

500 4th AVENUE NORTHEAST

April 25, 1975

Secretary of State
180 State Office Building
St. Paul, Minnesota

Attention: Ceil Dion

Enclosed please find originals and copies
of charter amendments as requested. Please
return the blue backed copies upon filing.

Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dick Benzkofer", is written over the typed name.

Dick Benzkofer
City Recorder

DB: lk

Enc.

28016
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 28 1975
Cecil Anderson Howe
Secretary of State

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.

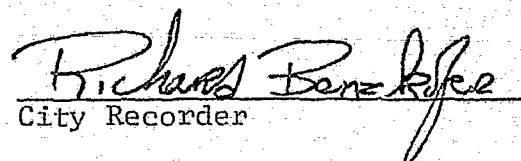
Any person electing so to pay in one payment shall within ten (10) days after the publication of such notice, pay the same to the city treasurer, or file with the city recorder a notice in writing of his election so to pay. Such recorder shall within five (5) days after the expiration of said period 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.


City Recorder

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 28 1975

Secretary of State

ORDINANCE NO. 1223

WHEREAS, the Charter Commission of the City of Austin has recommended the Charter Amendments hereinafter set forth to the City Council for passage, and

WHEREAS, pursuant to the provisions of MSA 410.31, the Common Council of the City of Austin has held a public hearing on the said recommendation after published notice as provided for therein,

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF AUSTIN DO ORDAIN:

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."

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.

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 assessments 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.

The Amendment above set forth shall become effective ninety (90) days after publication of said Ordinance, unless within sixty (60) days after the publication of said Ordinance a petition for a referendum is filed with the City Recorder pursuant to said MSA 410.31.

Passed by a vote of yeas and nays this 19th day of June, 1972.

YEAS 7

NAYS 0

APPROVED:

Leo J. Redding
Mayor

ATTEST:

David Stary
City Recorder

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 28 1975
Joan Anderson Howe
Secretary of State

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO
MUNICIPAL CHARTER OF AUSTIN, MINNESOTA

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Common Council of the City of Austin, Minnesota, will meet in the Council Chambers of the City of Austin at the Austin Municipal Building at 8:00 o'clock P.M. on the 19th day of June, 1972, to consider the proposed amendments to the Municipal Charter of Austin, Minnesota, as follows:

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.

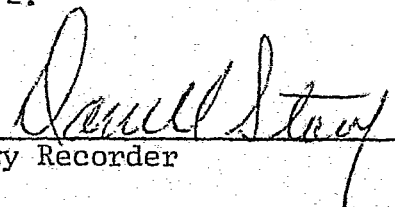
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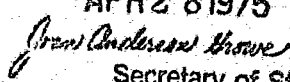
"Section 30. The Common Council shall have power and authority by a majority vote thereof, whenever any special assessments have been made under the provisions of this Chapter, by ordinance or resolution duly passed to provide that such assessments be paid in annual installments of any number, not exceeding 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.

Dated this 26th day of May, 1972.


City Recorder

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 28 1975

Secretary of State

RESOLUTION NO. 5324

A RESOLUTION PROVIDING FOR A HEARING ON PROPOSED AMENDMENTS TO THE MUNICIPAL CHARTER OF AUSTIN, MINNESOTA.

WHEREAS, a recommendation on proposed amendments to the Municipal Charter of Austin, Minnesota, was duly presented to this council on the 22nd day of May, 1972, for its consideration pursuant to the provisions of Minnesota Statutes Annotated, Chapter 410 as amended, and

WHEREAS, proposed amendments were recommended by the Charter Commission of the City of Austin, to the City Council for such action as it may wish to take pursuant to the terms of M.S.A. 410.31,

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. A public hearing will be held at the Austin Municipal Building in Austin, Minnesota, on the 19th day of June, 1972, beginning at 8:00 o'clock P.M. to consider the following amendments to the Municipal Charter of Austin, Minnesota:

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 judgment 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.

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- (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.

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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.

SECTION 2. The City Recorder is hereby directed to give notice of such hearing in the manner provided by law.

Passed by a vote of Yeas and Nays this 22nd day of May, 1972.

