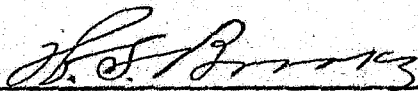


STATE OF MINNESOTA)
COUNTY OF WASHINGTON) SS.
VILLAGE OF MAHTOMEDI)

I, H. S. Brooks, the duly chosen, qualified and acting Clerk of the Village of Mahtomedi, Minnesota, do hereby certify that I have compared the within instrument with the Original Ordinance Number 19 now on file in my office and that it is a true and correct copy of the same and the whole thereof, and that the above is a true copy of the filing thereon.

Dated July 17, 1933.



Mahtomedi Village Clerk.

6191

ORDINANCE NUMBER 19

An Ordinance Annexing Certain Abutting Land to the Village of Mahtomedi and Extending the Boundary Lines of said Village so as to Include said Land.

THE VILLAGE COUNCIL OF THE VILLAGE OF MAHTOMEDI DO ORDAIN AS FOLLOWS:

Section 1. That pursuant to that certain petition signed by a majority of the owners of that certain tract of land, not exceeding two hundred acres, abutting upon the Village of Mahtomedi, requesting the annexation of said land to said Village, and duly filed with the Clerk of said Village, the village boundaries of the Village of Mahtomedi, Minnesota are hereby extended to include said tract of land abutting upon said Village and lying and being in the Township of Lincoln, County of Washington, State of Minnesota, described as follows, to-wit:

Commencing at a point on the center line of Forest Street in the Village of Mahtomedi, Minnesota, where said line intersects the Easterly boundary line of said Village; thence Easterly along said center line of said Forest Street to a point even with and directly opposite the Easterly lot line of Lot Eight (8), Block One (1) of Forest Heights Second Addition, Washington County, Minnesota; thence Southerly across the South half of Forest Street and along the Easterly lot line of said Lot Eight (8) to the Southeast corner of said Lot Eight (8); thence Southerly in a straight line to a point even with the Northerly lot line of Lot Ten (10) in said Block One (1) and seven and five-tenths (7.5) feet East of the Northeast corner of said Lot Ten (10); thence Southerly in a line seven and five-tenths (7.5) feet East of and parallel with the Easterly lot lines of Lots Ten (10), Eleven (11) and Twelve (12) all in said Block One (1) to the Northerly side of Wood Street; thence Southerly across Wood Street to a point on the South side of Wood Street seven and five-tenths (7.5) feet East of the Northeast corner of Lot Fourteen (14), Block Three (3) of said Forest Heights Second Addition; thence Southerly in a line seven and five-tenths (7.5) feet East of and parallel with the Easterly lot lines of Lots Fourteen (14), Thirteen (13), Twelve (12), Eleven (11), Ten (10), Nine (9) and Eight (8) all in said Block Three (3) of said Forest Heights Second Addition, to a point even with a line running seven and five-tenths (7.5) feet South of and parallel with the Southerly lot line of said Lot Eight (8), Block Three (3), of said Forest Heights Second Addition; thence Westerly along a line seven and five-tenths (7.5) feet South of and parallel with the Southerly lot line of said Lot Eight (8) in said Block Three (3) to the East side of Highwood Avenue; thence directly West in a straight line to the Easterly boundary line of said Village of Mahtomedi; thence Northerly along the Easterly boundary line of said Village of Mahtomedi to the place of beginning.

And said territory is hereby made a part of the Village of Mahtomedi, Minnesota, as effectually as if the same had originally been a part of said Village.

Section 2. This ordinance shall take effect and be in force upon the filing of a certified copy thereof with the Secretary of State of the State of Minnesota and from and after its publication.

Passed July 17th, 1933.

Approved July 17th, 1933.

C. C. Kehl

President Village Council.

Attest:

H. A. Brooks

Village Clerk.

(Village Seal)

6191

6191

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 1 5 1933

W. H. ...
Secretary of State.

Petitioner's Exhibit "A"

CHARTER

OF THE

CITY OF TOWER

SAN FRANCISCO COUNTY



ADOPTED JUNE 18
1928

619

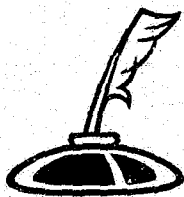
CHARTER

OF THE

CITY *of* TOWER

SAINT LOUIS COUNTY

MINNESOTA



ADOPTED JUNE 18
1928

CHARTER
of the
CITY OF TOWER
St. Louis County, Minnesota.

