

City of Austin, Minn.

OFFICE OF
CITY ATTORNEY

B. E. HUGHES
CITY ATTORNEY

August 7, 1923

11116 R

Secretary of State
St. Paul, Minnesota

Dear Sir:

Enclosed is certificate
of the amendment to the Charter of the
City of Ahstin. Please file in your
office.

Thanking you, I remain

Yours very truly,


B. E. Hughes
City Attorney

BEH/LP

2984

CERTIFICATE

AMENDMENTS TO THE CHARTER OF THE CITY OF AUSTIN
IN MOWER COUNTY MINNESOTA

THIS IS TO CERTIFY that I, the undersigned, am the chief magistrate of the City of Austin, in Mower County, Minnesota; that I am the mayor of said city; that the seal attached hereto is the corporate seal of said city; that an election was duly held in said city on July 16th, 1923; that notice thereof was duly and legally given; that the election was duly and legally held; that the ballots were duly and legally cast, voted, counted, canvassed and returned, that the results of said election were duly and legally returned, published and declared. That the following amendments to the charter of said city were duly and legally proposed, submitted and adopted by three-fifths of those lawfully voting at said election, and that three-fifths of those lawfully voting at said election did duly and legally declare in favor of each and every of the amendments so proposed and hereinafter set forth in full, and that three-fifths of the qualified voters of said city, voting at said election, did ratify the said following amendments, to-wit:

PROPOSITION 1
Section 2 of Chapter 8 of the Charter of the City of Austin is hereby amended by adding thereto a new paragraph as follows:

SUCH ASSESSMENTS MAY ALSO BE MADE BY THE CITY FOR THE ESTABLISHMENT AND EXTENSION OF A SYSTEM OF ORNAMENTAL STREET LIGHTING, COMMONLY KNOWN AS A "WHITE WAY," AND THE CREATION, IN CASE THE CITY COUNCIL DEEMS IT NECESSARY OF LIGHTING DISTRICTS OR ZONES. THE ESTABLISHMENT OR

EXTENSION OF SUCH SYSTEM OF STREET LIGHTING SHALL INCLUDE, AMONG OTHER THINGS, THE COST OF EQUIPMENT AND INSTALLATION FOR CONDUITS, CABLES, WIRES, LIGHT STANDARDS, OR POSTS, BRACKETS, AND EQUIPMENT.

Section 11 of Chapter 8 of the Charter of the City of Austin is hereby amended by inserting therein, following the word "thereof," where it first occurs in the said section, the following words:

OR THE ESTABLISHMENT OR

EXTENSION OF A SYSTEM OF STREET LIGHTING AS PROVIDED FOR IN SECTION 2 HEREOF.

Section 12 of Chapter 8 of the Charter of the City of Austin is hereby amended by inserting therein, after the words "sewer pipe," where they first occur in said section, the following:

OR THE ESTABLISHMENT OR EXTENSION OF A SYSTEM OF STREET LIGHTING AS PROVIDED FOR IN SECTION 2 HEREOF.