Yeas 7

Nays 0

APPROVED:

Les J. Reding

ATTEST:

David Stary
City Recorder

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 28 1975
Frank Anderson Howe
Secretary of State

PROPOSED AMENDMENTS TO THE MUNICIPAL
CHARTER OF AUSTIN, MINNESOTA

At a regular meeting of the Charter Commission, Board of Freeholders, of the City of Austin, Minnesota held in the Municipal Building on 4th Street N. E. in Austin, Minnesota, on the 13th day of January, 1972, the following amendments to the Municipal Charter of the City of Austin was framed, adopted, proposed by said Charter Commission pursuant to M.S.A. Chapter 410 as amended; and it is recommended that said Charter Amendments be enacted by Ordinance by the City Council of the City of Austin, pursuant to the provisions of M.S.A. 410.31:

PROPOSITION NO. 1

PERMITTING AUSTIN UTILITIES
TO TAKE TITLE TO LAND IN
IT'S 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:

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PROPOSITION NO. 2.

PERMITTING WATER MAINS
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NECESSARY FOR A CONNECTION
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CHANGING NUMBER OF
DEFERRED INSTALLMENTS ON
SPECIAL ASSESSMENTS TO
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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.

The above proposed amendments are hereby submitted to Mayor Leo Reding and the Common Council of the City of Austin, according to law, signed by the undersigned, a majority of the Charter Commission of the City of Austin.

Dated this 16th day of May, 1972.

AUSTIN CITY CHARTER COMMISSION

BY:

Lee Lindgren
President

Emma J. Robinson
Secretary

Thomas J. Koelck

Robert D. Hume

Chapman

Byron M. Cameron Jr.

Howard Neff

Charles Parsons

Richard C. Bauder

Harold H. Hume

James F. Carson

Mrs. Mary E. Souk

Ed Hume

Robert W. Hume

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 28 1975
Joan Anderson Howe
Secretary of State

#28016
#2

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 September 3, 1974, 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:

That Section 1 of Chapter 1 of the Austin City Charter be hereby amended by striking out said Section 1 in its entirety and substituting in lieu thereof the following:

Section 1 - (a) Incorporation and name of the City
(b) General Powers
(c) Construction
(d) Intergovernmental Relations

(a) All that part of the County of Mower, State of Minnesota, within the limits and boundaries hereinafter described, shall be a City, and the inhabitants thereof shall be and form a municipal corporation, under the name and style of the City of Austin.

(b) The City of Austin shall have the powers generally possessed by a municipal corporation at common law, and shall have and exercise all those powers, rights, functions, privileges, and immunities possessed by it prior to the adoption of this Article; and also all powers, rights, functions, privileges, and immunities now or hereafter granted to municipal corporations by and under the constitution and laws of the State of Minnesota; and also all powers, functions, rights, privileges and immunities incidental to or inherent in, municipal corporations; also all those powers not specifically restricted by law, and in addition it shall have all other powers contained in this charter; and it shall have all powers necessary to provide for the welfare of its citizens and for the common good; and in exercise of the above described powers, rights, functions, privileges and immunities, shall be subject to the limitations and prohibitions of the constitution and laws of the State of Minnesota; and the City of Austin shall have and exercise such powers as though they were more specifically enumerated in this Charter. It shall, under its corporate name, be capable of contracting and being contracted with, suing and being sued, and of pleading and being impleaded with, suing and being sued, and of pleading and being impleaded in all courts of law or equity; and it shall have a corporate seal, which it may change or alter at its pleasure and it may take, hold, purchase, lease, sell and convey such real, personal and mixed estate as the purpose of said corporation will require, or the exigencies of said corporation may render convenient, within or without the limits of the City, and the same shall be free from taxation.

(c) The powers of the City under this charter shall be construed liberally in favor of the City, and the specific mention of particular powers in this charter, or an amendment thereof, shall not be construed as limiting in any way, the general powers stated in this article.

(d) The City, except where prohibited by law, may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with the State of Minnesota or any political subdivision or agency thereof, or any one or more states or civil divisions or agencies thereof or the United States or any agency thereof, or any municipal corporation or political subdivision. The City shall have power to apply for and receive any Federal or State grants of funds that may be available to it and to provide additional funds to facilitate the use of said grants, and shall have the power to do and perform all acts and do all things necessary to make use of such grants, and shall have the power to continue the operations of any programs or projects begun by use of said grants, even though the grants therefor have expired.

