

STATE OF MINNESOTA
COUNTY OF ST. LOUIS)
VILLAGE OF FRASER) :SS

CERTIFICATE

I, Albert J. Papin, Sr., Village President and Chief Magistrate of the Village of Fraser, St. Louis County, Minnesota, do hereby certify:

1. That at a special election duly and regularly called and held at the Village of Fraser, St. Louis County, Minnesota, on September 1, 1931, a proposed charter for the government of the Village of Fraser as a city was duly submitted to and voted upon by the qualified voters of and in said Village of Fraser.
2. That a true and correct copy of such proposed charter so voted upon is hereto attached and made a part hereof.
3. That at said special election said proposed charter was voted upon and ratified by more than four-sevenths of the qualified voters of such village who voted at such election.
4. That at such special election there was a total of Seventy-eight (78) votes cast and that Seventy-five (75) votes were cast in favor of the adoption and ratification of said proposed and annexed charter and that there were Three (3) votes cast against the adoption of such proposed charter.

Given under my hand and the seal of the Village of Fraser this 1st. day of September, A. D. 1931.

Albert J. Papin Sr.
President of the Village of Fraser
St. Louis County, Minnesota

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PROPOSED CHARTER FOR THE CITY OF FRASER

CHAPTER 1.

Name, boundaries, powers and general provisions.

Sec. 1. Name and boundaries. Upon the taking effect of this charter the Village of Fraser, in the County of St. Louis, State of Minnesota, shall become a city under the name and style of the City of Fraser, and shall continue to be a municipal corporation. The boundaries of said city are as follows:

The North Half (N-1/2) of the Northwest Quarter (NW-1/4) of Section Twenty-six (26), and all of Section Twenty-three (23) except the South Half (S-1/2) of the Northwest Quarter (NW-1/4) thereof, all in Township Fifty-eight (58) North, of Range Twenty (20) West of the Fourth Principal Meridian, according to the Government Survey thereof, being otherwise described and bounded as follows:

Beginning at the northwest corner of said Section Twenty-three (23); running thence east along the north boundary line of said Section Twenty-three (23) to the northeast corner of said section; running thence south along the east boundary line of said Section Twenty-three (23) to the southeast corner of said Section; running thence west along the south boundary line of said Section Twenty-three (23) to the southwest corner of the Southeast Quarter (SE-1/4) of said Section; running thence south along the east boundary line of the Northwest Quarter (NW-1/4) of said Section Twenty-six (26) to the southeast corner of the Northeast Quarter (NE-1/4) of the Northwest Quarter (NW-1/4) of Section Twenty-six (26); running thence west along the south boundary line of the North Half (N-1/2) of the Northwest Quarter (NW-1/4) of said Section Twenty-six (26) to the west boundary line of said Section Twenty-six (26); running thence north along the west boundary line of said Section Twenty-six (26) and the west boundary line of said Section Twenty-three (23) to the southwest corner of the Northwest Quarter (NW-1/4) of said Section Twenty-three (23); running thence east along the south boundary line of the Northwest Quarter (NW-1/4) of said Section Twenty-three (23) to the southeast corner of the Northwest Quarter (NW-1/4) of said Section Twenty-three (23); running thence north along the east boundary line of the Northwest Quarter (NW-1/4) of said Section Twenty-three (23) to the Southeast corner of the Northeast Quarter of the Northwest Quarter (NE-1/4) of (NW-1/4) of said Section Twenty-three (23); running thence west along the south boundary line of the North Half of the Northwest Quarter (N-1/2 of NW-1/4) of said Section Twenty-three (23) to

the west boundary line of said Section Twenty-three (23); running thence north along the west boundary line of said Section Twenty-three (23) to the place of beginning at the northwest corner of said Section, all according to the Government Survey thereof.

Sec. 2. Powers of the city. The City of Fraser, by and in its corporate name, shall have perpetual succession; it shall have and exercise all powers, functions, rights, and privileges now or hereafter given or granted to municipal corporations having "home rule charters" by the constitution and laws of the State of Minnesota; also all powers, functions, rights and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree; also all municipal powers, functions, rights privileges, and immunities, of every name and nature whatsoever; and in addition it shall have all the powers and be subject to the restrictions contained in this charter. In its corporate name it may take and hold, by purchase, condemnation, gift, or devise, and lease and convey any and all such real, personal, or mixed property, within or without its boundaries, as its purposes may require, or as may be useful or beneficial to its inhabitants; and it may contract with the county or with other municipalities for such joint services and utilities as may seem desirable, and for all other legitimate purposes.

