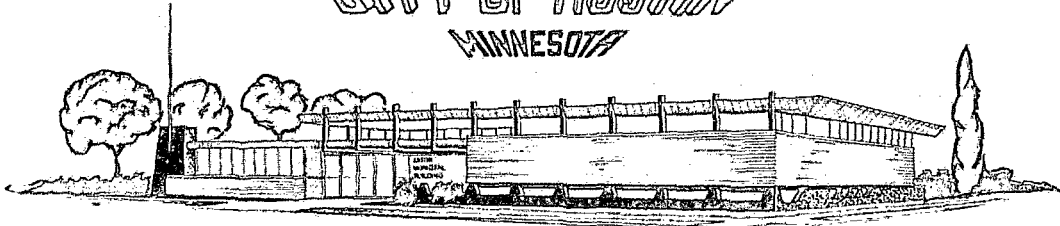


CITY OF AUSTIN  
MINNESOTA



500 4th AVENUE NORTHEAST

March 24, 1976

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

Gentlemen:

Enclosed please find Certificate of Amendment to Charter of City of Austin prepared in duplicate along with duplicate copies of documents supporting the Certificate.

Kindly return one copy of the recorded Certificate. *ret'd*

Thank you.

Sincerely,

*Dick Benzkofer*

Dick Benzkofer,  
City Recorder

DB/ra  
Enc.

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 25 1976

*John Claiborne Howe*  
Secretary of State

#29358

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 December 15, 1975, 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:

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

Chapter VIII - Special Assessments and Eminent Domain

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

Section 4 -

The City of Austin is hereby empowered to acquire, by purchase, gift, devise or condemnation, such interest in any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by said City for any public use or public purpose, including any gas, water, heat, light, telephone, or other plant, public utility, or facility.

The necessity for taking any property by eminent domain shall be determined by the Council and shall be declared by a resolution which shall describe the interest to be acquired in such property as nearly as may be and state the use intended; provided however, that this section shall not limit the authority of the Austin Utilities to exercise right of purchase or condemnation pursuant to Chapter XI of this Charter and State Law.

The acquisition by eminent domain of property by the City as provided by this section shall be accomplished by proceedings at law, pursuant to procedure for taking land for public use by right of eminent domain according to the laws of this state.

That Section 5 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 5 in its entirety.

That Section 6 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 6 in its entirety.

That Section 7 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 7 in its entirety.

That Section 8 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 8 in its entirety.

That Section 9 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 9 in its entirety.

That Section 16 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 16 in its entirety.

SECTION 2: That Section 2 of Chapter V 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 -

All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the Common Council present, by yeas and nays, which shall be entered upon the records of the Council, approved by the Mayor and attested by the City Recorder, and then recorded at length by the City Recorder in a separate book provided for that purpose. All ordinances shall be published at least once in the official paper of the City before taking effect. Resolutions, regulations and by-laws need be published only when required by the City Council or by the laws of the State of Minnesota, and shall take effect when approved by the Mayor and attested by the City Recorder.

An ordinance shall not be passed at the first meeting at which it is presented to the Common Council, except by unanimous consent of all members present, and not then unless at least two-thirds of the members elected are present, which fact shall be noted on the record, but this shall not preclude the passage of any ordinance reported by any committee of the Council, to whom the subject of such ordinance shall have been referred at any previous meeting.

SECTION 3: That Section 3 of Chapter XII of the Austin City Charter be hereby amended by striking out and deleting from said Section 3 the clause:

"Provided the amount of such estimate shall not exceed 2 mills levy upon the taxable valuation of the City of Austin for maintenance purposes,"

from the body thereof.

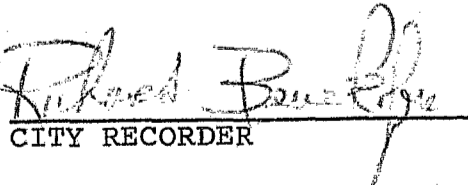
SECTION 4: The amendments above set forth shall become effective ninety (90) days after publication of said Ordinance, unless within sixty (60) days after the publication of said Ordinance a petition for a referendum is filed with the City Recorder pursuant to said M.S.A. 410.12 subdivision 7.


That Amendments as above are set forth became effective on April 5, 1976.

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 24th day of March, 1976.

  
CITY RECORDER

# 29358  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 25 1976  
  
Secretary of State

ORDINANCE NO. 1288

AN ORDINANCE AMENDING THE AUSTIN CITY CHARTER CHAPTER 8, SECTION 4, 5, 6, 7, 8, 9, 16, ; CHAPTER 5, SECTION 2; CHAPTER 12, SECTION 3.

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

WHEREAS, pursuant to the provisions of H.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.

