

1 The following are the amendments to the Charter and the Amended
2 Charter of the City of Fairmont, in Martin County, Minnesota, which were
3 ratified at a special election, held for the purpose on June 5, 1906.

4 CHAPTER 11.

5 1. Section twelve(12) of chapter two(2) of the amended charter of
6 the City of Fairmont, adopted April 5, 1904, is hereby amended so as to
7 read as follows:

8 Section 12. The executive officers of the City of Fairmont shall be a
9 mayor, treasurer, city clerk, two justices of the peace, seven aldermen,
10 two of which aldermen shall be elected by and from the electors of each
11 ward of said city, respectively, and who shall at the time of their elec-
12 tion be bona fide residents of their respective wards, and one aldermen to
13 be elected by and from the city at large, and two constables; all of which
14 officers shall be qualified electors of the City of Fairmont, and shall
15 hold their respective offices for the term of two years, commencing on the
16 first Tuesday next following their election, and until their successors
17 are elected and qualified. All other officers shall be appointed by the
18 mayor, except as in this charter otherwise provided.

19 All acts or provisions of the charter of the City of Fairmont in-
20 consistent with this provision are hereby repealed.

21 CHAPTER 14.

22 11. Section seventy four(74) of chapter four(4) of the charter of the
23 City of Fairmont, adopted March 12, 1901, is hereby amended so as to read
24 as follows:

25 Section 74. Except as otherwise provided in the Constitution of the
26 State, or as otherwise specified in this charter, an ordinance or resolu-
27 tion for the lease or sale of any public utility, or for the purchase of
28 property of the value of three thousand dollars and upwards, must be sub-
29 mitted to a vote of the electors of the City before the same shall be valid,
30 and in no case shall any franchise be granted for a longer period than
31 twenty five years.

32 The ballots used at such election shall contain the words "For the
33 Ordinance" (stating the nature of the proposed ordinance), and "Against
34 the Ordinance" (stating the same).

35 Returns of such election shall be made to the clerk, as provided
36 for other elections, and the council must meet and canvass the returns
37 within three days.

38 If a majority of the votes cast upon such submission shall be in
39 favor thereof, the council shall, within thirty days from the time of such
40 election, proclaim such fact, and upon such proclamation such ordinance
41 shall be legal and binding. No such franchise or lease or sale of any
42 public utility or any such purchase of property shall be of any force or
43 effect except it be made in the manner above provided.

44 All acts or provisions of the charter of the City of Fairmont in-
45 consistent with this provision are hereby repealed.

46 CHAPTER 5.

47 111. Section ninety seven(97) of chapter five(5) of the charter of the
48 City of Fairmont, adopted March 12, 1901, is hereby amended so as to read
49 as follows:

50 Power to Borrow Money or to Incur Debt.

51 Section 97. The City of Fairmont may issue bonds by ordinance as fol-
52 lows:

53 1. For the purpose of constructing, regulating, maintaining, extending,
54 enlarging or improving suitable water or light plants, or either of them,
55 or for the purpose of purchasing any such already in existence in the
56 city, or for the purpose of acquiring or paying for any real or other
57 property needed in connection with any such plant; and such bonds shall
58 be a first lien upon all water and light plants and structures of any

1 kind, if issued for both, and if for one only of them, upon the appliances
2 and structures thereof, and all property acquired for use in connection
therewith, owned and purchased by the city.

3 2. For the purpose of raising not to exceed twenty five thousand
4 dollars for a permanent improvement revolving fund, provided for in this
5 charter, in order to provide money for any contemplated local improve-
6 ment, such as the construction and enlarging of a sewage system, or drain-
age system, or other local improvements, and such bonds shall constitute
a first lien upon all such local improvements, and upon the property bene-
fitted thereby and to be assessed therefor.

7 3. For the purpose of paying, funding, or refunding any bonded indebt-
8 edness of the city, or the interest thereon, existing at the time this
9 charter goes into effect, or created at any time in any manner by said
10 charter authorized. The City of Fairmont, by ordinance, may issue its
11 certificates or other evidences of indebtedness in anticipation of any
12 taxes or assessments levied upon any portion of the taxable property of
13 this City, as provided for herein. Such ordinance for the issuance of
bonds or certificates may provide that the same shall be general obliga-
tions of the city, or that they will not be general obligations, but shall
be payable out of any assessed taxes, assessments, funds or liens held by
the city, or may limit the city's liability thereon in any other manner, or
shall guarantee that the city shall pay the same; provided that the bonds
so issued under sub-division 2, above mentioned, shall always be general
obligations of the city.