CHAPTER I
General Provisions

Section 1. Powers of the City. The municipal corporation in the County of St. Louis, State of Minnesota, Known as the City of Tower with boundaries as now established, or as hereafter established in the manner provided by law, shall continue to be a municipal corporation under the name of the City of Tower; shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property of any kind or description, or any right, title or interest in the same within or without its boundaries for any municipal purpose by purchase, gift, devise, condemnation, or lease or otherwise, and may sell, convey, lease, hold, encumber; manage and control or otherwise dispose of such property as its interests require; and except as prohibited by the constitution or statutes of the State of Minnesota or of the United States, the City of Tower shall have all other municipal powers, functions, rights, remedies, privileges, and immunities of every name and nature whatsoever. The enumeration of particular powers in other sections of this charter shall not be construed to limit the powers of the city to those thus enumerated. 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.

Section 2. Powers, How Exercised. All powers of the city, unless otherwise provided in this charter, shall be exercised by the city council or under its direction.

Section 3. Boundaries. Until altered as provided by law the City of Tower shall consist of the following described territory in the County of St. Louis, State of Minnesota, to-wit: All of section thirty-one (31) and the south

half (S½) and the northwest quarter (NW¼) of section thirty-two (32) in township sixty-two (62) north, of range fifteen (15) west of the fourth principal meridian.

CHAPTER II Nominations and Elections

Section 4. Elective Officers. There shall be elected at large in the City of Tower a mayor, four aldermen, a city treasurer, and two justices of the peace, or a municipal judge and special municipal judge as may be provided by law. The mayor and aldermen shall together constitute the council of said city.

Section 5. Elections. The regular municipal election shall be held on the first Tuesday in February, 1929, and annually thereafter at such place or places as the city council may designate. The city council may by ordinance divide the city into voting precincts. At least fifteen days public notice shall be given by the city clerk of the time and place of holding regular and special elections, and of the officers to be elected and the propositions to be voted upon, but failure to give such notice of a regular election shall not invalidate such election.

Section 6. Nominations. The manner of nomination of all elective officers provided for in this charter shall be by petition. The name of any candidate for elective office in the city shall be printed on the ballot whenever a petition signed by ten electors of the city shall have been filed on his behalf with the city clerk at least ten days before the election. The clerk shall prepare the ballots in a manner to be provided by ordinance.

Section 7. Nomination Petitions. The form of the nomination petition shall be substantially as follows:

NOMINATION PETITION

We, the undersigned, electors of the City of Tower, Minnesota, hereby nominate.....
whose residence is Tower, Minnesota, for the office of.....
....., to be voted upon at the election to be held on the.....day of.....19...; we individually certify that we are qualified electors, and that we have not signed more nomination petitions for candidates for this office than there are persons to be elected thereto.

The nominee shall indicate by an endorsement upon the petition that he will accept the office if elected thereto. Each such petition shall be verified by affidavit of the circulator thereof that each person signing such petition is a qualified voter to the best of his knowledge and belief.

Section 8. Judges and Clerks of Election. The council shall, at least ten days before each regular or special election, appoint such judges and clerks of the election in each precinct as may be provided by ordinance.

Section 9. Procedure at Election. The conduct of elections shall be regulated by ordinance, subject to the provisions of this charter. The general election laws of the state shall govern in all matters not otherwise provided for in this charter or the ordinances passed hereunder.

Section 10. Canvass of Election. The council shall meet and canvass the election returns within twenty-four hours after the polls have closed at any

regular or special election. The clerk shall present a certificate of election under the seal of the city to each person elected.

Section 11. Calling Special Elections. The council may by a resolution passed by a vote of four-fifths of its members call a special election for any purpose not forbidden by law and fix the time and place of holding the same.

Section 12. Term of Office. The term of office of the mayor shall be two years. The term of office of the aldermen shall be two years. The term of office of the city treasurer and of the justices of the peace shall be two years. The term of office of municipal judge and special municipal judge shall be that established by law.

Section 13. Vacancies. An elective office shall be deemed vacant in case of the failure of the person elected to qualify within ten days after official canvass of the election at which he is elected, or by reason of death, resignation, removal from the city, conviction of a felony, or removal from office. If a vacancy occurs in an elective office the council shall forthwith appoint an eligible person to fill the office until the next general municipal election, when the office shall be filled by election for the unexpired term, if any; if not, then for a full term. Elections of justices of the peace or municipal judge and special municipal judge shall always be for a full term.

Section 14. Salaries of Elective Officers. The salary of the mayor shall be one hundred dollars per year, and the salary of each alderman shall be one dollar and fifty cents for each meeting of the council, not to exceed twenty-five dollars for any member for any single official year.

CHAPTER III Legislation and Administration

Section 15. Presiding Officer. The mayor shall be the president of the council and shall preside at all meetings of the council. At the first regular meeting of the council, which shall be held on the second Saturday after the municipal election, the council shall elect one of its members president pro-tem. Such president pro-tem shall preside at the meetings of the council in the absence of the mayor from the city and shall during the absence of the mayor from the city or during his disability be acting mayor with full power as mayor. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving processes, and by the governor for purposes of military law.

