

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE

BANKING DIVISION

IN THE MATTER OF THE
Liquidation of the
Farmers State Bank of Brooten,
Stearns County, Minnesota

STATE OF MINNESOTA SS
COUNTY OF RAMSEY

I, A.J. Veigel, Commissioner of Banks of the State of
Minnesota, do hereby appoint.

ALBERT SKRIEN

Special Deputy Examiner, as my agent to assist me in the duty
of the liquidation and distribution of the assets of the Far-
mers State Bank of Brooten, Brooten, Minnesota.

His duties will be such as are usually performed by the
persons in charge of the winding up of the affairs of an in-
solvent bank, and also such duties as may be assigned to him
from time to time by the Commissioner of Banks, and his gen-
eral duties also may be defined and limited from time to time
by the Commissioner of Banks.

WITNESS My hand and seal this
31st day of May, A.D. 1926, at
my office in the City of St.
Paul, Minnesota.


Commissioner of Banks

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STATE OF MISSISSIPPI
DEPARTMENT OF STATE

FILED

OCT 6 1926

W. H. H. H.

Secretary of State

STATE OF MISSISSIPPI
DEPARTMENT OF STATE
BANKING DIVISION

I hereby certify that the within instrument is a true and correct copy of the original document which was filed in this office on

the 21st day

of May, A. D. 1926

at 11 o'clock A. M.

W. H. H. H.
Commissioner of Banks

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NUMBER 1.

STATE OF MINNESOTA
COUNTY OF ANOKA
CITY OF COLUMBIA HEIGHTS } SS

I, H. E. Soderholm, the Mayor and Chief Magistrate and Chief Executive Officer of the City of Columbia Heights in the County of Anoka and State of Minnesota, a municipal corporation, that the Board of fifteen Freeholders, appointed by the District Court of the County of Anoka and State of Minnesota, framed and drew up four proposed amendments to the city Charter of the City of Columbia Heights adopted on the 9th day of June, 1921, that said Board of Freeholders delivered a draft of said proposed amendments to me on the 30th day of July, A. D. 1926, signed by eleven of said Board of Freeholders; that thereupon said draft of said amendments was duly laid before the city Council of said city of Columbia Heights and the said Council of the said City of Columbia Heights on the 30th day of July, 1926 adopted a resolution ordering that said proposed amendments be submitted to the qualified voters of the said city of Columbia Heights at a special election to be held in said City of Columbia Heights on the 9th day of Sept., A. D. 1926; that in pursuance of said resolution and of the law relating thereto, said four proposed amendments, numbered 6 to 9 inclusive, were duly submitted to the qualified voters of the said City of Columbia Heights; that said proposed amendments numbered 6-7-8-9- did receive more than three-fifths of all the votes cast at said election and did carry. That said proposed amendments numbered 6-7-8-9, adopted at said election are as follows, to-wit:

AMENDMENT NUMBER 6.

The Charter of the City of Columbia Heights, adopted, June 9th, 1921, is hereby amended as follows: There shall be added to Chapter 7, of the Charter of the City of Columbia Heights, Minnesota, a new section to be numbered, Section 72 A, to read as follows:

" Section 72A. In addition to all powers specifically granted in that regard by its Charter or Amendments thereto, the City shall have all the powers in reference to the issuance of bonds or certificates of indebtedness provided for in respect to Cities of the Fourth Class by Chapter 10, General Statutes of Minnesota, 1913, and the Acts of the Legislature amendatory thereof and supplemental thereto."

AMENDMENT NUMBER 7.

The Charter of the City of Columbia Heights adopted June 9th, 1921, is hereby amended as follows: So that Section 77 of Chapter 8, of the said Charter of the City of Columbia Heights, Minnesota, relating to local improvements and assessments, therefor, shall read as follows:

Section 77. Local Improvements. How Made. Issuance of Certificates of Indebtedness Therefor. The Council shall have power to undertake local improvements by resolution passed by four-fifths of its members. The Council shall make such local improvements upon petition of not less than fifty-one percent (51%) of the resident owners of the real estate to be assessed therefor as shown by the records in the office of the Register of Deeds of Anoka County; Providing the total assessable cost of any such improvements together with the total of the unpaid assessments for previous improvements on the property to be assessed for such local improvement does not exceed fifty per cent (50%) of the total true and full value of all the land to be assessed therefor, exclusive

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of structures and improvements thereon, as shown on the assessor's books by the assessment last made; it being further provided that the above limitation shall not be construed as limiting the amount of assessments on individual lots, pieces or parcels of land.

To defray the expenses incurred or to be incurred in the making of any such improvement the City Council may by ordinance issue the City's Certificates of Indebtedness in such amount as be necessary; such ordinance may be passed and enacted as an emergency ordinance. Such certificates shall be payable in annual installments as nearly equal in amount as conveniently may be over a period not exceeding ten (10) years from their date, shall bear interest at a rate not to exceed six per cent (6%) per annum, payable annually or semi-annually, which interest may be evidenced by appropriate interest coupons and shall be in such form and denominations, all as the council shall by ordinance determine and shall be signed by the Mayor and City Manager and countersigned by the City Clerk. Such certificates of Indebtedness may be used in making payments on contracts for the improvements for which the assessments are made or may be sold for cash for not less than par value thereof and the proceeds credited to the Permanent Improvement Fund and used for paying for said improvements. Moneys received from said assessment shall be used to pay said certificates of indebtedness and if the moneys received from such assessments are insufficient to meet the payment of the principal and interest of said certificates of indebtedness the Council shall provide moneys for the payment of same. The amount of such certificates of indebtedness at any time outstanding shall not be included in determining the City's net indebtedness under the provisions of this charter."