That Section 6 of Chapter 5 of the Austin City Charter be hereby amended by striking out said Section 6 in its entirety and substituting in lieu thereof the following:

Section 6 -

All powers of the City shall be vested in the Council except as otherwise provided by law or this charter, and the Council shall provide for the exercise thereof and the performance of all duties and obligations imposed on the City by law.

That Section 2 of the Chapter 3 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 -

Each ward shall elect two Aldermen, each of whom shall be a resident and qualified voter within the Ward for which he is elected. There shall also be elected within and for said city one Alderman-at-Large, who shall be a resident of said City.

That Section 5 of Chapter 3 of the Austin City Charter be hereby amended by striking out any reference to "Street Commissioner" in the body of Section 5, Chapter 3 of the Austin City Charter.

That Section 11 of Chapter 3 of the Austin City Charter be hereby striking out said Section 11 in its entirety.

That Section 12 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 12 in its entirety.

That Section 15 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 15 in its entirety.

That Section 17 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 17 in its entirety and substituting in lieu thereof the following:

Section 17 -

The members of the Council, including the mayor, the administrative assistant, and all subordinate officers and employees of the City shall receive such salaries or wages as may be fixed by the Council in accordance with the State Statutes where applicable.

That section 18 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 18 in its entirety.

That Chapter 4 of the Austin City Charter be hereby amended by striking out said Chapter 4 in its entirety and substituting in lieu thereof the following Chapter 4:

Chapter 4 - Police - Section 1

The Police force of the City shall consist of the Mayor, who shall be the chief executive officer of the City who shall at all times have control and supervision of the police of the city, and such other policemen as he shall, by and with the consent of the Common Council, appoint.

Whenever a vacancy occurs in a position in the classified service, the appointing authority shall notify the civil service commission of the vacancy. The commission shall certify to the appointing authority the three names standing highest on the appropriate eligible list. If two or more vacancies are to be filled in the same class, the commission shall certify two more names than the number of vacancies to be filled. The appointing authorities shall appoint one person from the names so certified to fill each vacancy.

Section 2 -

The mayor shall, in his appointments, designate one officer to be chief of police and the other officers for special duties as he may deem necessary, and may designate the rank of such officers by the proper titles that he may select consistent with the civil service rules and regulations.

The officer designated as chief, subject to his duty to enforce all laws of the state and ordinances of the city, shall be subject to the will of the Mayor, have control and supervision of the other police officers and he shall be responsible for the faithful performance of their duties as well as his own.

Section 3 -

All policemen of the City shall be sworn officers, having the power of arrest according to state statute and with the responsibilities for the protection of life and property, the preservation of the public peace and order, the prevention and the detection of crime, the apprehension of offenders, the regulation and control of traffic and enforcement of the laws of the state and the ordinances of the City.

Section 4 -

If any person shall, without authority, assume to act as a policeman, or pretend to have such power, wear the badge of a policeman, with the city, he shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding three hundred dollars (\$300.00) or imprisoned for a term not exceeding ninety (90) days, at the discretion of the Court.

Section 5 -

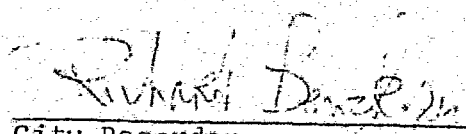
Police officers shall be paid such salary and compensation for their services to the city as shall be fixed by the Common Council, by resolution, immediately after appointment and qualification.

That Amendments as above are set forth became effective on December 3, 1974.

This Certificate is made pursuant to MSA 410.31 and MSA 410.12 and is 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 19th day of March, 1975.


City Recorder

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 September 3, 1974, 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:

That Section 1 of Chapter 1 of the Austin City Charter be hereby amended by striking out said Section 1 in its entirety and substituting in lieu thereof the following:

Section 1 - (a) Incorporation and name of the City
(b) General Powers
(c) Construction
(d) Intergovernmental Relations

(a) All that part of the County of Mower, State of Minnesota, within the limits and boundaries hereinafter described, shall be a City, and the inhabitants thereof shall be and form a municipal corporation, under the name and style of the City of Austin.

