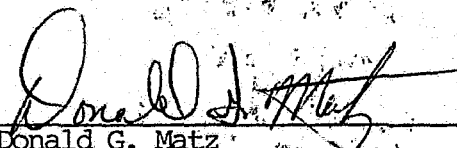


CERTIFICATE OF AMENDMENTS TO THE REVISED HOME
RULE CHARTER OF THE CITY OF WARREN

The undersigned, Donald G. Matz, Clerk of the City of Warren, Warren, Minnesota, hereby certifies that the amendments to the revised home rule charter of the City of Warren as set forth in the attached Ordinance Chapter XIV, Part 1, attached hereto and made a part hereof, were adopted at an election held on November 6, 1984 and that the vote was 742 in favor of the amendment and 254 in opposition to the amendment.

Dated this 9th day of November, 1984.



Donald G. Matz
City Clerk
City of Warren

(S E A L)

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 6 1984
Jan Andrew Hove
Secretary of State

3563

ORDINANCE CHAPTER XIV, PART 1
AN ORDINANCE AMENDING THE CITY CHARTER
OF THE CITY OF WARREN

The City Council of the City of Warren ordains as follows:

1. Section 11, Subdivision A of the City Charter shall be amended to read as follows:

The elective offices of the city shall be the mayor and six aldermen. Three aldermen shall be elected from each ward as long as there are but two wards in the city, but should the city be divided into three wards there shall be two aldermen elected from each ward and should the city be divided into more than three wards there shall be one alderman elected from each ward and a sufficient number of aldermen shall be elected at large to make a total of six aldermen.

2. Section 11, Subdivision D of the City Charter shall be amended to read as follows:

The mayor shall be elected for a term of two (2) years.

3. Section 17 of the City Charter shall be amended to read as follows:

The method of the nomination of all elective officers provided for in this chapter shall be by petition. Subject to all the provisions of this charter as to the qualifications of any person to hold any particular office in the city, the name of any person qualified to hold such office shall be printed on the ballot whenever a petition as hereinafter prescribed shall have been filed in his behalf with the clerk not less than thirty days before the election. Such petition shall be signed by not less than fifteen electors qualified to vote for the office in question. No elector shall sign petitions for more candidates than the number of places to be filled at the election, and should he do so his signature shall be void as to the petition last filed. The clerk shall prepare ballots with the name of the candidates for the same office in alphabetical order. Each petition, when filed with the clerk, must be accompanied by a two dollar filing fee. The signature to the nomination petition need not be all appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and house number or other description sufficient to identify the signer. The form of the nomination petition shall be substantially as follows, and all blank spaces must be properly filled in before filing with the clerk, viz:

NOMINATION PETITION

We, the undersigned, electors of the City of Warren, hereby nominate _____ whose residence is _____ for the office of _____ to be voted for at the election to be held on the _____ day of _____, 19____; and we each

individually certify that we are qualified electors of the city and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

NAME

STREET AND NUMBER

State of Minnesota)
County of Marshall) ss.

_____ being duly sworn, deposes and says that he is the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in his presence and are the genuine signatures of persons whose names they purport to be.

(Signed) _____

Subscribed and sworn to before me
this ___ day of _____, 19__.

(Official administering oath)

This petition, if found insufficient by the clerk, shall be returned to
_____ at No. _____ on _____ street or avenue.

4. Section 21 of the City Charter shall be amended to read as follows:

Every employee and each person appointed as an officer of the city, or as a member of any board or department of the city, except a member of the Volunteer Fire Department, shall be an elector thereof and have such other qualifications as in this charter elsewhere provided, and shall be selected for his special fitness therefor and each person so appointed shall have all the functions, powers, duties and liabilities as in this charter provided. Additional functions, powers, duties and liabilities may be assigned to any person so appointed by the council by ordinance or resolution, published once, and if so done such person shall exercise such additional functions, powers, duties and liabilities, but no function, power, duty or liability assigned by this charter to any board, commission department or officer, shall be discontinued or assigned to any other board, commission, department or officer, except as in this charter elsewhere authorized.

5. Section 45 of the City Charter shall be amended to read as follows:

The members of the council shall constitute a City Board of equalization and shall meet at such time as set by state law for the purpose of reviewing the assessments made by the assessor, and such board may alter, revise and equalize said assessments or any thereof in such manner as it deems just and proper, and shall have all the powers and duties in reference thereto as the laws of this state confer or impose upon a township board of equalization. The assessments as so equalized by the board in this section provided for shall only be subject to review by the State Board of Equalization.