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| <p>PROPOSITION 2 Section 22 of Chapter 8 of the Char-</p> | <p>ter of the City of Austin is hereby amended as follows: By adding after the word "published," where it first</p> | <p>occurs in said section, the following: ONCE EACH WEEK FOR TWO SUCCESSIVE WEEKS</p> |
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| <p>PROPOSITION 3 Section 5 of Chapter 7 of the Charter of the City of Austin is hereby amended so as to read as follows: Section 5. All work done, or construction, or improvements made pursuant to the provisions or require-</p> | <p>ments of this chapter may, and when it causes an expenditure of ONE THOUSAND DOLLARS (\$1000) or more, shall be done by contract, let to the lowest responsible bidder, and in the latter case, public notice shall be given and proposals invited for the</p> | <p>same BY PRINTED NOTICE SIGNED BY THE CITY RECORDER PUBLISHED IN THE OFFICIAL PAPER OF SAID CITY OF AUSTIN, ONCE EACH WEEK FOR TWO SUCCESSIVE WEEKS.</p> |
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| <p>PROPOSITION 4 Section 3 of Chapter 11 of the Charter of the City of Austin is hereby amended to read as follows: Section 3. That the said board of water, electric, gas, and power commissioners may, from time to time, for the purpose of furnishing a full supply of water to the inhabitants of the city of Austin, extend said water works or make new lines of works, and as it shall from time to time extend its said works or make new lines of works, it may draw water from any lake, spring, or creek by means of pipes, drains, conduits, aqueducts, or other means of conducting water so as to connect such lakes, springs, or creeks with its water works, and may erect and construct dams, bulkheads, gates, and other needed structures and means for controlling of water and its protection. SAID BOARD SHALL HAVE THE POWER TO PURCHASE AT PUBLIC OR PRIVATE SALE ALL LAND AND WATER RIGHTS NECESSARY TO SECURE TO SAID CITY A FULL SUPPLY OF WATER, AND TO DO ALL THINGS NECESSARY FOR SECURING SUCH LANDS OR WATER RIGHTS, and may also for the purpose of furnishing electricity for lighting the streets of the city, and for commercial lighting and power, extend its electric lines, poles, and wires and erect such poles, lines, and wires, and purchase such new or additional machinery as it may deem necessary for the purpose of furnishing electricity for uses in said city, both for lighting and power purposes; AND ALSO FOR THE PURPOSE OF DISPOSING OF</p> | <p>SURPLUS ELECTRICITY FOR USE OUTSIDE THE CORPORATE LIMITS OF THE CITY OF AUSTIN. ALL SALES OF SUCH ELECTRICITY SHALL, HOWEVER, TAKE PLACE WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, AND SAID BOARD SHALL NOT HAVE THE POWER TO EXTEND ITS ELECTRIC LINES, POLES AND WIRES BEYOND SUCH CORPORATE LIMITS; and may also, for the purpose of furnishing gas for lighting or heat, for the streets or commercial use, build and construct a gas plant, lay and extend pipes and mains for conducting gas, and purchase such machinery, pipes and other material as may be necessary for such construction, extension, and operation; and may also, for heating purposes, in connection with the water works and electric plant, construct pipe lines for conducting hot water OR STEAM to the various parts of the city, and to that end purchase pipe, machinery, and appliances necessary for such construction, extension, and operation, and in general do any other act necessary or convenient for accomplishing the purpose contemplated by this chapter. Section 4 of Chapter 11 of the Charter of the City of Austin is hereby amended to read as follows: PROCEEDINGS IN CONDEMNATION Section 4. Whenever at any time said board shall propose to extend its said works so as to connect with any of said lakes, springs or creeks or to divert the water of any stream, spring, creek or body of water, AND SHALL NOT BE ABLE TO PUR-</p> | <p>CHASE OR ACQUIRE THE NECESSARY LAND OR WATER RIGHTS AT PUBLIC OR PRIVATE SALE, IT SHALL PROCEED AS FOLLOWS: said board shall cause to be made a survey of the line along which it is proposed to extend its works and of all lands or other property to be affected by flowage, drainage, or otherwise, and for the purpose it may, by its officers and agents, enter upon any lands, doing no unnecessary damage thereto. After such survey shall have been made and such line located, it shall cause to be made, a map or plat showing the location of said line and the lands necessary to be taken for such extension, and of lands or other property to be affected by flowage, drainage or otherwise. Said map or plat shall be signed and acknowledged by the surveyor making the same, and by the president of the board, and shall be filed as a record in the office of the register of deeds of the proper county. And after making compensation as hereinafter provided to the owners or persons interested in the land so to be taken, and for damages by reason of diverting the water of any stream, spring, creek, or body of water, said city shall have an easement in said land designated on said map or plat for all the purposes contemplated in this chapter, which said easement shall include the right of passage without doing unreasonable damage from any public highway to and from the land included or covered by said easement. The damage for such right of passage shall be extended in apportioning the amount of damages to be paid for such easement.</p> |
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ments of this chapter may, and when it causes an expenditure of ONE THOUSAND DOLLARS (\$1000) or more, shall be done by contract, let to the lowest responsible bidder, and in the latter case, public notice shall be given and proposals invited for the

same BY PRINTED NOTICE SIGNED BY THE CITY RECORDER PUBLISHED IN THE OFFICIAL PAPER OF SAID CITY OF AUSTIN, ONCE EACH WEEK FOR TWO SUCCESSIVE WEEKS.

