fund.

CHAPTER IX Local Improvements and Special Assessments

Section 60. The City of Duluth shall have power to create, provide for, construct, maintain and do, directly, by the employment of labor, or by contract, all things in the nature of local improvements, which by the laws of the State are made, or may be

made, chargeable by special assessments upon the property specially benefited thereby, or which, not being prohibited by the laws of the State, may inhere in, or pertain to, municipal corporations. It also shall have power, under the conditions hereinafter specified, to provide for the payment of the whole, or any part, of the cost of any such improvement by special assessments upon the property specially benefited thereby. The amount assessed to the property specially benefited, to pay for local improvements authorized by this section, shall not exceed the amount of benefits received by such property, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the City and outstanding against any property at any time exclusive of delinquent installments and assessments for current services to exceed 60% of the fair cash market value of the property after giving effect to the benefit accruing thereto from the work improvement or action for which assessed. Before the Council may order any work to be paid for in whole or in part by special assessments it shall determine that the resulting assessments will not violate either of these two conditions or become a tax burden upon the Interest or Sinking Funds. For that purpose it shall by ordinance direct that the Mayor shall furnish it with the information upon which such a determination can be made. Nothing in this section shall prevent the Council from ordering work whenever sufficient amounts of money shall be paid by the benefited property in advance so as to bring the balance of the amount to be assessed within these limitations.

The City shall have power to do any of the things in this section authorized at a cost in excess of the benefits received by the property to be assessed therefor whenever it is provided that such excess shall be paid by general taxation, and to pay for the whole, or any part of such things by general taxation.

Section 60 (a). A Special Assessment Board is hereby established, consisting of the Administrative Assistant, who shall be Board Chairman, the City Engineer, the City Assessor, the Director of Public Utilities and the City Planning Director.

Three members of this Board shall at all times constitute a quorum thereof.

This Board shall keep minutes of all hearings conducted by the Board and of all meetings held by

this Board, which minutes shall be signed by the Secretary elected by this Board, who may or may not be a member of this Board, and by the presiding officer, and filed in the office of the City Clerk as a permanent record.

This Board shall hold meetings at such times and at such places as shall be established by the Council through appropriate action under this charter, and shall consider those matters referred to it by the City Council or which may come before it by other means in conformance with this charter.

Section 61. (a) The Council, by the affirmative vote of at least seven members thereof, by resolution, may order the construction of any sidewalk or sewer, the sprinkling, or treating with oil or other preservative, of any highway which it deems necessary for public convenience or safety, and may cause the cost of such construction, sprinkling or treating with oil or other preservative, or any portion of such cost, to be assessed against the property specifically benefited thereby.

(b) The Council by the affirmative vote of at least seven members thereof, by resolution, may also order improvements of any nature to a highway which it deems necessary for public convenience or safety, and may cause one-fourth, or less, of the cost thereof, to be assessed against the property specifically benefited thereby if three-fourths, or more, of such cost is to be paid by the Federal, State or County government or by general taxation, or by any combination thereof.

(c) The provisions of Section 62 shall not apply to local improvement projects initiated or ordered constructed by the City Council under the authority of Section 61.

Section 62. The Council may, by resolution, upon the petition of the owners of not less than thirty-five per cent of the frontage of real property abutting on a sidewalk, street or alley, or parts thereof, as shown by the records of the Register of Deeds or the Registrar of Titles of St. Louis County, cause to be constructed or improved, any sidewalk, street, alley, or part thereof, and may, by resolution, upon the petition of not less than twenty-five per cent of the owners owning not less than twenty-five per cent of the real property to be assessed therefor, as shown by the records of the Register of Deeds or the Registrar of Titles of St. Louis County, cause to be made any other local improvement authorized by law or this charter, and may thereupon assess the cost of such construction or improvement

against the property specially benefited by such improvement.

In case the Council shall at any time deem it necessary that any street or alley in the City should be constructed or improved, or that any other local improvement authorized by law or in this charter be made, it may, without petition therefor, upon the affirmative vote of seven members thereof, by resolution, declare the necessity of such construction or improvement, and the determination to have same made.

Following the adoption of a resolution to construct an improvement, whether initiated by petition or on Council action, and before finally ordering in such improvement, these preliminary steps shall be taken.

(a) The Council shall require the Mayor to prepare or cause to be prepared plans and specifications therefor, and an estimate of the cost thereof, and to file such plans and specifications and estimate with the Secretary of the Special Assessment Board, together with his special recommendation as to what portion of the cost should be paid by special assessment and what part, if any, should be a general obligation of the city, the number of installments in which assessments may be paid and the lands which should be included in the special assessment.