Sec. 3. Construction of this charter. The provisions of this charter shall be construed liberally in favor of the city, to the end that it may have all necessary powers for the efficient conduct of its municipal affairs, as contemplated by the municipal home rule provisions of the constitution and laws of the state of Minnesota. The specific mention of particular municipal powers in

other sections of this charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned.

Sec. 4. Charter a public act. This charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty days from and after its adoption by the voters.

CHAPTER 2
Form of government

Sec. 5. Form of government. The form of government established by this charter shall be known as the "Council-Mayor" plan. All powers of the city shall be exercised by the city council except as herein otherwise provided.

Sec. 6. Creation and composition of council. The city council shall be composed of a mayor and four councilmen who shall be qualified electors of the city and who shall be elected at large by the voters of the whole city. The four councilmen shall serve for a term of four years and until their successors are elected and qualified, except that at the first election held after the adoption of this charter the two candidates having the highest number of votes shall serve for four years and the two candidates having the next highest number of votes shall serve for two years. The mayor shall serve for two years and until his successor is elected and qualified. The council shall be judge of the election of the mayor and councilmen.

Sec. 7. Incompatible offices. No member of the council shall hold any other office or employment under the city; and until one year after the expiration of his term as mayor or councilman no former member shall be appointed to any paid office or employment under the city which office or employment was created or the emoluments of which were increased during his term.

Sec. 8. Vacancies in the council. A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council or by reason of the death, resignation, removal from office, removal from the city, continuous absence from the city for more than four months or conviction of a felony of any such person, whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of three months. In each such case the council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same until the next regular municipal election, when the office shall be filled for the unexpired term.

Sec. 9. The mayor. The mayor shall be the chief executive officer of the city and shall exercise all powers and perform all duties conferred or imposed upon him by this charter, the ordinances of the city and the laws of the state. He shall be the presiding officer of the council with the right to vote on issues before that body, but shall have no right of veto. He shall be recognized as the official head of the city for ceremonial purposes, by the courts for the service of civil process, and by the governor for the purposes of military law. He shall study the operations of the city government and shall report to the council any neglect, dereliction of duty, or waste on the part of any officer or department of the city. He shall be head of and have command and control of the police force, shall maintain order and enforce the law. At the first meeting of each even numbered year the council shall select one of their own number as mayor pro tem to preside over the council during the mayor's absence and to serve as mayor during the absence from the city or disability of the mayor.

Sec. 10. Salaries. The mayor and councilmen shall receive salaries of \$100.00 per year, payable in equal monthly installments, as full compensation for their services to the city. All subordinate officers and employees of the city shall receive such salaries and wages as may be fixed by the council from time to time. The appointive officers of the city shall be a city clerk, a city treasurer, a city assessor, and such other officers subordinate to the council as the council may by ordinance create. Such employees, or subordinate officers shall be appointed by ballot by a majority vote of the council at the first regular meeting in even numbered years. They may be removed at any time by a majority vote of the council. Their successors, if any, shall be appointed for the unexpired term by a majority vote. Their duties shall be fixed by the council by ordinance. All appointive officers shall be selected for their special fitness for their respective offices and positions.

Sec. 11. Advisory boards and commissions. The council shall have power by ordinance to create and to appoint temporary commissions with advisory powers to advise and assist the council and administrative officers of the city in such affairs as the council may determine, in addition to such boards as are specifically required under this charter. The number of members and the terms of office of such advisory boards and commissions shall be determined by the ordinance creating the same. Such commissions may be given the power to administer oaths and to compel attendance of witnesses, and the production of books, papers and other documentary evidence.

Sec. 12. Investigation of city affairs. The council and any officer or officers formally authorized by it shall have power to make investigations into the city affairs, to subpoena witnesses, administer oaths and to compel the production of books

and papers. The council may at any time provide for an examination or audit of the accounts of any officer or department of the city government.

CHAPTER 3.

Precedure of council

Sec. 13. Council meetings. On the second day of January, or if that day fall on a Sunday then on the third day of January, following a regular municipal election, the council shall meet at the usual time and place for the holding of council meetings. At this time the newly elected members of the council shall assume their duties. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution, except that they shall meet not less than once each month. The mayor, or any two members of the council, may call special meetings of the council upon at least eight hours' notice to each member of the council. Such notice shall be delivered personally to each member or shall be left with some responsible person at the member's usual place of residence. All meetings of the council shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times.

