

CERTIFICATE OF AMENDMENT TO CHARTER OF

City of Austin,
Mower County, Minnesota

This is to certify that I, Richard Benzkofer, the undersigned, am the City Recorder of the City of Austin, Mower County, Minnesota. That the seal attached hereto is the corporate seal of said City. That pursuant to the recommendation of the City of Austin Charter Commission, a public hearing was duly held by the City Council of the City of Austin on June 19, 1972, at which time the following amendments were submitted to a public hearing of the citizens of said City. That the members of the Austin City Council after said public hearing by unanimous vote of all its members adopted ordinances amending the City Charter on the following amendments:

PROPOSED AMENDMENT NO. 1:

PERMITTING AUSTIN UTILITIES TO TAKE TITLE TO LAND IN ITS OWN NAME.

That Section 2 of Chapter 11 of the Austin City Charter be hereby amended by striking out said Section 2 in its entirety and substituting in lieu thereof the following:

"Section 2. Said board of water, electric, gas and power commissioners may sue and be sued, plead and be impleaded answer and be answered unto, appear and prosecute unto final judgement in any court, or elsewhere, in the name of said board of water, electric, gas and power commissioners, have a common seal and alter the same at pleasure. They may employ all proper engineers, surveyors, clerks, or other agents or assistants necessary or convenient for accomplishing the purposes contemplated by this chapter, and may enter upon any land or water for the purpose of making surveys for alterations or extensions for the same. They may prosecute any action in the name of said board, against any person or persons, for money due for the use of water, electricity, gas, heat, and power; for the breach of any contract, express or implied, touching the execution or management of the water works, electric and gas plant, or any other system of lighting, power or for heating, and the distribution of water, electricity or gas, or of any promise or contract made to or for them; and also for any injury, trespass or nuisance done, caused, or procured to be done or caused to the water courses, and pipes, public electric wires, lines, conduits and machinery, and gas pipes and mains or any other apparatus belonging to or connected with any part of the water works and electric light and power plant, and gas plant or for any improper use or waste of water or gas. Said Board may acquire land or any interest therein by purchase, condemnation, or otherwise in its own name for the purposes contemplated by this chapter and any other purposes herein to implement the powers set forth herein."

PROPOSED AMENDMENT NO. 2

PERMITTING WATER MAINS AND WATER LINES TO BE CONSTRUCTED WHEN DETERMINED NECESSARY FOR A CONNECTION CHARGE SET BY BOARD.

That Section 26 of Chapter 11 of the Austin City Charter be hereby amended by striking out said Section 26 in its entirety and substituting in lieu thereof the following:

"Section 26. Water Mains; Connection Charges."

- (a) Water mains and water lines may be constructed and extended as and when determined by the Board to be feasible and necessary in order to supply water to the inhabitants of the City of Austin.
- (b) As a condition to connecting or tapping into a water main or water line, the Board may impose and collect a connection charge. In order that said connection charges be fairly and uniformly imposed the Board shall establish a schedule of connection charges which schedule shall be filed with the Secretary of the Board and which may be amended from time to time by the Board in order to reflect changes in costs. Where a new water line is constructed or extended, the Board may establish a connection charge for connection to that particular line based on the cost of the construction or extension and said connection charge need not be the same as the charge to connect to already existing water lines.
- (c) This section shall not be construed as limiting that authority to make water main or water line improvements under the Minnesota Local Improvement Code, Minnesota Statutes Annotated, Chapter 429 as amended, but shall be construed as powers granted in addition to and supplementary to the powers set forth therein.

PROPOSED AMENDMENT NO. 3

CHANGING NUMBER OF DEFERRED INSTALLMENTS ON SPECIAL ASSESSMENTS TO 20 AND PERMITTING INTEREST OF 8% ON DEFERRED INSTALLMENTS.

That Section 30 of Chapter 8 of the Austin City Charter is hereby amended by striking out said Section 30 in its entirety and substituting in lieu thereof the following:

"Section 30. The Common Council shall have power and authority by a majority vote thereof, whenever any special assessments have been made under the provisions of this Chapter, by ordinance or resolution duly passed to provide that such assessments be paid in annual installments of any number, not exceeding twenty with interest upon such deferred installments, payable annually, at a rate not exceeding eight (8) per cent per annum. Whenever such improvements shall have been fully completed and the cost thereof ascertained and assessed to the property as hereinbefore provided, the Common Council shall, by resolution, determine the number of such installments, if any, in which such assessment may be paid, which resolution shall form a part of such assessment and shall be substantially in form as follows, viz:

Resolved, that each and every one of the respective sums so as aforesaid assessed upon the tracts or lots of land above respectively described may be paid in _____ equal annual installments, with interest thereon payable annually at the rate of _____ per cent per annum, until paid. The City Recorder shall within ten (10) days after making any such assessment cause a copy of such resolution to be published together with a copy of the assessment, once in the

official paper of such city, together with a notice, attached thereto signed by the City Recorder, notifying the owner, owners, or other persons interested therein that he may, at his election pay the sum assessed against such tract or parcel in one sum, and at any time, instead of in installments as by such resolution provided.

Any person electing so to pay in one payment shall within ten (10) days after the publication of such notice, pay the same to the city treasurer, or file with the city recorder a notice in writing of his election so to pay. Such recorder shall within five (5) days after the expiration of said period of ten (10) days make and file in the office of the county auditor of the County of Mower, a certified copy of such assessment and resolution, and shall attach thereto a tabulated statement containing a description of each and every tract or parcel of land described in such assessment, and the amount of principal and interest of such assessment which will become due upon each tract or lot during each and every year in which any installments of such assessments will become due. Upon the filing of such copies of such assessment and resolution in the office of said county auditor, the amount assessed upon and against each and every tract or lot of land in such assessment described shall forthwith be and become a first lien upon such tract or lot, which lien shall continue until such assessment be fully paid.

That Amendments No. 1, No. 2, and No. 3 as above set forth became effective on October 22, 1972.

This Certificate is made pursuant to MSA 410.31 and MSA 410.12 and in accordance with the provisions of the Charter of said City of Austin.

I hereby certify that the recitals of this certificate are true and that this certificate is made in duplicate.

Dated, made, and certified to at Austin, Minnesota, this 26th day of October, 1972.

Richard Benke
City Recorder

24571
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 30 1972

Arlen J. Erskell
Secretary of State