(b) The City of Austin shall have the powers generally possessed by a municipal corporation at common law, and shall have and exercise all those powers, rights, functions, privileges, and immunities possessed by it prior to the adoption of this Article; and also all powers, rights, functions, privileges, and immunities now or hereafter granted to municipal corporations by and under the constitution and laws of the State of Minnesota; and also all powers, functions, rights, privileges and immunities incidental to or inherent in, municipal corporations; also all those powers not specifically restricted by law, and in addition it shall have all other powers contained in this charter; and it shall have all powers necessary to provide for the welfare of its citizens and for the common good; and in exercise of the above described powers, rights, functions, privileges and immunities, shall be subject to the limitations and prohibitions of the constitution and laws of the State of Minnesota; and the City of Austin shall have and exercise such powers as though they were more specifically enumerated in this Charter. It shall, under its corporate name, be capable of contracting and being contracted with, suing and being sued, and of pleading and being impleaded with, suing and being sued, and of pleading and being impleaded in all courts of law or equity; and it shall have a corporate seal, which it may change or alter at its pleasure and it may take, hold, purchase, lease, sell and convey such real, personal and mixed estate as the purpose of said corporation will require, or the exigencies of said corporation may render convenient, within or without the limits of the City, and the same shall be free from taxation.

(c) The powers of the City under this charter shall be construed liberally in favor of the City, and the specific mention of particular powers in this charter, or an amendment thereof, shall not be construed as limiting in any way, the general powers stated in this article.

(d) The City, except where prohibited by law, may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with the State of Minnesota or any political subdivision or agency thereof, or any one or more states or civil divisions or agencies thereof or the United States or any agency thereof, or any municipal corporation or political subdivision. The City shall have power to apply for and receive any Federal or State grants of funds that may be available to it and to provide additional funds to facilitate the use of said grants, and shall have the power to do and perform all acts and do all things necessary to make use of such grants, and shall have the power to continue the operations of any programs or projects begun by use of said grants, even though the grants therefor have expired.

That Section 6 of Chapter 5 of the Austin City Charter be hereby amended by striking out said Section 6 in its entirety and substituting in lieu thereof the following:

Section 6 -

All powers of the City shall be vested in the Council except as otherwise provided by law or this charter, and the Council shall provide for the exercise thereof and the performance of all duties and obligations imposed on the City by law.

That Section 2 of the Chapter 3 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 -

Each ward shall elect two Aldermen, each of whom shall be a resident and qualified voter within the Ward for which he is elected. There shall also be elected within and for said city one Alderman-at-Large, who shall be a resident of said City.

That Section 5 of Chapter 3 of the Austin City Charter be hereby amended by striking out any reference to "Street Commissioner" in the body of Section 5, Chapter 3 of the Austin City Charter.

That Section 11 of Chapter 3 of the Austin City Charter be hereby striking out said Section 11 in its entirety.

That Section 12 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 12 in its entirety.

That Section 15 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 15 in its entirety.

That Section 17 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 17 in its entirety and substituting in lieu thereof the following:

Section 17 -

The members of the Council, including the mayor, the administrative assistant, and all subordinate officers and employees of the City shall receive such salaries or wages as may be fixed by the Council in accordance with the State Statutes where applicable.

That section 18 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 18 in its entirety.

That Chapter 4 of the Austin City Charter be hereby amended by striking out said Chapter 4 in its entirety and substituting in lieu thereof the following Chapter 4:

Chapter 4 - Police - Section 1

The Police force of the City shall consist of the Mayor, who shall be the chief executive officer of the City who shall at all times have control and supervision of the police of the city, and such other policemen as he shall, by and with the consent of the Common Council, appoint.

Whenever a vacancy occurs in a position in the classified service, the appointing authority shall notify the civil service commission of the vacancy. The commission shall certify to the appointing authority the three names standing highest on the appropriate eligible list. If two or more vacancies are to be filled in the same class, the commission shall certify two more names than the number of vacancies to be filled. The appointing authorities shall appoint one person from the names so certified to fill each vacancy.

Section 2 -

The mayor shall, in his appointments, designate one officer to be chief of police and the other officers for special duties as he may deem necessary, and may designate the rank of such officers by the proper titles that he may select consistent with the civil service rules and regulations.