Sec. 14. Secretary of the council. The city clerk shall be the secretary of the council and serve as such at its meetings, and shall keep such records and perform such other duties as may be required by this charter, or by vote of the council. He shall have such other duties as are provided by this charter, by the laws of the state, and assigned to him by action of the city council.

Sec. 15. Rules of procedure and quorum. The council shall determine its own rules and order of business, and shall keep a journal of its proceedings. A majority of all members elected shall constitute a quorum to do business, but a less num-

ber may adjourn from time to time. The council shall provide by ordinance a means by which a minority may compel the attendance of absent members.

Sec. 16. Ordinances, resolutions, and motions.

Except as in this charter otherwise provided, all legislation and all appropriations of money shall be by ordinance, save that where an obligation has been incurred by ordinance, payment thereof may be ordered by resolution if the amount exceeds five hundred dollars or by ordinary motion if the amount involved is less than that sum, and save also that licenses may be granted, property acquired for public uses, and local improvements ordered, by resolution. Every final vote upon all ordinances, resolutions, and motions, and upon all amendments thereto, shall be by ayes and noes, and the vote of each member shall be recorded in the minutes. The votes of at least three members shall be required for the passage of all ordinances, resolutions, and motions, except as otherwise provided in this charter.

Sec. 17. Procedure on ordinances. The enacting clause of all ordinances passed by the council shall be in the words "The City of Fraser does ordain." Every ordinance shall be presented in writing. Every ordinance, other than emergency ordinances, shall have two public readings in full, and at least three days shall elapse between the first and second readings thereof. Every ordinance appropriating money in excess of five hundred dollars, and every ordinance and resolution authorizing the making of any contract involving a liability on the part of the city in excess of five hundred dollars, shall remain on file in the office of the secretary of the council at least one week, and shall be published at least once in the official newspaper of the city or posted on official bulletin boards in the manner provided by this charter, before its final passage, except in the case of emergency ordinances or resolutions.

Sec. 18. Emergency ordinances and resolutions. An emergency ordinance or resolution is an ordinance or resolution for the immediate preservation of the public peace, health, or safety, in which the emergency is defined or declared in a preamble thereto, separately voted upon, and agreed to by at least four members of the council, as recorded by ayes and noes. An emergency ordinance or resolution must be in writing but may be enacted without previous filing or publication. No grant of any franchise shall be construed to be an emergency ordinance or resolution.

Sec. 19. Procedure on resolutions. Every resolution shall be presented in writing, and read in full before a vote is taken thereon, unless the reading of a resolution is dispensed with by unanimous consent.

Sec. 20. Signing and publication of ordinances and resolutions. Every ordinance or resolution passed by the council shall be signed by the mayor or by two other members, and shall be filed with the secretary of the council within two days after passage, and by him recorded and preserved. Every ordinance and resolution shall be published at least once in the official paper of the city within fifteen days after its passage by the council, or in lieu thereof may be posted on bulletin boards as in this charter provided, and shall be recorded in a book kept for that purpose, which record shall be attested by the secretary of the council; provided that the publication of resolutions not involving the expenditure of money may be dispensed with if so ordered by the council.

Sec. 21. When ordinances and resolutions take effect. Emergency ordinances and resolutions, and ordinances and resolutions making the annual tax levy, determining the annual budget, and providing for local improvements and assessments, shall take effect immediately upon their passage. All other ordinances and resolutions enacted by the council shall take effect thirty days

after the date of their passage, unless a later date is fixed therein, in which event they shall take effect at such later date.

Sec. 22. Amendment and repeal of ordinances. Amendment and repeal of ordinances or sections thereof shall be by ordinance.

CHAPTER 4.

Nominations and elections.

Sec. 23. Election districts. The council shall in its discretion establish and from time to time divide, consolidate, and re-arrange election districts or precincts by ordinance according to the laws of the state.

Sec. 24. The regular municipal election. A regular municipal election shall be held on the first Tuesday after the first Monday in December in the year 1931, and in each odd numbered year thereafter. At least fifteen days' previous notice shall be given by the city clerk of the time and place of holding such election, and of the officers to be elected, by posting a notice thereof in at least three public places in the city, or by publishing a notice thereof at least once in the official newspaper, or both, as the council may ordain, but failure to give such notice shall not invalidate such election. At the regular election there shall be elected in addition to the municipal officers such justices of the peace or municipal judges as may be provided by law.