AMENDMENT NUMBER 8.

The Charter of the City of Columbia Heights, adopted June 9th, 1921, is hereby amended as follows: So that Section 91 of the said Charter of the City of Columbia Heights, relating to condemnation of public utilities, be amended to read as follows:

"Section 91. City May Take Entire Plant. In case the City shall condemn a public utility which is operated at the time of the commencement of condemnation proceedings as property or one system, it shall not be necessary in such condemnation proceedings or any of the proceedings of the council, to describe or treat separately the different kinds of property composing such system, but all of the property, lands, articles, franchises and rights which enter into and go to make up such system may, unless otherwise ordered by the court, be treated together as constituting one property and an award for the whole property in one lump sum may be made by the commissioners on condemnation or other body assessing the damages."

AMENDMENT NUMBER 9.

The Charter of the City of Columbia Heights, adopted June 9th, 1921, is hereby amended as follows; so that Chapter 10, of the said Charter of the City of Columbia Heights, relating to Franchises, shall read as follows:

CHAPTER 10.
Franchises

"Section 93. Franchise Defined. The word "Franchise" as used in this Chapter shall be construed to mean any special privilege granted to any person, co-partnership, or corporation, in, over, upon, or under any of the highways or public places of the city of Columbia Heights, whether such privilege has heretofore been granted by the Village of Columbia

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Heights or the State of Minnesota, or shall hereafter be granted by the City of Columbia Heights or the State of Minnesota. The terms "public service corporation", "co-partnership", or person, as used in this chapter shall be construed to mean any corporation, co-partnership, or person exercising any franchise within the City of Columbia Heights. The term "company" shall mean either a corporation, a co-partnership, or any person exercising any franchise within the City of Columbia Heights.

Section 94. Franchise Ordinance. The council may grant franchises by ordinance adopted by a four-fifths vote, but in no case shall a franchise be granted by an emergency ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All corporations, co-partnerships, or persons desiring to make an especially burdensome use of the streets or public places, inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon, or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating street or other railways, or for telephoning, or telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or furnishing to the city or its inhabitants or any portion thereof, transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.

Section 95. Publication of Franchises. Every ordinance granting or extending any franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatsoever until it has been accepted by the grantee, and until it has been given adequate publicity, either by publication of the franchise verbatim in the official paper of the city at least once a week for four successive weeks after its passage, or by the posting of authentic copies of the franchise upon bulletin boards in at least ten of the most public places in the city for a period of thirty days after its passage.

Section 96. Term of Franchises Limited. No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer term than twenty-five years.

Section 97. Power of Regulation Reserved. The City of Columbia Heights shall have the right and power to regulate and control the exercise by any corporation, co-partnership, or person, of any franchise however acquired, and whether such franchise has been heretofore granted by the village of Columbia Heights or the State of Minnesota, or shall hereafter be granted by the city of Columbia Heights or the State of Minnesota.

Section 98. Regulation of Rates and Charges. All corporations, co-partnerships, and persons exercising franchises in the city of Columbia Heights, shall give courteous, efficient, and adequate service at reasonable rates.

Section 99. Nothing herein contained shall be construed as in any way preventing the electors from exercising their powers under the referendum to reject such franchises.

Section 100. Conditions in every Franchise. Every franchise which does not contain the provisions prescribed in this section shall be absolutely void and incapable of ratification by estoppel or otherwise.

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wise Every franchise shall contain the following provisions:

(a) That the grantee shall be subject to and will perform on its part all the terms of sections 94 to 102, inclusive, of this Charter.

(b) That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive, upon condemnation proceedings brought by the city to acquire the public utility exercising such franchise, any return on account of the franchise or its value.

(c) That no sale or lease of said franchise shall be effective until the assignee or lessee shall have filed in the office of the city clerk an instrument, duly executed, reciting the fact of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder.

(d) That every grant in said franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the condition that the council shall have the power to require such alterations therein, or relocation or rerouting thereof, as the council may at any time deem necessary for safety, health, or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts, and other fixtures bearing wires and the placing under-ground of poles, masts, and of other fixtures bearing wires and the placing underground of all wires for whatsoever purpose used.

(e) Every franchise and every extension or renewal of such franchise shall contain a provision for its acceptance in writing by the grantee within thirty days after its passage by the council and before its submission to a vote of the people in case of a referendum. No such franchise shall be binding upon the city until its acceptance by the grantee. Such acceptance shall be construed to be an acceptance of and consent to all the terms, conditions, and limitations contained in the ordinance granting the franchise as well as of the provisions of this charter.

Section 101. Further Provisions of Franchises. The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the city to insert in any such franchise or restrictions as the council may deem proper to protect the city's interests, nor shall anything contained in this charter limit any right or power possessed by the city over existing franchises.