The officer designated as chief, subject to his duty to enforce all laws of the state and ordinances of the city, shall be subject to the will of the Mayor, have control and supervision of the other police officers and he shall be responsible for the faithful performance of their duties as well as his own.

Section 3 -

All policemen of the City shall be sworn officers, having the power of arrest according to state statute and with the responsibilities for the protection of life and property, the preservation of the public peace and order, the prevention and the detection of crime, the apprehension of offenders, the regulation and control of traffic and enforcement of the laws of the state and the ordinances of the City.

Section 4 -

If any person shall, without authority, assume to act as a policeman, or pretend to have such power, wear the badge of a policeman, with the city, he shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding three hundred dollars (\$300.00) or imprisoned for a term not exceeding ninety (90) days, at the discretion of the Court.

Section 5 -

Police officers shall be paid such salary and compensation for their services to the city as shall be fixed by the Common Council, by resolution, immediately after appointment and qualification.

That Amendments as above are set forth became effective on December 3, 1974.

This Certificate is made pursuant to MSA 410.31 and MSA 410.12 and is 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 19th day of March, 1975.

Rufus B. [Signature]
City Recorder

ORDINANCE AMENDING SECTIONS OF THE AUSTIN CITY CHARTER.

WHEREAS, the Charter Commission of the City of Austin has recommended that the Charter Amendments hereinafter set forth to the City Council for passage, and

WHEREAS, pursuant to the provisions of M.S.A. 410.12 Subdivision 7, the Common Council of the City of Austin has held a public hearing on the said recommendation after published notice as provided for therein,

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF AUSTIN DO ORDAIN:

That Section 1 of Chapter 1 of the Austin City Charter be hereby amended by striking out said Section 1 in its entirety and substituting in lieu thereof the following:

Section 1 - (a) Incorporation and name of the City
(b) General Powers
(c) Construction
(d) Intergovernmental Relations

(a) All that part of the County of Mower, State of Minnesota, within the limits and boundaries hereinafter described, shall be a City, and the inhabitants thereof shall be and form a municipal corporation, under the name and style of the City of Austin.

(b) The City of Austin shall have the powers generally possessed by a municipal corporation at common law, and shall have and exercise all those powers, rights, functions, privileges, and immunities possessed by it prior to the adoption of this Article; and also all powers, rights, functions, privileges, and immunities now or hereafter granted to municipal corporations by and under the constitution and laws of the State of Minnesota; and also all powers, functions, rights, privileges and immunities incidental to or inherent in, municipal corporations; also all those powers not specifically restricted by law, and in addition it shall have all other powers contained in this charter; and it shall have all powers necessary to provide for the welfare of its citizens and for the common good; and in exercise of the above described powers, rights, functions, privileges and immunities, shall be subject to the limitations and prohibitions of the constitution and laws of the State of Minnesota; and the City of Austin shall have and exercise such powers as though they were more specifically enumerated in this Charter. It shall, under its corporate name, be capable of contracting and being contracted with, suing and being sued, and of pleading and being impleaded in all courts of law or equity; and it shall have a corporate seal, which it may change or alter at its pleasure and it may take, hold, purchase, lease, sell and convey such real, personal and mixed estate as the purpose of said corporation will require, or the exigencies of said corporation may render convenient, within or without the limits of the City, and the same shall be free from taxation.

(c) The powers of the City under this charter shall be construed liberally in favor of the City, and the specific mention of particular powers in this charter, or an amendment thereof, shall not be construed as limiting in any way, the general powers stated in this article.

-4-

(d) The City, except where prohibited by law, may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with the State of Minnesota, or any political subdivision or agency thereof, or any one or more states or civil divisions or agencies thereof or the United States or any agency thereof, or any municipal corporation or political subdivision. The City shall have power to apply for and receive any Federal or State grants of funds that may be available to it and to provide additional funds to facilitate the use of said grants, and shall have the power to do and perform all acts and do all things necessary to make use of such grants, and shall have the power to continue the operations of any programs or projects begun by use of said grants, even though the grants therefor have expired.