Sec. 25. Special elections. The council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election. The procedure at such election shall conform as nearly as possible to that herein provided for other municipal elections.

Sec. 26. Judges and clerks of election. The council shall, at least ten days before each municipal election, appoint three qualified voters of each election district to be judges of election therein, and two qualified voters of each election district, or as many more as the council shall deem necessary, to

serve as clerks of election therein.

Sec. 27. Nominations by petition. The mode of nomination of all elective officers provided for by this charter shall be by petition. The name of any elector of the city shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in his behalf with the city clerk. Such petition shall be signed by a number of electors equivalent to at least five per cent of the total number of votes cast at the last regular municipal election. 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 or petitions so filed. All nomination petitions shall be in the hands of the city clerk at least ten days before the election. The clerk shall prepare the ballots in a manner to be provided by ordinance.

Sec. 28. Nomination petition. The signatures to the nomination petition need not all be 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 number or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

Nomination petition

We, the undersigned electors of the city of Fraser,
hereby nominate John Doe, whose residence is _____,
for the office of councilman, to be voted for at the election to
be held on the _____ day of _____, 9____; and we

individually certify that we are qualified electors 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

_____, 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 signatures of the persons whose names they purport to be.

Signed _____

Subscribed and sworn to before me this _____ day of _____, 19____. This petition, if found, insufficient by the city clerk, shall be returned to Richard Roe, at No. _____, _____ Street.

Sec. 29. Canvass of elections. The council shall meet and canvass the election returns within five days after any regular or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the city clerk. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate, with an indication of those who were elected; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election; and (f) such other information as may seem pertinent. The city clerk shall forthwith notify all persons elected of the fact of their election.

Sec. 30. Procedure at elections. The conduct of elections shall be regulated by ordinance, subject to the provisions of this charter and of the general laws of Minnesota.

CHAPTER 5.

Administration of City Affairs.

Sec. 31. Departments of government. The council may create and establish such departments and appoint such officers as they shall deem necessary for the proper conduct of the affairs of the city and for the maintenance of order and the preservation of health, safety and morals of the inhabitants; and the council may from time to time alter the powers and organization of such departments. Subject to the provisions of this chapter, the council shall prescribe the powers and duties of all officers and employees of the city.

The city clerk shall have charge of recording the official proceedings of all meetings of the city council and of committees thereof and of all official boards and commissions created by the council. He shall keep a record of the activities of the council and shall receive fees, fines and other moneys on behalf of the city, and shall keep a record thereof and shall turn such moneys over to the treasurer of the city when received. The city clerk shall also perform such other duties as are prescribed by this chapter or as may be required by the council.

The city treasurer shall receive and pay out moneys on behalf of the city and keep such records and perform such duties as are prescribed by this charter or may be required by the council.

Sec. 32. Compensation. All administrative officers and all employees of the city shall receive such compensation as the council may provide.

Sec. 33. Purchases and contracts. All purchases on behalf of the city and all contracts shall be made by the city council or under its authority. All contracts, bonds and instruments of every kind to which the city shall be a party shall be signed by the mayor on behalf of the city, attested by the clerk, and shall be executed in the name of the city.

Sec. 34. Contracts - how let. In all cases of work to be done by contract, or of the purchase of personal property of any kind, where the amount involved is more than five hundred dollars, unless the council shall by an emergency ordinance otherwise provide, the city clerk shall advertise for bids by at least one week's notice in the official paper in such manner as may be designated by the council. Contracts shall be let to the lowest responsible bidder and purchases shall be made from the responsible bidder who offers to furnish the article desired for the lowest sum. The council may, however, reject any and all bids, and nothing contained herein shall prevent the city from contracting for the doing of work with patented processes or from purchasing patented appliances. The council shall regulate the making of bids and letting of contracts by ordinance.

CHAPTER 6.

Taxation and Finance

Sec. 35. Council to control finances. The council shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safe-keeping and disbursement of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

Sec. 36. Fiscal year. The fiscal year of the city shall be the calendar year.

Sec. 37. System of taxation. Subject to the state constitution, and except as forbidden by it or by state legislation, the council shall have full power to provide by ordinance for a system of local taxation and to change the same from time to time. Insofar as the city procures a revenue from taxes upon real and personal property as such, it shall conform as fully as possible to the general state law as to the assessment of such property and the collection of such taxes.