Section 16. Council Meetings. All meetings of the council shall be held at a time and place designated by resolution. The council shall keep a journal of its proceedings, which shall be a public record. It shall hold at least one regular meeting each month and may hold other meetings as provided by its rules. At any meeting of the council a majority of the members shall constitute a quorum, but a smaller number 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. All meetings of the council shall be open to the public.

Section 17. Appointive Officers. At the first meeting of the council first elected under this charter the mayor shall nominate and the council appoint a city clerk, city assessor, a chief of police, fire chief, and a board of health consisting of three members, and such other officers and employees as may be provided for by ordinance. Such officers and employees shall serve

until removed by the council. As removals are made and vacancies occur the mayor shall nominate and the council appoint such officers and employees as may be necessary to fill such vacancies. The council may, by ordinance, combine the duties of any two or more offices and appoint a single officer to perform such duties. The council shall, by ordinance, prescribe the principal duties and fix the compensation of the city treasurer and of all appointive officers. All nominations to office in this city shall be made upon the basis of merit and fitness alone as determined (except in the case of the board of health) by an examination conducted under the direction of a committee composed of the mayor, one member of the council, chosen by the council, and one other person from outside the council, familiar with the duties of the position; chosen by these two.

Section 18. Removal of Appointive Officers. Any appointive officer of the city may be removed from office by a resolution, passed by a majority vote of the council. If such removal occurs after the officer to be removed has served the city in his official capacity for six months or more, the resolution of removal may be passed by the council only after a public hearing, if the officer requests the same.

Section 19. Disqualification for Appointive Office. No member of any council elected under this charter may be chosen to any appointive office for which a compensation is paid by the city either during his term of office or for one year after the expiration thereof.

Section 20. Ordinances and Resolutions. Except as otherwise provided in this charter, all legislation shall be by ordinance. Every ordinance and resolution shall be presented in writing and read in full at a council meeting, and a notice containing the title of the ordinance or resolution and setting forth its general purpose shall be published before a vote is taken thereon. The reading of a resolution may be dispensed with by unanimous consent. All administrative business may be transacted by ordinary motion. Upon the final passage of all ordinances and resolutions the ayes and noes shall be recorded. A majority vote of all the members of the council shall be required for the passage of all ordinances and resolutions except as otherwise provided in this charter.

Section 21. Enacting Clause. The enacting clause of all ordinances shall be in the words: "The City of Tower Ordains."

Section 22. Filing and Reading Ordinances. Every ordinance or resolution other than an emergency ordinance or resolution shall have two readings, and at least five days shall elapse between the first and second readings thereof. Every ordinance or 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 city clerk at least one week after its introduction before its final passage except an emergency ordinance or resolution. An emergency ordinance or resolution is one for the immediate preservation of the public peace, health, morals, safety, or welfare, in which the emergency is defined and declared in a preamble thereto, separately voted upon. Such preamble shall receive the affirmative vote of four-fifths of the members of the council. No grant of any franchise shall be construed to be an emergency ordinance. An emergency ordinance or resolution may be enacted without previous filing, and on the same day it is introduced.

Section 23. Signature and Publication of Ordinances. Every ordinance except as otherwise provided in this charter, shall be signed by the mayor, or in his absence by the president pro-tem of the council, attested by the city

clerk, published within twenty days after its passage by the council and recorded by the city clerk in a properly indexed book kept by him for that purpose. Every ordinance not so published and recorded shall be void.

Section 24. When Ordinances and Resolutions Take Effect. All ordinances except emergency ordinances shall take effect upon their passage and publication unless a later date is fixed therein in which event they shall take effect at such later date. The council may provide in any ordinance that the same shall not go into effect until approved by a majority of those voting upon the question of its approval at a regular election or at a special election called for that purpose in the manner provided in this charter. Such an ordinance, if so approved by the voters, shall go into effect upon the completion of the official canvass of the vote thereon by the council. Resolutions shall take effect upon their passage.

Section 25. Revision and Codification of Ordinances. The ordinances of the city may from time to time, by a single ordinance, be revised, re-arranged and codified and any new matter may be added which may be deemed necessary by the council. Such revision and codification may be published in book form and such publication shall be held to a sufficient publication of all of the ordinances contained therein. Or such revision may be published by filing the same in typewritten form in the office of the city clerk for public inspection and by publishing in the manner prescribed by this charter a notice to the effect that such revision has been made and is on file for public inspection. When published in book form, every such book shall contain a printed certificate of the mayor and city clerk that the publication is correct; and such book so published shall be received in evidence in any court for the purpose of proving the ordinances therein contained the same and for the same purpose as the original ordinances, books, minutes, or journals, would be received.

