

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.

Sincerely,

Dick Benzkofer, City Recorder

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STATE OF MINNESOTA
DEPARTMENT OF STATE
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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 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

MAR 251976

Secretary of State

CRITICATUR MO. 1288

AN ORDINANCE AMENDING WAR AUSTIN CITY CHARTER CHARTEN 3, SECTION 4, 5, 6, 7, 0, 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 hereimafter set forth to the City Council for passage.

cibilens, pursuent to the provisions of M.S.A. 410.12 subdivision 7, the Common Council of the City of Austin has hold a public hearing on the said recommondation after published notice as provided for therein.

THE COMMUNICOUNCEL OF THE CITY OF AUSTEN DO CREATE:

SUCTION 1: That the title to Chapter VIII of the Auctin 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 Rainent Donain

That Scotion 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, device or condemnation, such interest in any property, corpored or incorpored, 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 mearly as may be and state the use intended; provided however, that this section shall not limit the authority of the Austin Utilities to emercise 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 to hereby smended 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 smended by striking out said Section 9 in its entirety.

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

SECTION 2: That Section 2 of Chapter V of the Austin City Charter he heroby amended by striking out said Section 2 in its entirety and substituting in lieu thereof the following:

Saction 2 -

All ordinances, regulations, resolutions and by-lavo shall be passed by an affirmative vote of a majority of the Combors of the Common Council present, by year 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 at peac stand to bedeilding of liad population of 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 offect when approved by the Mayor and attested by the City Recorder.

An ordinance shall not be passed at the first neeting at which it is presented to the Common Council, except by unanimous consont of all genters present, and not then unless at least two-thirds of the nembers 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.

SUCTION 3: What Section 3 of Chapter HII of the Austin City Charter be heroby amended by striking out and doleting from said Section 3 the clause:

"Provided the enount of such estimate shall not exceed 2 mile lovy upon the tamble valuation of the City of Auctin for paintonance purposes,"

from the body thereof.

SECTION 4: The avendments above set forth shall become effective minoty (90) days after publication of said Ordinance, unless within sinty (60) days after the publication of sold Ordinance a potition for a referendum to filed with the City Recordor purposet to said M.S.A. AlO.12 aubdivision 7.

Passod by vote of year and mays this 15th day of December, 1975.

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STATE OF MINNESOTA DEPARTMENT OF STATE MAR 251976

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Secretary of State

HOTICE A HEARING ON PROPOSED AMENDMENTS TO THE MUNICIPAL CHARGER OF AUSTER, MN

TO VIIOM IF MAY CONCERN:

Hotico is hereby given that the Common Council of the City of Austin, FM, 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, MV, as follows:

PROPOSED AMENDMENT NO. 1

ALENDING 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 Apsonoments 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 eniment 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 marry as may be and state the use intended; provided however, that this section shall not limit the authority of the Austin Utilities to energies right of purchase or condemnation pursuant to Chapter XI of this Charter and state law.

The acquicition by eminent domain of proporty 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 expiring out sold 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 to 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 smended by striking out said Section 9 in its entirety.

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

PROPOSED AMENDMENT NO. 2

PUBLICATION AND EFFECTIVE DATE OF ORDINANCIE, 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 year 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 WII 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 lovy upon the taxable valuation of the City of Austin for maintenance purposes,"

from the body thereof.

Dated this 19th day of November, 1975.

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That the title to Chapter VIII of the Austin City Charter be heavily conside by striking out the title to the said Chapter VIII in its calirary and substituting in lies thereof the following:

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The Section 4 of Chapter VIII of the Austin City Charter be hereby creaded by striking out Section 4 in its estirety and substituding in lice thereof the following:

Coction 4 -

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The recooling for taking my property by eniment densin chall to dedermined by the Gouncil and shall to declared by a resolution which chall describe the interest to be acquired in each property on marry on may be and stepe the upo intended, provided however, that this coclien shall not limit the authority of the haptin whilithes to encrease right of purchase or confermation pursuent to Chapter II of this Guerter and state law.

The acquinities by enimes demin of projecty by the City as provided by this election shall be accumulated by proceedings of law, pursuant to procedure for taking land for public wee by right of enimes demand according to the law of this state.

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CUBLICATION AND OPPOSITE CASE
OF CONTRACTOR AND DE-LAWS

That Jostion 2 of Chapter V of the Austin City Charter be howely enculed by striking out entil Jostion 2 in its entirety and substituting in lieu thereof the following:

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All ordinance, regulations, resolutions and by-laws shall be passed by an affinetive vote of a anjority of the numbers of the Common Council passess, by your and anyo, which shall be embored upon the records of the Council, approved by the Dayer and attached by the City Recorder in a separate book provided for that purpose. All ordinances shall be published at least one in the official paper of the Gity before this published at least one published only when required by the City Council or by the Law of the State of District one of the State of District of District one of the State of District one of the City Decorder.

in ordinance shall not be pessed at the first mosting at which it is presented to the German Council, energy by unanimous consent of all numbers process, and not then unless at least two-thirds of the recibers elected are process, which fact shall be noted on the recent, but this chall not proclude the passage of any ordinance reported by any consists of such estimates that have been referred at any provious meeting.

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CLINICATION OF PULL RESIDELLES ON APPROPRIETATION FOR SARK ROADD DEDOUG

That Section 3 of Chapter HII of the Austin City Charter bo headly exceled by striking out and deleting from cold Section 3 the clauses

"Provided the creams of nuch estimate chail not encock 2 millo lovy open the temble valuation of the City of hestin for maintenance purposes."

from the train therese.

The above proposed escribents are hereby subsitted to Hayor Lobort Enright and the Course Counsil of the City of Austin, pursuent to the law of the State of Minosote, M.J.A., Chapter 410 as creaded, to be enacted by ordinars by the City Council of the City of Austin, pursuant to the provisions of M.S.A. 410.12 (7) signed by the undeveloped, as a majority of the Charter Countinion of the City of Austin.

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