Sec. 38. Board of equalization. The council shall constitute a board of equalization and shall meet as such in the usual place for holding council meetings on the last Monday in June to equalize the assessments according to law.

Sec. 39. Preparation of annual budget. The city clerk shall on or before the first Monday in August of each year after consultation with the members of the council and the heads of all departments, prepare estimates for the annual budget for the next ensuing year. The estimates of expenditures shall be arranged for each department or division of the city under the following heads: (1) ordinary expenses (for operation, maintenance and repairs); and (2) capital outlays (for new construction, new equipment and all improvements of a lasting character). Ordinary expenses shall be subdivided into: (a) salaries with a list of salaried offices and positions, with the salary allowance and the number of persons holding each; (b) wages; (c) printing, advertising, telephone, telegraph, express charges, and other like items; (d) supplies and repairs, with sufficient detail to be readily understood. All increases and decreases shall be clearly shown. In parallel columns shall be added the amounts

granted and the amounts expended under similar heads for the past two completed fiscal years, and, as far as possible, for the current year. In addition to the estimates of expenditures, the estimates shall include a statement of the revenues which have accrued for the past two completed fiscal years, with the amounts collected and the uncollected balances, together with the same information, as far as possible, for the current fiscal year, and an estimate of revenues for the ensuing fiscal year. The statement of revenues for each year shall specify the following items: Sums derived from (a) taxation, (b) fees, (c) fines, (d) interest, (e) miscellaneous, not included in the foregoing, (f) sales and rentals, (g) special assessments, and (h) sales of bonds and other obligations. Such estimates shall be printed or typewritten, and there shall be at least ten copies, one for each member of the council, one for the city clerk, and the remainder made available to the public at the city clerk's office. The estimates shall be submitted to the council at its first regular monthly meeting in August, and shall be made public. The city clerk may submit with the estimates such explanatory statement or statements as he may deem necessary, and during the first three years under this charter he shall be authorized to interpret the requirements of this section as requiring only such comparisons of the city's finances with those of the previous government of the city as may be feasible and pertinent. The budget for the first fiscal year under this charter shall be compiled and prepared by the village clerk then in office as nearly as possible in accordance with this charter, and shall be adopted by the incumbent village council and the moneys levied thereunder shall be expended under the provisions of this charter.

Sec. 40. Passage of the budget. The budget shall be the principal item of business at the first regular monthly meeting of the council in August, and the council shall hold adjourned meetings from time to time until all the estimates have been considered. The annual budget finally agreed upon shall be included in a resolution setting forth in detail the complete financial project of the city for the ensuing fiscal year. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, according to the plan indicated in Section 39. The total sum of obligations incurred annually shall in all cases be less than the total estimated revenues by a safe margin. The council shall adopt the budget resolution not later than the first day of October, but no expenditures shall be made under the same prior to the beginning of the fiscal year for which the budget is made.

Sec. 41. Enforcement of budget. It shall be the duty of the city clerk to enforce strictly the provisions of the budget, and any violation of that duty shall constitute a violation of his oath of office and make his sureties liable on his bond. He shall not approve any order upon the city treasurer for any expenditure unless an appropriation has been made in the budget, nor for any expenditure covered by the budget unless there is a sufficient unexpended balance of such appropriation left after deducting the total past expenditures, and the sum of all outstanding orders and encumbrances. No officer or employee of the city shall place any orders or make any purchases except for the purposes and to the amounts authorized in the budget. Any obligation incurred by any person in the employ of the city for any purpose not authorized in the

budget, or for any amount in excess of the amount therein authorized, shall be a violation of the provisions of Section 45 of this charter.

Sec. 42. Alteration in budget. After the budget shall have been duly adopted, the council shall have no power to increase the amounts therein fixed by the insertion of new items or otherwise, beyond the amounts provided therein. The sums fixed in the budget shall be appropriated as of the first day of January following for the several purposes named therein, and no other. The council may, upon formal request by a board, commission or head of any department, by resolution passed by a four-fifths vote of all its members, reduce salaries or wages or the sums appropriated for any other purpose, and such sums may be appropriated to any other use within the same budget fund upon such request as aforesaid, but the council shall not transfer any such items between funds. Balances remaining in any budget item at the end of a fiscal year shall revert to the treasury and shall be used to reduce the amount necessary to be raised for the ensuing budget year.