(b) Within ten (10) days after such filing of plans, specifications and estimates as above directed, the Special Assessment Board shall fix the time, date and place at which the Special Assessment Board will meet at public hearing to consider such improvement. The City Clerk shall cause a notice of such hearing to be published and to be mailed to those persons appearing by name in the office of the City Assessor as being subject to a real estate tax on the property to be assessed, such notice to be mailed to the address of such person as listed on the records of the Assessor. The notice shall describe in general language the improvement or improvements recommended in the report to the Special Assessment Board, the estimated cost thereof, and shall include a statement of the territorial limits within which the assessment is to be made. The notice shall also state that the preliminary plans and estimates are on file and open to public examination at the office of the City Engineer during normal business hours up to and including the date set for the hearing.

(c) At the time and place specified in the notice hereinbefore required for the public hearing,

the Special Assessment Board shall meet and hear any person to be affected by the proposed public improvement or assessment therefor. The hearing may be adjourned from time to time by the Board. After completion of the hearing, the Board shall transmit to the Council the plans, specifications and estimates theretofore filed with its Secretary by the Mayor, as hereinbefore required, and shall report to the Council its findings as to the necessity of the proposed public improvement and its recommendation therefor, and amendments to the proposal as previously submitted, and its recommendation as to what part, if any, of the cost should be paid by special assessment and what part, if any, should be a general obligation of the city, its recommendations as to the number of installments in which assessments may be paid, its determination of the property upon which such assessments shall be levied.

(d) After the report of the Special Assessment Board has been received, the Council may by resolution determine to make the improvement and to defray the whole or any part of the cost of the improvement by special assessment upon the property specially benefited, and what part, if any, shall be a general obligation of the city, determine the number of installments in which assessments may be paid and designate the district or land and premises upon which special assessments shall be levied, and order in said improvement.

Thereafter a period of sixty days shall elapse before any further action shall be taken in the matter of such improvement. If, within said sixty-day period, a remonstrance petition against said improvement be filed with the Special Assessment Board, signed by the owners of not less than thirty-five per cent of the frontage of real property abutting on a sidewalk, street or alley, in the cases wherein the improvement contemplated concerns construction or repair of the sidewalk, street or alley, or signed by not less than twenty-five per cent of the owners owning not less than twenty-five per cent of the property proposed to be assessed in the cases of other local improvements, protesting against the proposed improvement, the Council shall not make such improvement at the expense of the property benefited unless within thirty days after such remonstrance petition is reported to the Council, at a regular Council meeting, there be filed with the Special Assessment Board a further petition requesting such im-

provement, signed by the owners of not less than fifty per cent of the frontage of real property abutting on a sidewalk, street or alley, in the cases wherein the improvement concerns the construction or repair of a sidewalk, street or alley, or signed by not less than sixty per cent of the property proposed to be assessed, in the cases of other local improvements, in which event the Council may proceed with such improvement at the expense of the property benefited, notwithstanding the remonstrance.

Section 64. Any party interested in any property assessed under this chapter, or the City of Duluth, may appeal such assessment to the District Court of St. Louis County, Minnesota, within thirty days after the publication of the proceedings of the Council ordering the assessment. Such appeal is hereby declared to be the exclusive way in which such assessment can be in any wise revised, modified, amended or annulled by citizen or City, subsequent to its confirmation by the Council.

Section 65. Said appeal shall be made by filing a written notice with the City Clerk, stating that the party appeals to the District Court of St. Louis County, Minnesota, from said assessment, and containing a description of the property so assessed, and setting forth the objection of said appellant to such assessment or improvement, and by filing with the Clerk of said District Court within ten days thereafter a copy of said Notice of Appeal, and by service upon the City; and in cases of appeal by the City of a copy of said Notice of Appeal upon those persons appearing by name in the office of the City Assessor as being occupants of the real estate which is the property to be assessed, by sending to such persons at the addresses listed on the records of the Assessor, by registered or certified mail, a notice of the appeal, and by publication, one time, of the Notice of Appeal in a newspaper of general circulation in the city. The Council shall thereupon cause a copy of the Assessment Roll to be made and filed with the Clerk of the District Court within ten days from the time a Notice of said Appeal is filed with the City Clerk. In case the return so made to the District Court shall in any respect be defective or insufficient, that Court may require a further and fuller return to be made.