6. Section 46 of the City Charter shall be amended to read as follows:

The members of the council shall constitute a board of tax levy. Said board shall meet at such times as set by state law and shall fix a maximum rate of taxation for the various purposes for which taxes are authorized to be levied, and it shall be its duty to reduce the maximum rate of taxation for each purpose to the lowest practical limit. It shall be the duty of this board to comply with the provisions of this charter and levy no taxes in excess of the maximum rates herein provided for, if such provision be made, and it shall be its duty to see that the county auditor complies with the provisions of this charter in reference to any tax appearing on the tax records of the county of Marshall, Minnesota. The Board shall determine the net assessed value of all property in the city assessed by the assessor upon which a tax may be levied. The mill rate thereon shall be fixed by the board by resolution and any tax levied by the board where the mill rate is not so fixed shall be void and shall not be, by the auditor of the county of Marshall, placed on any tax book. It shall not be a valid resolution if the tax be fixed in dollars and cents, but must be fixed at a mill rate.

7. Section 64 of the City Charter shall be amended to read as follows:

The Clerk-Treasurer shall (a) receive and safely keep all moneys, bonds, certificates of indebtedness, warrants, and securities, belonging to or under the control of the city or any board, commission, department or officer thereof, and (b) he shall keep an accurate and detailed record of all moneys and property received by him in his official capacity and (c) he shall keep a separate account of each fund and pay no money out of the treasury except upon warrant signed by the mayor and clerk and (d) he shall pay all warrants out of the particular fund on which they are drawn and shall refuse to pay any warrant when there is insufficient money in the fund on which it is drawn to pay the same and (e) he shall deposit daily all moneys received by him in his official capacity in a depository of the city in the name of the city and (f) he shall issue receipts for all moneys paid to him, (g) and he shall present it to the council whenever requested by any member thereof so to do a report stating in detail and classified as to funds all moneys received and paid out by him in his official capacity since his last report, the balance to the credit of each fund and the balance on deposit in each depository, and at the end of each fiscal year shall present a similar report to the council showing his receipts and disbursements as Clerk-Treasurer for the fiscal year then ending. All such reports shall be in such form as may be prescribed by the council. He shall also make such other or further reports as may be required of him by the council and (h) he shall have such other duties as may be elsewhere in this charter provided, or which may hereafter be prescribed by the council.

8. Section 66 of the City Charter shall be amended to read as follows:

The City Council shall appoint a suitable person to act as Clerk-Treasurer and shall fix his salary. All references in the City Charter to the position of Clerk or to the position of Treasurer shall mean Clerk-Treasurer.

9. Section 70, 71, 72, 73, 74, 75, 76, 77, 78 and 95 of the City Charter shall be deleted.

10. Section 101 of the City Charter shall be amended to read as follows:

The council shall have exclusive authority and power to pass upon all claims against the city, and to provide for the payment of same out of the proper funds, and the Mayor shall sign all necessary instruments therefor. All claims of every nature and description and for whatsoever purpose shall contain the following viz: a statement of each item and the sum thereof, the name of the department it is against and an oath by the claimant that it is just, true and correct, and that the amount charged is reasonable or pursuant to contract, and that no part thereof has been paid. It must be filed with the Clerk-Treasurer. It must be presented to the council, and by it audited, allowed or disallowed in whole or part. The Clerk-Treasurer shall then draw a warrant for the amount allowed, which shall contain the name of the payee, and the fund on which it is drawn and shall be signed by the Mayor, and the number of the warrant placed on the claim. The Clerk-Treasurer may issue the check of the City for the payment of such warrant, which check shall contain the name of the payee, the amount thereof, the number of the warrant it is in payment of, and the name of the department and fund, on which it is drawn. Such check shall then be delivered to the payee thereof. A separate check shall be issued for each warrant. All warrants drawn on the Water, Light & Power fund shall be of one color and numbered consecutively and all checks drawn on that fund shall be of the same color and numbered consecutively. All warrants drawn on any other fund shall be of a different color and numbered consecutively and all checks drawn on such other fund shall be of the same color as the warrant and numbered consecutively. No suit on any claim against the city may be maintained in any court without first filing such claim with the Clerk-Treasurer and giving the council an opportunity to act thereon at its first regular meeting after the filing thereof with the Clerk-Treasurer. If and when any claim must be paid before the items of the claim are delivered to the city or any of its departments thereof, the provisions of this section may be deviated from so far as it is absolutely necessary so to do, but the claim shall in such instance be approved by the Mayor and presented to the council, at its first meeting thereafter, and acted upon the same as other claims, and if such claim or any part thereof be determined to be unjust, untrue, incorrect or otherwise not a valid claim against the city, suit shall be instituted to recover the excess so paid.