That Section 6 of Chapter 5 of the Austin City Charter be hereby amended by striking out said Section 6 in its entirety and substituting in lieu thereof the following;

Section 6 -

All powers of the City shall be vested in the Council except as otherwise provided by law or this charter, and the Council shall provide for the exercise thereof and the performance of all duties and obligations imposed on the City by law.

That Section 2 of the Chapter 3 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 --

Each ward shall elect two Aldermen, each of whom shall be a resident and qualified voter within the Ward for which he is elected. There shall also be elected within and for said city one Alderman-at-Large, who shall be a resident of said City.

That Section 5 of Chapter 3 of the Austin City Charter be hereby amended by striking out any reference to "Street Commissioner" in the body of Section 5, Chapter 3 of the Austin City Charter.

That Section 11 of Chapter 3 of the Austin City Charter be hereby striking out said Section 11 in its entirety.

That Section 12 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 12 in its entirety.

That Section 15 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 15 in its entirety.

That Section 17 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 17 in its entirety and substituting in lieu thereof the following:

Section 17 -

The members of the Council, including the mayor, the administrative assistant, and all subordinate officers and employees of the City shall receive such salaries or wages as may be fixed by the Council in accordance with the State Statutes where applicable.

That Section 18 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 18 in its entirety.

That Chapter 4 of the Austin City Charter be hereby amended by striking out said Chapter 4 in its entirety and substituting in lieu thereof the following Chapter 4:

Chapter 4 - Police - Section 1

The police force of the City shall consist of the Mayor, who shall be the chief executive officer of the City who shall at all times have control and supervision of the police of the city, and such other policemen as he shall, by and with the consent of the Common Council, appoint.

Whenever a vacancy occurs in a position in the classified service, the appointing authority shall notify the civil service commission of the vacancy. The commission shall certify to the appointing authority the three names standing highest on the appropriate eligible list. If two or more vacancies are to be filled in the same class, the commission shall certify two more names than the number of vacancies to be filled. The appointing authorities shall appoint one person from the names so certified to fill each vacancy.

Section 2-

The mayor shall, in his appointments, designate one officer to be chief of police and the other officers for special duties as he may deem necessary, and may designate the rank of such officers by the proper titles that he may select consistent with the civil service rules and regulations.

The officer designated as chief, subject to his duty to enforce all laws of the state and ordinances of the City, shall be subject to the will of the Mayor, have control and supervision of the other police officers and he shall be responsible for the faithful performance of their duties as well as his own.

Section 3-

All policemen of the City shall be sworn officers, having the power of arrest according to state statute and with the responsibilities for the protection of life and property, the preservation of the public peace and order, the prevention and the detection of crime, the apprehension of offenders, the regulation and control of traffic and enforcement of the laws of the state and the ordinances of the City.

Section 4-

If any person shall, without authority, assume to act as a policeman, or pretend to have such power, wear the badge of a policeman, with the city, he shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding three hundred dollars (\$300.00) or imprisoned for a term not exceeding ninety (90) days, at the discretion of the Court.

Section 5 -

Police officers shall be paid such salary and compensation for their services to the city as shall be fixed by the common council, by resolution, immediately after appointment and qualification.

The amendments above set forth shall become effective ninety (90) days after publication of said ordinance, unless within sixty (60) days after the publication of said ordinance

a petition for a referendum is filed with the City Recorder pursuant to said M.S.A. 410.12 Subdivision 7.

Passed by a vote of Yeas and Nays this 3rd day of September, 1974.

YEAS 6

NAYS 0

APPROVED:

Les J. Riding
Mayor

ATTEST:

Richard Benck
City Recorder

Office of Register of Deeds }
Mower County, Minnesota } SS

315274

I hereby certify that the within instrument was filed for record on the 1 day of Nov. A.D., 1974 at 9 o'clock A.M. and duly recorded in Book 38 of Mail on page 531.