The cause upon such appeal shall be entitled, "Appeal from Assessment," and shall set forth the name of the moving party or the City, as Appellant, and the

name of the City or each and all of the persons affected by said assessment, as Respondent, as the case may be.

Such appeal shall be brought on for hearing by either of the parties in the same manner and mode as other civil causes in said Court.

Section 66. Such appeal shall be tried by the District Court without a jury, at a general or special term, without pleadings other than as above stated. Upon such trial the appellant can make no other objections to said assessment than those stated in his notice of appeal, but the Court may, in its discretion, permit such notice to be amended in this respect at any time. The Court shall hear such competent evidence as may be offered by either party, and may revise, correct, amend, reduce, revoke or confirm the assessment appealed from, or may order a new assessment to be made as to the property concerning which such appeal is taken, and in that event shall direct the Council how to make such new assessment so as to avoid the errors complained of. The Assessment Roll shall, when confirmed by the Council, in all cases, whether on an appeal or otherwise, and in all courts, be prima facie evidence of the validity of all proceedings up to and including the confirmation of the assessment. Disbursements, but no costs, may in the discretion of the District Court, be allowed upon an appeal from assessments as in other civil cases, but the judgment entered therefor against said City shall be a separate judgment and paid out of the General Fund of the City. From the determination of such appeal by the District Court, either party may appeal to the Supreme Court of the State.

Section 67. If an assessment be set aside by the District Court for any cause, jurisdictional or otherwise, the Council may proceed de novo to make another or new assessment, and it shall proceed in like manner as herein required, in relation to the first assessment. Provided, however, that if the assessment as to any parcel of land shall not be appealed from, or shall not have been set aside by the Court, the Council, in any subsequent assessment or re-assessment, may omit the pieces or parcels of land as to which the first assessment shall not have been set aside or appealed from, or on which the assessment shall have been paid. As often as an assessment, or re-assessment, against a piece or parcel of real estate, assessed for any local improvement, is set aside, the same shall be re-assessed until said

property shall have paid its proper proportionate share of the benefits accruing from said improvement.

Section 68. Within ten days after a local improvement as provided in this chapter shall have been completed and accepted by the City, the City Engineer shall compute and certify to the City Council the cost thereof, including any incidental expenses of publication, mailing, etc., and the City Assessor shall certify to the City Council an Assessment Roll. At the next regular meeting thereafter, the City Council shall consider and approve said Assessment Roll, or return said Assessment Roll to the City Assessor with instructions as to any corrections or modifications required. In the event that said Assessment is so returned, the City Assessor shall make said corrections and return said Assessment Roll as corrected to the Council prior to its next regular meeting, at which time it shall be considered and approved with or without further amendment and correction by the Council.

Within ten days after such approval, the Council shall insert in the official paper of the City and shall have mailed to each person whose name appears on said Assessment Roll a notice briefly describing the improvement for which the assessment is made, and stating that the assessment is payable at the Treasurer's office at any time within forty days subsequent to the publication of said notice, and that unless the same is so paid within said period, or an application is made to the City Treasurer for an extension of time of payment as herein provided within a period of thirty days after the publication of notice, a penalty of ten per cent will be added to such assessment. Within said thirty days after the publication of said notice, upon application in writing to the City Treasurer by any owner of real estate against which the assessment is made, when such assessment exceeds fifteen dollars (\$15.00) for each four thousand (4,000) square feet or less of property benefited by the improvement, or \$100 for any single tract, and upon payment to the Treasurer of twenty-five per cent (25%) of said assessment, and when the remaining portion of such assessment does not exceed the assessed valuation of such real estate, the Treasurer shall extend the time for paying the remaining portion of such assessment in installments extended in the manner determined by the Council not to exceed the estimated useful life of the improve-

ment and, in any event, not exceeding fifteen (15) in number, payable yearly from the first day of October next following the date of the approval by the Council of said assessment. In case such approval is granted between October 1 and December 31, and the applicant is granted an extension of time within which to pay the same, the first installment of such extended assessment shall be due and payable on the first day of October next thereafter. Each of said installments of extended assessments shall bear interest at the rate of six per cent (6%) per annum, payable annually from the date the entire assessment would be payable, without penalty. Such installments of extended assessments, together with the accrued interest thereon, from the first Monday in January following, shall be considered to be delinquent under the next section of this charter, when they shall severally become due and payable, but not before. Any such installment may be paid prior to its maturity with interest to the date of payment only.