Sec. 43. Levy and collection of taxes. On or before the first of October each year the council shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The city clerk shall transmit to the county auditor annually, not later than the tenth of October, a statement of all the taxes levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purposes for which the same is levied, but in that case the surplus shall go into the fund to which such tax belongs.

Sec. 44. Tax settlement with county treasurer. The city treasurer shall see to it that all moneys in the county treasury belonging to the city are promptly turned over to the city according to law.

Sec. 45. Disbursements - how made. No disbursement of city funds shall be made except on order of the mayor and city clerk duly authorized by an ordinance, resolution, or motion of the council, and every such order shall specify the purpose for which the disbursement is made, and indicate the proper fund in the current budget for its payment. Every such order shall be directed to the treasurer, and the latter shall issue a check payable to the order of the person in whose favor the order was drawn. The treasurer shall issue no check upon any city fund except upon such order; but no such order or check shall be issued until there is money to the credit of the fund out of which it is to be paid sufficient to pay the same together with all then outstanding encumbrances upon said fund.

Whenever from and after January first of the year succeeding the adoption of this charter, expense and obligations incurred chargeable to any particular fund in any calendar year are sufficient to absorb 85% of the entire amount of the tax levy payable in that year, including such amount as may remain in the fund from the levy of any prior year or years, no officer, board, or official body shall have the power, and no power shall exist to create any additional indebtedness (save as the remaining 15% of said tax levy is collected), which shall be a charge against that particular fund, or shall be in any manner a valid claim against the city, but such additional indebtedness attempted to be created shall be a personal claim against the officer, or members of the municipal board, or body, voting for or attempting to

create the same. No contract requiring the payment of money by the city shall be valid unless the particular fund out of which same is to be paid is specified in said contract. No claim against the city shall be allowed unless accompanied by an itemized bill and voucher, verified by claimant, or payroll or other sheet signed by the responsible officer who has personal knowledge of the facts in the case and vouches for the correctness and reasonableness of the claim. Any officer or officers paying any claim in an amount different than that therein specified, or contrary to the provisions of this chapter, shall be guilty of a gross misdemeanor and punished upon conviction as provided in Mason's Minnesota Statutes, 1927, Section 9923. The council may by ordinance make further regulations for the safe-keeping and disbursement of the city's funds.

Sec. 46. Funds to be kept. The first council elected under this charter shall establish and maintain in the city treasury the following funds for the support of which the council may levy taxes.

(a) A permanent improvement fund for the purposes of paying the cost of all real property, and all rights therein and all improvements thereon, which the city shall acquire for its various purposes, and the payment for which is not otherwise provided for out of other funds.

(b) A general fund for the payment of the general expenses of the city, as directed by the council. Into this fund shall be paid all moneys not herein or by ordinance provided to be paid into any other fund.

The council may in its discretion establish such other funds in addition to those herein specified as it may consider necessary.

Sec. 47. Receipts to go to city treasurer. All receipts of money belonging to the city, or any branch thereof, excepting only those funds collected by the county treasurer, shall be paid to the city treasurer by the person authorized to receive the same at the close of each business day. All such moneys, and also all moneys received upon tax settlements from the county treasurer, shall be deposited as soon as received in a bank or banks approved by the city council. Any person in the employ of the city guilty of a violation of this provision shall be liable to be reduced in rank and salary or to be dismissed from his office or position, as the council may determine after a hearing.

Sec. 48. Accounts and reports. The city clerk shall be the chief accounting officer of the city and of every branch thereof, and the council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this charter and the ordinances in accord therewith. He shall submit to the council from time to time such statements as to the condition of the city finances as the council shall require. Once each year, on or before the last day of January, he shall submit a report to the council covering the entire financial operation of the city for the past year. This report shall show the actual total receipts and actual total expenditures, and shall state the cash balance at the beginning of the last fiscal year and at the close; the total outlays for operation and maintenance, and the total capital outlays; the condition of each of the funds; the total receipts by sources and the total expenditures for general purposes; the condition of all the annual budget allowances; an inventory of all the property owned by the city and such further information as the council may require.

Sec. 49. Bonded debt and debt limits. The City of Fraser shall have the powers in reference to borrowing money and issuing bonds and certificates of indebtedness which are or shall be given by the Laws of Minnesota to cities of the fourth class governed by home rule charters, and shall be governed by the debt limit prescribed by such laws. Provided, however, that no bonds shall ever be issued to pay current expenses or to refund certificates of indebtedness issued to provide for temporary deficiencies in the revenues to cover current expenses.