Paul M. Enger
Register of Deeds
By Donna Johnson Deputy

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 28 1975
Frank Anderson Howe
Secretary of State

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO
MUNICIPAL CHARTER OF AUSTIN, MINNESOTA

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Common Council of the City of Austin, Minnesota, will meet in the Council Chambers of the City of Austin at the Austin Municipal Building at 8:00 o'clock P.M. on the 3rd day of September, 1974 to consider the proposed amendments to the Municipal Charter of Austin, Minnesota, as follows:

PROPOSED AMENDMENT NO. 1

AMENDMENT OF THE GENERAL POWERS
OF THE CITY OF AUSTIN TO INCLUDE
A GENERAL POWERS PROVISION

That Section 1 of Chapter 1 of the Austin City Charter be hereby amended by striking out said Section 1 in its entirety and substituting in lieu thereof the following:

Section 1 - (a) Incorporation and name of the City
(b) General Powers
(c) Construction
(d) Intragovernmental Relations

(a) All that part of the County of Mower, State of Minnesota, within the limits and boundaries hereinafter described, shall be a City, and the inhabitants thereof shall be and form a municipal corporation, under the name and style of the City of Austin.

(b) The City of Austin shall have the powers generally possessed by a municipal corporation at common law, and shall have and exercise all those powers, rights, functions, privileges, and immunities possessed by it prior to the adoption of this Article; and also all powers, rights, functions, privileges, and immunities now or thereafter granted to municipal corporations by and under the constitution and laws of the State of Minnesota; and also all powers, functions, rights, privileges and immunities incidental to or inherent in, municipal corporations; also all those powers not specifically restricted by law, and in addition it shall have all other powers contained in this charter; and it shall have all powers necessary to provide for the welfare of its citizens and for the common good; and in exercise of the above described powers, rights, functions, privileges and immunities, shall be subject to the limitations and prohibitions of the constitution and laws of the State of Minnesota; and the City of Austin shall have and exercise such powers as though they were more specifically enumerated in this Charter. It shall, under its corporate name, be capable of contracting and being contracted with, suing and being sued, and of pleading and being impleaded, in all courts of law or equity; and it shall have a corporate seal, which it may change or alter at its pleasure and it may take hold purchase, lease, sell and convey such real, personal and mixed estate as the purpose of said corporation will require, or the exigencies of said corporation may render convenient, within or without the limits of the City, and the same shall be free from taxation.

(c) The powers of the City under this charter shall be construed liberally in favor of the City, and the specific mention of particular powers in this charter, or an amendment thereof, shall not be construed as limiting in any way, the general powers stated in this article.

(d) The City, except where prohibited by law, may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with the State of Minnesota, or any political subdivision or agency thereof, or any one or more states or civil divisions or agencies thereof or the United States or any agency thereof, or any municipal corporation or political subdivision. The City shall have power to apply for and receive any Federal or State grants of funds that may be available to it and to provide additional funds to facilitate the use of said grants, and shall have the power to do and perform all acts and do all things necessary to make use of such grants, and shall have the power to continue the operations of any programs or projects begun by use of said grants, even though the grants therefor have expired.

That Section 6 of Chapter 5 of the Austin City Charter be hereby amended by striking out said Section 6 in its entirety and substituting in lieu thereof the following:

Section 6-

All powers of the City shall be vested in the Council except as otherwise provided by law or this charter, and the Council shall provide for the exercise thereof and the performance of all duties and obligations imposed on the City by law.

PROPOSED AMENDMENT NO. 2

DELETION OF REFERENCE IN THE
AUSTIN CITY CHARTER TO THE
ABOLISHED OFFICE OF JUSTICE OF
THE PEACE AND STREET COMMISSIONER.

That Section 2 of the Chapter 3 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 -

Each ward shall elect two Aldermen, each of whom shall be a resident and qualified voter within the Ward for which he is elected. There shall also be elected within and for said city one Alderman-at-Large, who shall be a resident of said City.

That Section 5 of Chapter 3 of the Austin City Charter be hereby amended by striking out any reference to "Street Commissioner" in the body of Section 5, Chapter 3 of the Austin City Charter.

That Section 11 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 11 in its entirety.

That Section 12 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 12 in its entirety.

That Section 15 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 15 in its entirety.

That Section 17 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 17 in its entirety and substituting in lieu thereof the following:

Section 17 -

The members of the Council, including the mayor, the administrative assistant, and all subordinate officers and employees of the City shall receive such salaries or wages as may be fixed by the Council in accordance with the State Statutes where applicable.

That Section 18 of Chapter 3 of the Austin City Charter be hereby amended by striking out said Section 18 in its entirety.