Installment payment of assessments as authorized herein shall be computed in such a way that the minimum installment payment for any single tract or parcel of land shall be ten dollars, except for the final payment.

In the event of default in timely payment of an installment assessment levied upon a tract or parcel of land, the Council may, at its option, declare all subsequent installment assessments at once due and payable.

Section 87. (Section 87 of the Home Rule Charter of the City of Duluth is hereby repealed and this number saved for future amendment of the Charter.)

Section 88 (6). That said franchise, and all things constructed thereunder or used in connection therewith, other than rolling stock and power, shall be subject to common use by the grantee or assignee of any other franchise, whenever there shall be necessity therefor, upon payment or tender of compensation for such use. The question of compensation, and all other questions relating thereto, shall be judicial questions, but no judicial proceeding shall suspend or postpone such use if the person or corporation desiring such common use shall deposit in the Court such sum as the Court, in preliminary hearing, may determine.

Every franchise granted to any railroad or street railway shall also contain a provision that the Council may require the elevation or depression of tracks at the expense of the owner of the fran-

chise.

Every franchise granted to any street railway company shall contain a provision that the Council may enforce a system of interchangeable transfers without additional charge.

Every franchise granted for the erection of poles or masts on or along the highways, or other public places of the City, for the conduct of electricity, or for any telegraph or telephone purpose, shall also contain a provision that the lower arm of all such poles or masts shall be for the exclusive use of the City, and any franchise granting the right to construct conduits in or under such places for said purposes, shall also contain a provision reserving a definite and reasonable portion thereof for the exclusive use of the City, and the Council may require the placing underground, or in any other safe or convenient position, of wires carrying electricity, and other wires.

The violation by the owner of any franchise of any of the express provisions prescribed by this section shall be cause for forfeiture of the franchise by the Council.

Section 100. (a) The Council shall have the exclusive power to vacate in whole or in part public highways within the City, but only upon the petition of the person or persons who own a majority of the lineal frontage of the land abutting upon the portion of the highway proposed to be vacated.

(b) In the exercise of this power the Council shall, by ordinance, provide that: (1) the Council shall refer petitions for vacation to the Planning Commission for investigation, public hearing, report and recommendation to the Council, without undue delay and within sixty days from the time of the initial filing of the petition; (2) before holding a public hearing on any petition the Planning Commission shall give notice of the time, place and purpose of the hearing in such manner and form as the Council may designate to the persons who own the land lying within a distance of 300 feet in a line beyond each end of the portion of the highway proposed to be vacated and to such other class or category of persons whom the Council may designate in such ordinance; (3) at the time and place set forth in the notice the interested persons shall be given an opportunity to be heard; (4) the Planning Commission shall take into consideration the matters ascertained by its investigation in addition to the matters presented at the hearing; (5) upon considering the report of the Planning Com-

mission, the Council may vacate the public highway in whole or in part by resolution adopted by a vote of six of its members and as a condition of its action, the Council may reserve easements in favor of the public within the area vacated; (6) if the resolution be vetoed by the Mayor, it may nevertheless be adopted by a vote of seven members of the Council; and (7) a record of all vacations shall be made either in the office of the Register of Deeds or the Registrar of Titles of St. Louis County, Minnesota. The Council may set forth in such ordinance such additional terms, provisions and procedures not inconsistent with this section as it

may deem appropriate.

(c) All vacation proceedings heretofore or hereafter completed pursuant to the charter provisions and ordinances in effect at the time of the initial filing of the petition shall be valid and effective for all purposes.

(d) The Council may by ordinance permit abutting owners to make use of portions of public highways not physically being used or occupied by the public, upon such terms and conditions and by such procedure as the Council, in each such ordinance, may provide.

CHARLES K. ULSRUD,

City Clerk.

D.H., July 30, Aug. 6, 1964. D-1794.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 18 1964

Joseph L. Asarman
Secretary of State

Office of City Clerk

DULUTH, MINN.

CHARLES K. ULSRUD, CITY CLERK

ETHEL C. BROWN, DEPUTY

I, Charles K. Ulsrud, City Clerk of
the City of Duluth, in the State of
Minnesota, do hereby certify that I
have compared the annexed copy of
advertisement ordered printed
~~Resolution passed by the City Coun-~~

cil of the City of Duluth, on the

27th day of July

19 64 with the original document

and record thereof on file and of rec-

ord in my office, and in my custody

as City Clerk of said city, and that

the same is true and correct copy

thereof, and the whole thereof, and

a true and correct transcript there-

from.