14 The city shall have authority to protect itself by acquiring title
15 to any property subject to special assessment for local improvements, and
16 shall have authority by ordinance to assign and convey any property so ac-
17 quired, whether proceedings to acquire such property have been had prior to
18 the time of the going into effect of this charter or thereafter, and shall
19 have the power in like manner to assign any lien or right of action held
20 by the city on account of or arising out of any such assessment, a security
21 for the payment of any bonds, certificates of indebtedness, or other evi-
22 dences of indebtedness mentioned in this section, or to provide that such
23 bonds, certificates or other evidences of indebtedness mentioned herein
24 may be collected out of any such property, liens or rights of action.

25 Whenever the council shall pass any ordinance to issue bonds pur-
26 suant to the provisions of this section, such ordinance shall provide for
27 the submission to the legal voters of said city, at some general or special
28 election to be called by the council for that purpose, the proposition for
29 issuing said bonds, to an amount deemed by said council advisable. Such
30 election whether general or special shall be conducted in the same manner
31 and with the same formalities as special and general elections are conduct-
ed under the charter of the City of Fairmont.

32 The ballot to be used at said election shall read substantially as
33 follows: "Shall bonds be issued by the City of Fairmont, under the pro-
34 vision of section 97, chapter V. of the charter of said city, to ~~an~~ amount
35 of _____ dollars, for the purpose of _____," and no such bonds
shall be issued until such ordinance has been approved by a majority of the
legal voters voting at such election.

36 The debt of said city shall not be increased by bonds or otherwise
37 beyond ten per cent of the total value of the taxable property of the city,
38 according to the last preceding assessment for the purpose of taxation;
39 provided that bonds may be issued as above provided in subdivisions one
40 and two, but the total amount of such bonds when added to the other indebt-
41 edness of the city shall not exceed ten per cent of its taxable property as
42 above defined; and, provided, further, that bonds may be issued as above
43 provided, for funding the city's bonded indebtedness whenever required, by
44 the council without submission to the legal voters of said city; and, pro-
45 vided further, that certificates of indebtedness against taxes levied and
assessed may be issued as hereinafter provided.

46 Bonds, certificates and other evidences of indebtedness and obli-
47 gations of the city authorized by this section shall in no event bear a
48 greater rate of interest than six per cent per annum, and if they run for
49 more than five years, shall not bear a greater rate of interest than five
50 per cent per annum, and shall in no event be sold for less than the par
51 value thereof, and shall be sold in accordance with the provisions of sec-

1 tions 781 and 785 of the revised laws of the State of Minnesota, for the
2 year 1905, except that such bonds may be made due and payable at such time
3 as may be fixed by the council not exceeding, however, twenty years. Ex-
cept as provided in this charter, no warrants, bonds, or other evidences of
4 indebtedness shall be issued by the city or by any one in its behalf.

All acts or provisions of the charter of the city of Fairmont in-
consistent with this provision are hereby repealed.

5 CHAPTER XII.

6 IV. Section one hundred seventy eight (178) of chapter twelve (12), of
7 the charter of the City of Fairmont, adopted March 12, 1901, is hereby
amended so as to read as follows:

8 Assessments for Pavements and Sewers.

9 Section 178. Whenever the city council shall determine to cause to
10 be paved, repaved, or macadamized, any street, lane or alley, in said city,
11 or to lay, relay or extend any sewer pipes in or through any such streets,
12 lanes or alleys, or any portion thereof, it shall determine and designate
13 in a general way, as nearly as may be convenient, the character and extent
14 of the improvement, and the material to be used therein, and thereupon it
15 shall be the duty of the city engineer, or such competent person as the
16 city council may designate, to make and present to the city council an
17 estimate of the cost which shall be required to construct such improve-
18 ments, stating therein the proportion of such estimated cost as shall be
19 required to construct such improvements in front of abutting lands, which
20 shall not, in case of sewers, exceed the sum of one dollar per front foot
21 of any such abutting lands on each side of said sewer, and the proportion
22 thereof required to construct the same across streets, lanes, alleys, and
23 also the excess of cost, in case of sewers, over and above the said sum of
24 one dollar per front foot; also a list of the several lots and parcels of
25 land fronting upon such proposed improvements, with the number of feet in
26 front of each extending along such improvements, together with the names
27 of the owners of the several ~~streets~~, as nearly as the city engineer can
28 determine; a record of the reception of such report shall be made in the
29 official proceedings of the city council, and there shall be published
30 once in the official city paper a brief statement of the proposed improve-
31 ments, over the signature of the city clerk, which shall be held to be
32 sufficient notice to all persons concerned; and such report shall lie over,
33 without any assessment being made until the next regular meeting of the
34 city council, which shall not occur for at least one week after the recep-
35 tion of such report and publishing of such notice, but the city council,
in its discretion, may direct the city clerk to advertise for, and receive,
in the meantime, bids for doing work and furnishing material required to
construct and complete such improvements, and report the same to the city
council at such meeting as ~~the city council~~ may designate, or to which such
report is laid over; the city council may consider such estimate and list,
and any further communications from the city engineer respecting the mat-
ter, and under such rules as it may make, shall hear all persons interested
in the matter of such improvements who may desire to be heard; and the
city council may adhere to its resolutions of making improvements, or may
modify the character of the same, or abandon it. If the city council
shall determine to go on with such improvements, whether modified or not,
it may, either before or after having contracted for the construction of
such improvements, estimate and fix upon the cost thereof, and the propor-
tion or amount of such cost ~~which~~ is required to construct such improvements,
not exceeding, in case of sewers, the ~~sum~~ of one dollar per front foot on
each side of said sewer, and may assess and levy such proportion, or the
amount of such cost upon the same lots and parcels of land upon the basis
of an equal sum per front foot of each lot or parcel, measuring along the
line of such improvements, and the city council shall cause to be made,
and shall adopt, an assessment roll thereof, which may be in any form which
the city council may deem proper.