THE COMMON COUNCIL OF THE CITY OF AUSTIN DO ORDAIN:

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

Chapter VIII - Special Assessments and Eminent Domain

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

Section 4 -

The City of Austin is hereby empowered to acquire, by purchase, gift, devise or condemnation, such interest in any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by said City for any public use or public purpose, including any gas, water, heat, light, telephone, or other plant, public utility, or facility.

The necessity for taking any property by eminent domain shall be determined by the Council and shall be declared by a resolution which shall describe the interest to be acquired in such property as nearly as may be and state the use intended; provided however, that this section shall not limit the authority of the Austin Utilities to exercise right of purchase or condemnation pursuant to Chapter XI of this Charter and state law.

The acquisition by eminent domain of property by the City as provided by this section shall be accomplished by proceedings at law, pursuant to procedure for taking land for public use by right of eminent domain according to the laws of this state.

That Section 5 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 5 in its entirety.

That Section 6 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 6 in its entirety.

That Section 7 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 7 in its entirety.

That Section 8 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 8 in its entirety.

That Section 9 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 9 in its entirety.

That Section 16 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 16 in its entirety.

SECTION 2: That Section 2 of Chapter V 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 -

All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the Common Council present, by yeas and nays, which shall be entered upon the records of the Council, approved by the Mayor and attested by the City Recorder, and then recorded at length by the City Recorder in a separate book provided for that purpose. All ordinances shall be published at least once in the official paper of the City before taking effect. Resolutions, regulations and by-laws need be published only when required by the City Council or by the laws of the State of Minnesota, and shall take effect when approved by the Mayor and attested by the City Recorder.

An ordinance shall not be passed at the first meeting at which it is presented to the Common Council, except by unanimous consent of all members present, and not then unless at least two-thirds of the members elected are present, which fact shall be noted on the record, but this shall not preclude the passage of any ordinance reported by any committee of the Council, to whom the subject of such ordinance shall have been referred at any previous meeting.

SECTION 3: That Section 3 of Chapter III of the Austin City Charter be hereby amended by striking out and deleting from said Section 3 the clause:

"Provided the amount of such estimate shall not exceed 2 mills levy upon the taxable valuation of the City of Austin for maintenance purposes,"

from the body thereof.

SECTION 4: 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 vote of yeas and nays this 15th day of December, 1975.

YEAS 7

NAYS 0

APPROVED:

Richard J. Emery  
MAYOR

ATTEST:

Richard Benz  
CITY RECORDER

29358  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 25 1976  
Andrew Haves  
Secretary of State

NOTICE A HEARING ON PROPOSED AMENDMENTS  
TO THE MUNICIPAL CHARTER OF AUSTIN, MN

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Common Council of the City of Austin, MN, will meet in the council chambers of the City of Austin at the Austin Municipal Building at 8:00 p.m. on the 15th day of December, 1975, to consider the proposed amendments to the Municipal Charter of Austin, MN, as follows:

PROPOSED AMENDMENT NO. 1

AMENDING EMINENT DOMAIN PROVISIONS  
TO CONFORM TO SUPERSEDING  
MINNESOTA STATE STATUTES

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

Chapter VIII - Special Assessments and Eminent Domain

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

Section 4 -

The City of Austin is hereby empowered to acquire, by purchase, gift, devise or condemnation, such interest in any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by said City for any public use or public purpose, including any gas, water, heat, light, telephone, or other plant, public utility, or facility.

The necessity for taking any property by eminent domain shall be determined by the Council and shall be declared by a resolution which shall describe the interest to be acquired in such property as nearly as may be and state the use intended; provided however, that this section shall not limit the authority of the Austin Utilities to exercise right of purchase or condemnation pursuant to Chapter XI of this Charter and state law.

The acquisition by eminent domain of property by the City as provided by this section shall be accomplished by proceedings at law, pursuant to procedure for taking land for public use by right of eminent domain according to the laws of this state.

That Section 5 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 5 in its entirety.

That Section 6 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 6 in its entirety.

That Section 7 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 7 in its entirety.

That Section 8 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 8 in its entirety.

That Section 9 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 9 in its entirety.

That Section 16 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 16 in its entirety.

PROPOSED AMENDMENT NO. 2

PUBLICATION AND EFFECTIVE DATE  
OF ORDINANCES, RESOLUTIONS,  
REGULATIONS AND BY-LAWS

That Section 2 of Chapter V 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 -

All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the Common Council present, by yeas and nays, which shall be entered upon the records of the Council, approved by the Mayor and attested by the City Recorder, and then recorded at length by the City Recorder in a separate book provided for that purpose. All ordinances shall be published at least once in the official paper of the City before taking effect. Resolutions, regulations and by-laws need be published only when required by the City Council or by the laws of the State of Minnesota, and shall take effect when approved by the Mayor and attested by the City Recorder.

