

CERTIFICATE OF AMENDMENT TO CHARTER OF

CITY OF AUSTIN,  
Mower County, Minnesota

This is to certify that I, Darrell Stacy, 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 February 2, 1970, 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 hearing by unanimous vote of all its members adopted ordinances amending the City Charter on the following amendments:

AMENDMENT NO. 1:

CHANGING THE DATE OF THE FISCAL YEAR

That Section 1 of Chapter 6, Section 8 of Chapter 3, Section 10 of Chapter 3 are hereby amended by striking out said sections in their entirety and substituting in lieu thereof the following:

"Chapter 6, Section 1. The fiscal year of the City of Austin shall end on the last day of December in 1970 and on the last day of December in each year thereafter."

"Chapter 3, Section 8. The City Recorder shall have the custody of the corporate seal and of all papers and records of the City, attend all meetings of the common council and keep a correct record of all its proceedings, and of all rules, ordinances and regulations which it may adopt or pass, in suitable books kept for that purpose. He shall have authority to administer oaths, and certify deeds and other instruments in all cases in which the same are required or sanctioned by law. He shall keep his office at the place of meeting of the common council, and the same shall be kept open at all reasonable hours as determined by the common council, and all records and files of his office shall be open to the inspection of the public. Copies of all papers filed in his office and transcripts from all records of the common council, certified by him under the corporate seal shall be evidence in all courts as if the original were produced. He shall file in his office all chattel mortgages, chattel notes and other contracts, and perform all things incident thereto as required by law. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof. It shall be his duty to keep regular books of account in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city, the amount and number of bonds, orders, certificates or other evidences of indebtedness outstanding and the amount of each which have been paid and redeemed; to countersign all bonds, orders or other evidences of indebtedness to the city, and to keep accurate accounts thereof together with a complete copy of all such bonds, to whom issued, for what purpose and where payable, and the rate of interest they bear and the date of payment thereof. All claims and demands against the city, before they are allowed by the common council, shall be fully itemized and verified by the oath of the claimant or by some one in his behalf, and shall be filed in the office of the City Recorder. He shall collect all moneys due the city, except as otherwise provided by this charter, the general laws of this state, or by resolution and direction of the common council, keeping an accurate account thereof under such regulations as the council may adopt, and shall within

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twenty-four hours after receipt thereof, deposit the same with the city treasurer, excepting that when Sundays and legal holidays intervene, the same shall be deposited on the next business day.

It shall be his duty to make the common council, at the first meeting in each month, a detailed report of the financial condition of the city, and he shall report to the common council annually, at the close of each calendar year, a detailed statement of the receipts and disbursements for the year accompanied by the cancelled vouchers arranged in order for ready examination and reference together with a detailed statement of the outstanding bonded and floating indebtedness showing to whom payable and when due, at such time as may be determined by this charter.

He shall also furnish estimates for the purpose of levying taxes as hereinafter required. It shall be his duty to report to the common council promptly and fully in writing, if before the first day of October of any year, it shall appear that the amount expended, or to be expended, chargeable to any city fund, adding thereto the current expenses estimated for the remainder of the fiscal year and chargeable to such fund, shall be equal to three fourths of the tax authorized to be raised or revenue estimated for such fund, and he shall not countersign any contract chargeable to such fund unless the amount of taxes actually collected be ascertained; and during the remainder of the calendar year he shall not countersign any contract, the payment of which shall exceed the revenue actually collected for the fund to which such outlay is properly chargeable. It shall be his duty to examine all the reports, books, papers, vouchers and accounts of the city treasurer, and from time to time he shall perform such other duties as the common council may direct, and such as are required, by law of clerks of cities or townships in this state, for which compensation is made from state or county treasury; such service shall not be regarded as service for the city, and the compensation received therefor shall not be regarded as a part of his salary as city recorder.

He shall perform such other duties as may be presented herein or may hereafter be prescribed by ordinance or resolution of the common council."

"Chapter 3, Section 10. The treasurer shall be the custodian of, and shall receive, all moneys and funds belonging to the city from whatever source received, including license money and fines, and shall be responsible for the safe keeping and disbursement thereof, and he shall keep an accurate and detailed account thereof in such books, and in such manner, as the common council may direct. The treasurer shall file in the office of the city recorder, on the day of the first stated meeting of the common council in each month, a detailed statement showing the moneys received and paid out by him on behalf of said city during the preceding month, and the balance on hand, if any, or the overdraft, as the case may be. And the treasurer shall report to the common council annually, on or before the first regular meeting of the council, in the month of January, in each year, a full detailed statement of receipts and the sources from which received, and a detailed statement of the city orders paid during the calendar year ending with the last day of December in each year, together with the condition of the treasury at such date, which statement shall be filed with the City Recorder, and a copy thereof published in some newspaper of the city. The treasurer's books shall be subject at any and all times to the demand of the common council or any of its committees for inspection. The treasurer shall pay out moneys only on orders duly drawn upon him, signed by the mayor and attested by the City Recorder, and upon receipt of moneys from any source except directly from the city recorder, shall execute a receipt therefor, in duplicate, filing such duplicate receipt with the City Recorder within twenty-four hours thereafter.