PROPOSITION 4

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Section 3. That the said board of water, electric, gas, and power commissioners may, from time to time, for the purpose of furnishing a full supply of water to the inhabitants of the city of Austin, extend said water works or make new lines of works, and as it shall from time to time extend its said works or make new lines of works, it may draw water from any lake, spring, or creek by means of pipes, drains, conduits, aqueducts, or other means of conducting water so as to connect such lakes, springs, or creeks with its water works, and may erect and construct dams, bulkheads, gates, and other needed structures and means for controlling of water and its protection. SAID BOARD SHALL HAVE THE POWER TO PURCHASE AT PUBLIC OR PRIVATE SALE ALL LAND AND WATER RIGHTS NECESSARY TO SECURE TO SAID CITY A FULL SUPPLY OF WATER, AND TO DO ALL THINGS NECESSARY FOR SECURING SUCH LANDS OR WATER RIGHTS, and may also for the purpose of furnishing electricity for lighting the streets of the city, and for commercial lighting and power, extend its electric lines, poles, and wires and erect such poles, lines, and wires, and purchase such new or additional machinery as it may deem necessary for the purpose of furnishing electricity for uses in said city, both for lighting and power purposes; AND ALSO FOR THE PURPOSE OF DISPOSING OF

SURPLUS ELECTRICITY FOR USE OUTSIDE THE CORPORATE LIMITS OF THE CITY OF AUSTIN. ALL SALES OF SUCH ELECTRICITY SHALL, HOWEVER, TAKE PLACE WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, AND SAID BOARD SHALL NOT HAVE THE POWER TO EXTEND ITS ELECTRIC LINES, POLES AND WIRES BEYOND SUCH CORPORATE LIMITS; and may also, for the purpose of furnishing gas for lighting or heat, for the streets or commercial use, build and construct a gas plant, lay and extend pipes and mains for conducting gas, and purchase such machinery, pipes and other material as may be necessary for such construction, extension, and operation; and may also, for heating purposes, in connection with the water works and electric plant, construct pipe lines for conducting hot water OR STEAM to the various parts of the city, and to that end purchase pipe, machinery, and appliances necessary for such construction, extension, and operation, and in general do any other act necessary or convenient for accomplishing the purpose contemplated by this chapter.

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PROCEEDINGS IN CONDEMNATION

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CHASE OR ACQUIRE THE NECESSARY LAND OR WATER RIGHTS AT PUBLIC OR PRIVATE SALE, IT SHALL PROCEED AS FOLLOWS: said board shall cause to be made a survey of the line along which it is proposed to extend its works and of all lands or other property to be affected by flowage, drainage, or otherwise, and for the purpose it may, by its officers and agents, enter upon any lands, doing no unnecessary damage thereto. After such survey shall have been made and such line located, it shall cause to be made, a map or plat showing the location of said line and the lands necessary to be taken for such extension, and of lands or other property to be affected by flowage, drainage or otherwise. Said map or plat shall be signed and acknowledged by the surveyor making the same, and by the president of the board, and shall be filed as a record in the office of the register of deeds of the proper county. And after making compensation as hereinafter provided to the owners or persons interested in the land so to be taken, and for damages by reason of diverting the water of any stream, spring, creek, or body of water, said city shall have an easement in said land designated on said map or plat for all the purposes contemplated in this chapter, which said easement shall include the right of passage without doing unreasonable damage from any public highway to and from the land included or covered by said easement. The damage for such right of passage shall be extended in apportioning the amount of damages to be paid for such easement.

This certificate is made in pursuance of Section 36 of Article 4 of the Constitution of the State of Minnesota, and Chapter 9 of the Revised Laws of 1905 of Minnesota, and the acts amendatory thereof and supplementary thereto, and the charter of said city; and I hereby certify that the recitals of this certificate are true, and that this certificate is made in duplicate.

Dated, made, and certified, at Austin, Minnesota, this 17th day of July, 1923.

George Nish
Mayor.

STATE OF MINNESOTA
SS
COUNTY OF MOWER
City of Austin

George Hirsh being duly sworn, says that he is the chief magistrate of the City of Austin, Mower County, Minnesota; that the seal attached to the foregoing certificate is the corporate seal of said city, and that the recitals and statements in said certificate are true.

George Hirsh
George Hirsh
Mayor.

Subscribed and sworn to before me
this 17th day of July, 1923.

R. E. Hughes
~~Notary Public, Mower County, Minn.~~
~~My commission expires Nov. 17, 1929.~~

Sept 23, 1923

STATE OF MINNESOTA
SS
COUNTY OF MOWER
City of Austin

I, Fay R. Smith, do hereby certify that I am the City Recorder of the City of Austin, in Mower County, Minnesota; that George Hirsh, who signed the foregoing certificate is the Chief Magistrate of said City, to-wit, the Mayor thereof. That the seal attached to said certificate is the corporate seal of said city, and that the statements and recitals in said certificate made are true.

Witness my hand and the corporate seal of said city, at Austin, Minnesota, this 17th day of July, 1923.

Fay R. Smith
Fay R. Smith
City Recorder

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