In Witness Whereof, I have here-

unto set my hand and affixed the

corporate seal of said City of Duluth,

this 16th day of Sept.

19 64

CHARLES K. ULSRUD, City Clerk,

By

Ethel C. Brown
Deputy.

City of Duluth, Minn.

#17086

STATE OF MINNESOTA

DEPARTMENT OF STATE

FILED

SEP 18 1964

Joseph L. Anderson
Secretary of State

Office of City Clerk

DULUTH, MINN.

CHARLES K. ULSRUD, CITY CLERK

ETHEL C. BROWN, DEPUTY

BY COUNCILMAN LARSON:

Whereas, on the 22nd day of July, 1964, the Charter Commission of the City of Duluth delivered to the City Clerk a draft of an amended Charter, proposing to amend Sections 2, 4, 7, 8, 11, 13, 15, 18, 19, 20, 21, 22, 24, 27, 31, 34, 40, 41, 42, 44, 45, 48, 51, 52, 53, 54, 55, 60, 61, 62, 64, 65, 66, 67, 68, 88 and 100 of the present City Charter, and to repeal Sections 38 and 87 of such Charter; and

Whereas, the aforesaid draft was accompanied by a request from the Charter Commission that such proposed amended Charter be submitted to the electors of the City of Duluth for their ratification or rejection in the manner provided by law; and

Whereas, the aforesaid draft of the proposed Charter amendments, together with the request for the submission thereof, were filed, and are now on file in the office of the City Clerk, and as so on file are by reference thereto incorporated as a part of this resolution; Now, Therefore,

Resolved, by the City Council, that the City Clerk is hereby authorized and directed to give due notice, as required by law, that there will and shall be held a Special Municipal Election, at the City of Duluth, Minnesota, on Tuesday, September 8, 1964, for the purpose of submitting to the qualified voters of the City, for their acceptance or rejection, the aforesaid proposed amendments to the City Charter, which, by reference, are incorporated as part of this resolution.

Resolved Further, that the aforesaid proposed Charter amendments are hereby submitted to the qualified voters of the City of Duluth at the Special Municipal Election to be held on September 8, 1964, under authority of Article XI of the Constitution of the State of Minnesota, Minnesota Statutes Annotated, Section 410.12, Chapter VI of the City Charter, and as required by law.

Resolved Further, that the City Clerk shall prepare the necessary ballots to be used at such Special Municipal Election, which ballots shall be substantially in the following form:

MUNICIPAL BALLOT SPECIAL MUNICIPAL ELECTION

CITY OF DULUTH

September 8, 1964

Put a cross-mark "X" after the word "Yes" standing opposite the proposition if you wish to vote for the same.

Put a cross-mark "X" after the word "No" standing opposite the proposition if you wish to vote against the same.

Shall the proposed amendments to the City Charter of the City of Duluth be adopted?

Yes _____ No _____

The effect of the aforesaid proposed Charter amendments is to amend Sections 2, 4, 7, 8, 11, 13, 15, 18, 19, 20, 21, 22, 24, 27, 31, 34, 40, 41, 42, 44, 45, 48, 51, 52, 53, 54, 55, 60, 61, 62, 64, 65, 66, 67, 68, 88 and 100 of the present City Charter, and to repeal Sections 38 and 87 of such Charter.

Resolved Further, that the City Clerk is hereby authorized and directed to cause such proposed amendments to the Charter to be published once a week for two successive weeks, beginning Thursday, July 30, 1964, in the Duluth Herald, a daily newspaper published in the City of Duluth, having an aggregate regular paid circulation of at least 25,000 copies.

Resolved Further, that the City Clerk shall cause to be published and posted the list of designated polling places for such election, the hours during which such polling places will be open, and the date of the holding of such election, as provided by law, which resolution was unanimously adopted.

Approved July 27, 1964.
GEORGE D. JOHNSON, Mayor.

I, Charles K. Ulsrud, City Clerk of the City of Duluth, in the State of Minnesota, do hereby certify that I have compared the annexed copy of Notice of election Resolution passed by the City Council of the City of Duluth, on the

27th day of July

1964, with the original document and record thereof on file and of record in my office, and in my custody as City Clerk of said city, and that the same is true and correct copy thereof, and the whole thereof, and a true and correct transcript therefrom.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of said City of Duluth, this 16th day of September 19 64

CHARLES K. ULSRUD, City Clerk,

By *Ethel C. Brown*
Deputy.

City of Duluth, Minn.

#17886
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 18 1964

Joseph L. Anderson
Secretary of State