Chapter 7.

Public Improvements and Special Assessments.

Sec. 50. Power to make improvements and levy assessments. The City of Fraser shall have the power to make any and every type of public improvement not forbidden by the laws of this state, and to levy special assessments for all such as are of a local character. The amounts assessed to benefited property to pay for local improvements may equal the cost of the improvement plus necessary incidental expenses with interest until paid, but shall in no case exceed the value of the benefits received by such property.

Sec. 51. Local improvement regulations. The council may adopt a complete ordinance covering every type of public improvement, and when this ordinance takes effect, it shall supplant other provisions of law or charter upon the same subject. It may be amended from time to time as other ordinances. Such ordinance shall provide a complete working code, covering petitions of resident property owners, the determination of assessments and the assessment districts, public hearings, appeals from assessments and the trial thereof, reassessments, the spreading of assessments over a period of not to

exceed ten years, the collection of assessments with other taxes or otherwise, penalties for delinquency in making payments, and all other matters appropriate to the subject of local improvements and assessments. After the passage of such ordinance, all resolutions providing for public improvements shall conform to the regulations laid down in such ordinance.

CHAPTER 8.

Eminent Domain.

Sec. 52. Power to acquire property. The City of Fraser is hereby empowered to acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by said city for any public use or purpose. Easements for slopes, fills, sewers, building lines, poles, wires, pipes, and conduits for water, gas, heat and power may be acquired by gift, devise, purchase or condemnation in the manner provided by law.

Sec. 53. Proceedings in taking property. The necessity for the taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. The acquisition of such property may be accomplished by proceedings at law, as in taking land for public use by right of eminent domain according to the laws of this state, except as otherwise provided in this chapter.

Sec. 54. Payment of award. Whenever an award of damages shall be confirmed in any proceeding for the taking of property under this chapter, or whenever the court shall render final judgment in any appeal from any such award, and

the time for abandoning such proceedings by the city shall have expired, the city shall be bound to, and shall, within sixty days of such final determination, pay the amount of the award with interest thereon at the rate of six percent per annum from the date of the confirmation of the award or judgment of the court, as the case may be; and if not so paid, judgment therefor may be had against the city.

Sec. 55. City may abandon proceedings. The city may, by resolution of the council at any stage of the condemnation proceedings, or at any time within thirty days after any commissioners appointed by the court hereunder shall have filed their report with the clerk of court, or in case of an appeal to the district or supreme court at any time within thirty days after final determination thereof abandon such proceedings as to all or any parcel of the property sought to be acquired, and shall pay all costs thereof.

CHAPTER 9.

Miscellaneous and Transitory Provisions.

Sec. 56. Official publications. The council shall regulate by ordinance the manner in which official publicity shall be given to the holding of elections, to ordinances, resolutions, to requests for bids upon contemplated purchases and contracts, and to all other matters whatsoever which require publication either by the terms of this charter or by the laws of Minnesota. It shall annually designate a newspaper published in the city, or if none is published in the city, then a newspaper published in St. Louis County, as the official paper in which shall be published such measures and matters as are by the laws of this state required to be so

published, and such other matters as the council may deem it wise to have published in this manner. The council may in its discretion provide for the publication of the annual budget, ordinances, resolutions, election notices, and such other measures and matters as it may deem wise by the posting of typewritten, mimeographed, or printed copies thereof upon at least three bulletin boards located in the most public places of the city, at important street intersections, the city hall, and so on, and for such period of time as the council may direct in each case. If the latter method of publication is adopted, the council may provide that it shall be in lieu of other methods of publication or in addition thereto at its option. Wherever in this charter there is a requirement of the publication of any measure or matter, it shall be understood that the city council may designate the manner of such publication, subject to the options permitted by this section; but nothing herein contained shall be construed as authorizing or as attempting to authorize any violation of the constitution or the statutes of the state in any matter which is of state concern or which is exclusively under state control.

Sec. 57. Oath of office. Every officer of the city shall, before entering upon the duties of his office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the constitution of the United States and of this state, and to discharge faithfully the duties devolving upon me as (mayor, or councilman, etc.) of this city to the best of my judgment and ability."