11. Section 170 of the City Charter shall be amended to read as follows:

The Council shall advertise for bids in undertaking any repair, construction or other work in behalf of the City if bids are required under the laws of the State of Minnesota. If the cost of such work does not require a bid under state law the council may let a contract for such work without calling for bids or direct that such work, or any part thereof, be done by day-work under the supervision of some person designated by the council and authorized to employ the necessary labor, procure the necessary materials in the open market for the doing of said work, and see that the work is done.

12. Section 204 of the City Charter shall be deleted.

13. Section 212 of the City Charter shall be amended to read as follows:

The Clerk-Treasurer before assuming or performing any of the duties of his office or receiving any emolument from the city, shall execute a surety bond. The bond shall be filed with the mayor. All premiums on such bond shall be paid by the city. The council shall determine the amount of the bond and what proportionate share of the premiums thereon shall be paid out of the various funds of the city. All such surety bonds shall be conditioned as provided by the laws of this state relating to bonds of public officials.

14. Section 213 of the City Charter shall be amended to read as follows:

Every person elected or appointed to an office shall, before assuming or performing any of the duties thereof, or receiving any emolument therefor, take an oath that he will support the constitution of the United States and of the State of Minnesota, and faithfully and impartially perform the duties of the office to the best of his understanding and ability. Any person employed by the city may be required to take a similar oath before entering such employment or receiving any emolument therefor, by the person or a department making such employment. All oaths, except that of the Clerk-Treasurer shall be filed with the Clerk-Treasurer and that of the Clerk-Treasurer shall be filed with the Mayor.

15. Section 229 of the City Charter shall be amended to read as follows:

Every person convicted of a misdemeanor shall be punished by a fine and or by imprisonment as set forth in the laws of the State of Minnesota. It shall not be necessary in any ordinance adopted by the council to include therein any provision whatsoever as to the nature of the punishment to be imposed for a violation of any provision thereof, but it shall be sufficient if the ordinance provides that a violation thereof, or any part thereof, shall be a misdemeanor. Every person who shall willfully and knowingly violate any provision of this charter or any provision of any ordinance enacted by the council pursuant to the provisions of this charter shall be guilty of a misdemeanor. Every officer or employee of the city or any department thereof who shall willfully and knowingly violate any provision of this charter and every person willfully and knowingly participating in such violation, shall be guilty of a misdemeanor.

16. Section 231 of the City Charter shall be amended to read as follows:

Unless otherwise in this chapter specifically provided the term of office of all elective officers shall commence on the first Monday after the regular city election and the term of all appointive officers shall commence and end on the date provided by the appointing power, provided, however, that such term shall automatically expire not later than the first Monday after the regular city election.

Passed by the City Council this 24th day of April, 1984.

191
Glenn O. Halvorson, Mayor

ATTEST:

191
Donald G. Matz, City Clerk

HAROLD G. MYHRE
COUNTY ATTORNEY
MARSHALL COUNTY

ARTHUR A. DRENCKHAHN
MICHAEL D. WILLIAMS

LAW OFFICES

MYHRE, DRENCKHAHN & WILLIAMS, P. A.

BOX 159
WARREN, MINNESOTA ~ 56762

TELEPHONE 745-4321

AREA CODE 218

November 12, 1984

Secretary of State
State Office Building
St. Paul, MN

Sanford Tverstol
Marshall County Recorder
Marshall County Courthouse
Warren, MN 56762

Gentlemen:

Pursuant to M.S.A. 410.11, I am enclosing a certificate of amendments to the revised Home Rule Charter of the City of Warren adopted at the election on November 6, 1984.

Yours very truly,

MYHRE, DRENCKHAHN & WILLIAMS, PA

By: 
Arthur A. Drenckhahn

AAD:rg
Encl.

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