The Treasurer shall be appointed by the common council. He shall hold office thereafter at the pleasure of the council and his compensation shall be fixed by the common council. The office of treasurer may be combined with that of the City Recorder by resolution of the common council. In the event said offices are combined said City Recorder-Treasurer shall be required to execute only one bond for the faithful performance of the duties of the combined office in such amount as the council shall direct.

The City Council may, however, designate by resolution any state or national bank or banks doing business in the State of Minnesota as a depository of the funds of said City. When the treasurer shall deposit moneys in said designated depository, in accordance with the terms of said resolution, he shall be relieved from further responsibility for their safekeeping because of the insolvency or closing of said depository.

Any municipal funds not presently needed for other purposes may be invested in obligations authorized by the Statutes of the State of Minnesota as set forth in Section 471.56, General Statutes of Minnesota for 1957, and Acts amendatory thereof and supplementary thereto.

When a bank has been duly designated as a depository of public funds by the City Council the rules and regulations governing the securing of said deposits for the City shall be the same as are set forth by Chapter 118, General Statutes of Minnesota for 1957, and Acts amendatory thereof and supplementary thereto."

AMENDMENT NO. 2:

CHANGING THE DATE FOR THE ELECTION OF CITY OFFICERS TO COINCIDE WITH THE STATE AND NATIONAL ELECTIONS.

That Section 2 and Section 9 of Chapter 2 of the Austin City Charter are hereby amended by striking out said sections in their entirety and substituting in lieu thereof the following:

"Chapter 2, Section 2. The election of city officers shall be held on the first Tuesday after the first Monday in November 1972, and on that day thereafter every even numbered year; City officers terms that expire in April, 1972, will be extended to the first business day in January of 1973; city officers terms that expire April 1974, will be extended to the first business day in January 1975; all city officials elected on the above date in November shall take office on the first business day of January next succeeding their election, such term as is hereinafter provided. Notice of the time and place of holding such election shall be given by the City Recorder by publishing said notice in the official paper of the City at least ten days prior to such election, and by posting notices thereof, at each place of election in the City; the places at which such election shall be held in the election precincts shall be fixed and designated by the common council of said city."

"Chapter 2, Section 9. The official term of all elective officers under the provisions of the charter shall commence on the first business day in January next succeeding their election and all officers to be appointed by the common council as hereinafter provided shall enter upon the duties of their respective offices on the first business day in January in the year of their appointment.

Officers appointed by the Mayor or council, except as herein otherwise provided, shall hold their respective offices for the term of two years, or such lesser time as the Mayor or Council may at the time of election or appointment designate; but no such officers shall hold office beyond the second business day in January following the next city election after his appointment, except as he holds office until his successor is elected and qualified."

AMENDMENT NO. 3:

CHANGING PARAGRAPH FIFTY-THREE, OF CHAPTER FIVE, SECTION SIX, ELIMINATING REQUIREMENT OF SUBMITTING TO A VOTE OF PUBLIC, CERTAIN IMPROVEMENTS COSTING IN EXCESS OF \$5,000.00.

That Paragraph Fifty-three, of Section 6, of Chapter 5, of the Austin City Charter is hereby amended by striking out said paragraph 53 in its entirety and substituting in lieu thereof the following:

"Fifty-third--To establish, maintain and regulate public pounds for the detention of stray animals; to provide for a pound master or keeper and prescribe his fee or compensation; to provide, construct and maintain public water works, wells, cisterns and reservoirs, watermains and hydrants; to provide for and control the water supply for the inhabitants of the city, and regulate water use and rates; to create, alter and extend water districts, to purchase, construct and maintain electric light, power, and heating plants, gas works and other works for lighting of the city streets, alleys, public grounds and buildings and for commercial and private lighting; to provide for the lighting of the city; to create, alter, and extend lamp districts; to establish and regulate rates of private lightings, power and other utilities."

That Amendments No. 1, No. 2 and No. 3 as above set forth became effective on May 20, 1970.

This Certificate is made pursuant to MSA, Extra Session Laws of 1967 Chapter 33, Section 3 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 the certificate is made in duplicate.

Dated, made, and certified to at Austin, Minnesota, this 17<sup>th</sup> day of June, 1970.

David Story  
City Recorder

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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
OCT 21 1976  
Joseph Anderson  
Secretary of State