An ordinance shall not be passed at the first meeting at which it is presented to the Common Council, except by unanimous consent of all members present, and not then unless at least two-thirds of the members elected are present, which fact shall be noted on the record, but this shall not preclude the passage of any ordinance reported by any committee of the Council, to whom the subject of such ordinance shall have been referred at any previous meeting.

PROPOSED AMENDMENT NO. 3

ELIMINATION OF MILL RATE LIMIT  
ON APPROPRIATION FOR PARK  
BOARD BUDGET

That Section 3 of Chapter III of the Austin City Charter be hereby amended by striking out and deleting from said Section 3 the clause:

"Provided the amount of such estimate shall not exceed  
2 mills levy upon the taxable valuation of the City  
of Austin for maintenance purposes,"

from the body thereof.

Dated this 19th day of November, 1975.

*Richard Benz*  
CITY RECORDER

29358  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 25 1976  
*James Anthony Howe*  
Secretary of State



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 6th Street N.E., in Austin, Minnesota, on the 21<sup>st</sup> day of October, 1974, the following amendments to the Municipal Charter of the City of Austin were drafted, adopted, and prepared 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. 410.12 (7):

PROPOSITION NO. 1

AMENDING EXISTENT AUSTIN PROVISIONS  
TO CONFORM TO SUPERSEDING  
MINNESOTA STATE STATUTES

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

Chapter VIII - Special Assessments and Eminent Domain

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

Section 4 -

The City of Austin is hereby empowered to acquire, by purchase, gift, devise or condemnation, such interest in any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by said City for any public use or public purpose, including any gas, water, heat, light, telephone, or other plant, public utility, or facility.

The necessity for taking any property by eminent domain shall be determined by the Council and shall be declared by a resolution which shall describe the interest to be acquired in such property as nearly as may be and state the use intended; provided however, that this section shall not limit the authority of the Austin Utilities to exercise right of purchase or condemnation pursuant to Chapter XI of this Charter and state law.

The acquisition by eminent domain of property by the City as provided by this section shall be accomplished by proceedings at law, pursuant to procedure for taking land for public use by right of eminent domain according to the laws of this state.

That Section 5 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 5 in its entirety.

That Section 6 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 6 in its entirety.

That Section 7 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 7 in its entirety.

That Section 8 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 8 in its entirety.

That Section 9 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 9 in its entirety.

That Section 10 of Chapter VIII of the Austin City Charter be hereby amended by striking out said Section 10 in its entirety.

PROPOSITION NO. 2

PUBLICATION AND EFFECTIVE DATE  
OF ORDINANCES, RESOLUTIONS,  
REGULATIONS AND BY-LAWS

That Section 2 of Chapter V 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 -

All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the Common Council present, by yeas and nays, which shall be entered upon the records of the Council, approved by the Mayor and attested by the City Recorder, and then recorded at length by the City Recorder in a separate book provided for that purpose. All ordinances shall be published at least once in the official paper of the City before taking effect. Resolutions, regulations and by-laws need be published only when required by the City Council or by the laws of the State of Minnesota, and shall take effect when approved by the Mayor and attested by the City Recorder.

An ordinance shall not be passed at the first meeting at which it is presented to the Common Council, except by unanimous consent of all members present, and not then unless at least two-thirds of the members elected are present, which fact shall be noted on the record, but this shall not preclude the passage of any ordinance reported by any committee of the Council, to whom the subject of such ordinance shall have been referred at any previous meeting.

PROPOSITION NO. 3

ELIMINATION OF MILL RATE LIMIT  
ON APPROPRIATION FOR PARK  
BOARD BUDGET

That Section 3 of Chapter XII of the Austin City Charter be hereby amended by striking out and deleting even said Section 3 the clause:

"Provided the amount of such estimate shall not exceed 2 mills levy upon the taxable valuation of the City of Austin for maintenance purposes."

from the body thereof.

29358

The above proposed amendments are hereby submitted to Mayor Robert Zuricht and the Common Council of the City of Austin, pursuant to the laws of the State of Minnesota, M.S.A., Chapter 410 as amended, to be enacted by ordinance by the City Council of the City of Austin, pursuant to the provisions of M.S.A. 410.12 (7) signed by the undersigned, as a majority of the Charter Commission of the City of Austin.

dated this 28<sup>th</sup> day of October, 1975.

AUSTIN CITY CHARTER COMMISSION

By Conna J. Robinson  
President

By Richard C. Buehler  
Secretary

- Jack C. Strobel
- Roger W. Mason
- George W. ...
- James B. ...
- Thomas J. Coeck
- Samuel H. Langford
- Charles Painter
- James J. ...
- Joseph J. ...
- ...
- ...
- ...
- ...

29358  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 25 1976  
Andrew Howe  
Secretary of State