36 Corner Lots.

2. The city council shall whenever any corner lot is owned and occupied
which shall have been previously assessed for the laying of any sewer pipe

1 upon a different street or avenue from the one through which such proposed
2 improvement is to be extended, remit from the assessment of such corner
3 lot, if such corner lot is in the fire limits of the city, such a portion
4 of said second assessment as shall equal the amount of the assessment of
5 twenty five feet in width of such lot, but no more; and if such corner
6 lot is outside of the fire limits of said city there shall be remitted
7 from the assessment of such corner lot a portion of said second assessment
8 as shall equal the amount of the assessment of the width of said lot, lots,
9 or parcels of unplatted land, not however, under any circumstances, shall
10 more than fifty feet in width be exempt from any assessment for sewers
11 passing on both sides of corner lots, outside the fire limits of said city,
12 regardless of the ownership of said lot, lots, parcel or tract of land.

Where sewers run on alley and also on street no assessment shall
be made on property for sewers running along the alley, provided said
property shall or will also be assessed for sewer running on street, but
where use is or may be made of sewer running along the alley, and no sewer
is running alongside of said property on street, then assessment shall be
nevertheless made on property abutting on alley along which said sewer is
run.

3. No improvement to be paid for by special assessment shall be under-
taken without the consent, in writing, of a majority, in interest and
number, of the owners of the property to be taxed or assessed; unless by
an ordinance therefor: said ordinance shall receive, on final passage, the
affirmative vote of three fourths of all the members of the city council.
Then no consent of property owners shall be necessary.

Street Sprinkling.
4. The city council shall have power to cause the streets to be
sprinkled, and assess the property abutting on the streets so sprinkled
for the expense thereof by an equal rate on the assessed value of the
property; provided, that notice shall be given, once, in the official
paper, of the time and place where action will be taken in regard to said
sprinkling, and opportunity given to all parties interested to be heard
for or against such work. Should, at any time, a majority of the occupants
of any block fronting on a certain street, which block and street will
join a street already sprinkled, petition to have said street sprinkled,
the council shall, by resolution, order said street sprinkled, and the cost
of expense of such sprinkling assessed as hereinbefore provided.

All acts or provisions of the charter of the City of Fairmont in-
consistent with this provision are hereby repealed.

22
23 State of Minnesota }
24 County of Martin } §§
25 City of Fairmont }

26 I, W.W. Ward, mayor of the City of Fairmont, in Martin County, in
27 the State of Minnesota, do hereby certify that a special election was duly
28 held in said City, on June 5, 1906, under the general election laws of the
29 State of Minnesota, and that the above and foregoing amendments to chapter
30 2, chapter 4, chapter 5, and chapter 12, were duly ratified by the quali-
31 fied legal voters voting at said election.

32 That at said election the total number of votes cast was 131;
33 that in favor of amendment 1, chapter 11, one hundred votes were cast; in
34 favor of chapter 1V, 97 votes were cast; in favor of chapter V, being
the third amendment, 95 votes were cast; in favor of chapter XII, amend-
ment number 4, 83 votes; in favor of chapter XII, amendment number 5,
89 votes; in favor of chapter XII, amendment number 6, 85 votes; in favor
of chapter XII, amendment number 7, 94 votes were cast.

35 That the above and foregoing amendments, so proposed, accepted,
adopted, and ratified, is a true and correct copy of the said proposed
amendments and the whole thereof, and were duly accepted, ratified and
adopted at the said election and as herein set forth.

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WITNESS, My hand and seal of my said office, at the City of Fairmont, in Martin County, in the State of Minnesota, this ninth day of June, 1906.

H. H. Grand
Mayor of the City of Fairmont,
Martin County, Minnesota.

Attest:
E. L. Lewis
City Clerk.

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