PROPOSED AMENDMENT NO. 3

AMENDMENT OF CHAPTER 4 OF
THE CITY CHARTER TO REFLECT
POWER OF CIVIL SERVICE
COMMISSION IN POLICE APPOINT-
MENT, AND POWERS OF THE
POLICE DEPARTMENT.

That Chapter 4 of the Austin City Charter be hereby amended by striking out said Chapter 4 in its entirety and substituting in lieu thereof the following Chapter 4:

Chapter 4 - Police - Section 1-

The police force of the city shall consist of the Mayor, who shall be the chief executive officer of the city, who shall at all times have control and supervision of the police of the city, and such other policemen as he shall, by and with the consent of the Common Council, appoint.

Whenever a vacancy occurs in a position in the classified service, the appointing authority shall notify the civil service commission of the vacancy. The commission shall certify to the appointing authority the three names standing highest on the appropriate eligible list. If two or more vacancies are to be filled in the same class, the commission shall certify two more names than the number of vacancies to be filled. The appointing authorities shall appoint one person from the names so certified to fill each vacancy.

Section 2-

The mayor shall, in his appointments, designate one officer to be chief of police and the other officers for special duties as he may deem necessary, and may designate the rank of such officers by the proper titles that he may select consistent with the civil service rules and regulations.

The officer designated as chief, subject to his duty to enforce all laws of the state and ordinances of the city, shall be subject to the will of the Mayor, have control and supervision of the other police officers and he shall be responsible for the faithful performance of their duties as well as his own.

Section 3 -

All policemen of the City shall be sworn officers, having the power of arrest according to state statute and with the responsibilities for the protection of life and property, the preservation of the public peace and order, the prevention and the detection of crime, the apprehension of offenders, the regulation and control of traffic and enforcement of the laws of the state and the ordinances of the city.

Section 4 -

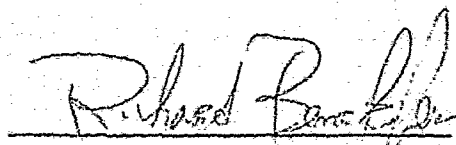
If any person shall, without authority, assume to act as a policeman, or pretend to have such power, wear the badge of a policeman, with the city, he shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding three hundred dollars (\$300.00) or imprisoned for a term not exceeding ninety (90) days, at the discretion of the Court.

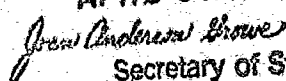
Section 5 -

Police officers shall be paid such salary and compensation for their services to the City as shall be fixed by the common

council, by resolution, immediately after appointment and qualification.

Dated this 9th day of August, 1974.

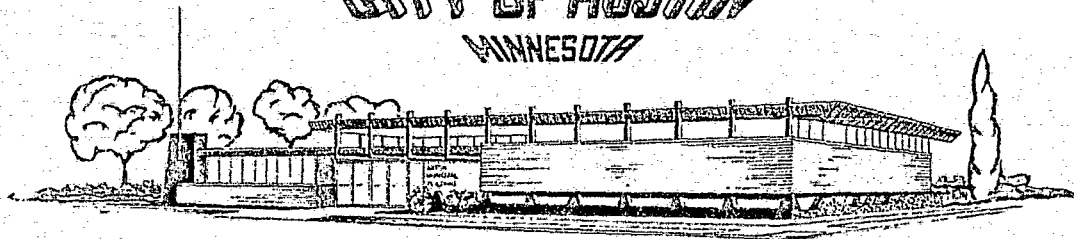

City Recorder

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 28 1975

Secretary of State

737-7671

8-67

CITY OF AUSTIN
MINNESOTA



500 4th AVENUE NORTHEAST

April 7, 1975

Secretary of State
State Office Building
St. Paul, Minnesota

Gentlemen:

Enclosed please find this ordinances
amending the City of Austin charter. These
amendments have been filed with the Register
of Deeds, Mower County.

Upon filing by your office, kindly
return these copies for the City's files.

Thank you.

Sincerely,

Dick Benzkofer

Dick Benzkofer
City Recorder

#28016
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 28 1975
Frank Beckman
Secretary of State

DB: lk

Enc.