Sec. 58. City officers not to accept favors or contracts. No officer or employee of the city shall solicit or receive any pay, commission, money, or thing of value, or derive

any benefit, profit, or advantage, directly or indirectly, from, or by reason of, any improvement, alteration, or repair required by authority of the city, or any contract to which the city shall be a party, except his lawful compensation or salary as such officer or employee. No officer or employee of the city, except as otherwise provided in this charter, or by law, shall solicit, accept, or receive, directly or indirectly from any public utility corporation or the owner of any public utility or franchise, any pass, frank, free ticket, free service, or any other favor, upon terms more favorable than those granted the public generally. A violation of any of the provisions of this section shall disqualify the offender from continuing in office or in the employment of the city, and he shall be removed therefrom. Any contract with the city in which any officer or employee of the city is, or becomes, directly or indirectly interested, personally, or as a member of a firm, or as an officer or director of a corporation, shall be void; and any money which shall have been paid on such contract by the city may be recovered from any or all the persons interested therein by joint or several action.

Sec. 59. Official bonds. The city clerk, and such other officers of the city as may be provided for by ordinance, shall each before entering upon the duties of their respective offices, give bond to the city in such sum as may be fixed by the council as an additional security for the faithful performance of their respective official duties and the safe-keeping of the public funds. Such bonds shall be approved by the city council and shall be endorsed by at least three members of the council as having been so approved. They shall be filed with the secretary of the council. The provisions of the laws of

the state relating to official bonds, not inconsistent with this charter, shall be complied with.

Sec. 60. City property not lost by adverse possession.

No right, title, estate, or easement of the city in any property shall be lost by adverse possession or occupancy, and no statute of limitations shall operate against the city in favor of any person occupying any public property or highway, whether such highway shall have been improved or not.

Sec. 61. Sales of real property. No real property of the city shall be disposed of except by ordinance or resolution. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the city in the purchase, construction, or improvement of this or other property used for the same public purpose; but if there be no such outstanding indebtedness, then the council may by a resolution adopted by a four-fifths vote designate some other public use for such proceeds.

Sec. 62. Damage suits. No action shall be maintained against the city on account of any injuries or damages to persons or property, unless such action shall be commenced within one year from the occurrence of such injury or damage, nor unless notice shall have been given in writing to the city clerk within thirty days of the occurrence of such injury or damage, stating the time when and the specific place where, and the circumstances under which, the same occurred, and that the person injured or damaged will claim damages of the city therefor.

Sec. 63. City to succeed to rights and obligations of former village. The city shall succeed to all the property, rights, and privileges, and shall be subject to all the legal obligations of the Village of Fraser.

Sec. 64. Present officers to hold office until December 31, 1931. The present officers and council of the Village of Fraser shall continue to hold office until December 31, 1931. From and after the time that this charter goes into effect, they shall be and shall act as the officers of and council of the City of Fraser. They shall carry on the functions and business of the city, conforming as nearly as may be to the provisions of this charter. They shall make financial provision for the fiscal year 1932, conforming as nearly as possible to the budget plan set forth in this charter, and they shall do all things necessary in accordance with Chapter 4 of this charter for the holding of the first city election to be held on December 8, 1931.

Sec. 65. Statutes not affected by charter. All general laws and statutes of the state applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Fraser, operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Fraser, and shall be construed as supplementary to the provisions of this charter.

Sec. 66. Existing ordinances continued. All ordinances and regulations of the Village of Fraser in force when this charter takes effect and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Sec. 67. Ordinances to make charter effective. The council is hereby empowered to, and it shall by ordinance, make such regulations as may be necessary to carry out and make effective the provisions of this charter.

MARTIN HEIM

GUSTAV G. STONEMARK

SAMUEL CHODO

JAMES F. KEALY

PETER LA MUSGA

JOHN GREW

JERRY ROBERTS

WALTER F. BEISSEL

ELMER MITCHELL

JOHN PETERSON

WILLIAM E. BATES

ELMER A. MYERS

ALBERT J. PAPIN, SR.

JOHN C. TEGG

HARRY I. MARKS

To Albert J. Papin, Sr.,

President of the Village of Fraser:

We, the undersigned, having been heretofore duly appointed by the Judges of the District Court of the Eleventh Judicial District of Minnesota as a Board of Freeholders to frame a charter for the government as a city of the Village of Fraser in said County, do hereby present and deliver the foregoing as a draft of a proposed charter for the City of Fraser.

August 21st, 1931.

MARTIN HEIM

GUSTAV G. STONEMARK

SAMUEL CHODO

JAMES F. KEALY

PETER LA MUSCA

JOHN GREW

JERRY ROBERTS

WALTER F. BEISSEL

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