Section 26. Administration. The council may, by ordinance, create such offices, departments, and boards to advise the council or for the administration of the city's affairs as may seem necessary, and abolish the same, and from time to time alter the powers and organization of the same. It shall adopt a complete administrative code for the city in the form of an ordinance which may be amended only by a four-fifths vote of the council.

CHAPTER IV Taxation and Finance

Section 27. 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 revenue and other assets, the auditing and settlement of accounts, and the safe keeping and disbursement of public moneys.

Section 28. System of Taxation. Subject to the state constitution, and except as forbidden by it or by state law, 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. In so far as the city procures a revenue from taxes upon real estate and personal property on an ad valorem basis, it shall conform as fully as possible to the general laws of the state as to the assessment of such property and the collection of such taxes.

Section 29. Fiscal Period. The fiscal period of the city shall begin on the first day of January and end on the last day of December in each year.

Section 30. Preparation of the Annual Budget. The city clerk shall

prepare the estimates for the annual budget and submit the budget to the council for approval. The estimates of expenditures shall be arranged for each department or division of the city in such manner as to give the following information: (1) Ordinary expenses (for operation, maintenance and repairs,) subdivided into (a) salaries, showing each salaried office separately; (b) wages; (c) printing, advertising, telephone, express and freight charges and other like items; and (d) supplies and repairs, with supporting details; (2) Capital outlays (for new construction, new equipment, and all improvements of a lasting character;) and (3) Fixed charges. All increases and decreases as compared with the preceding year shall be clearly shown. In parallel columns shall be shown the amounts expended or obligated under similar heads for the past two completed fiscal years. The estimates of revenue shall be arranged under the following headings: Sums derived from (a) general property tax, (b) fines, (c) fees, (d) interest, (e) sales, and rentals, (f) operation of public utilities, (g) special assessments, (h) sales of bonds or other obligations, and (i) miscellaneous, not included in any other item. In parallel columns shall be shown the actual revenues and uncollected balances receivable under similar headings for the last two fiscal years. The budget estimates shall also show the funds into which each item of receipts will be paid and the funds out of which each item of expenditure will be paid. Copies of the budget estimates shall be given to each member of the council and to the city treasurer, and they shall be published.

Section 31. Passage of the Budget. The budget shall be the principal item of business at the first regular meeting of the city council in September of each year, and the council shall hold adjourned meetings from time to time until all the estimates have been considered. The meetings shall be conducted in the nature of public hearings and the budget shall be explained in detail to members of the public who may be present. The annual budget finally agreed upon shall be a resolution setting forth in detail the complete financial project of the city for the ensuing budget year. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes and a reasonable amount, not to exceed ten per cent of the total amount of the budget, may be included, not allotted to any item of expenditure as a contingency fund, which may be used for any lawful purpose upon a four-fifths vote of all the members of the council. The total sum appropriated shall be less than the total estimated revenue by a safe margin. The council shall adopt the budget resolution not later than the first day in October of each year.

Section 32. Enforcement of the Budget. It shall be the duty of the mayor, the city clerk, and the city treasurer to enforce strictly the provisions of the budget. They shall not approve any contract or any expenditure unless an appropriation has been made for it in the budget, nor for an expenditure mentioned in the budget unless there is a sufficient unexpended balance left after deducting the total past expenditures and encumbrances against the item in question. No expenditure except for salaries previously fixed by resolution may be made except in pursuance of a signed requisition or contract. Such requisitions and contracts shall be deemed to be encumbrances upon the budget items from which they are to be paid to the same extent as though the expenditure thereof had actually been made. No person shall place any order or make any purchase on behalf of the city except for the purposes and to the amounts authorized in the budget. Any person who incurs any obligation on behalf of the city in violation of this section shall be personally liable to the city therefor.

Section 33. Alterations in the 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 estimated revenue. The sums fixed in the budget shall be appropriated as of the first day of January for the purposes named therein, and no other. The council may by resolution passed by a four-fifths vote of all its members reduce salaries or the sums appropriated for any other purposes. Balances remaining in any fund at the end of a fiscal period shall be used to reduce the amount necessary to be raised for said fund for the ensuing budget year.

Section 34. Levy and Collection of Taxes. On or before the first day of October of each year the council shall by resolution levy the taxes necessary to meet the requirements of the budget for the ensuing budget period, taking into account estimated revenues from sources other than taxation. The city clerk shall transmit to the county auditor annually, not later than the tenth of October, a statement of all taxes and assessments levied, and such taxes and assessments shall be collected with and the payment thereof enforced in like manner as state taxes. No tax shall be invalid by reason of any informality in the manner of levying the same.

Section 35. Board of Equalization. A board of equalization made up of the mayor, two members of the council chosen by the council, the city clerk, and the city assessor shall meet at a place designated by resolution of the council on the last Monday in June annually to equalize assessments according to law.

Section 36. Receipts. All income of the city from any source shall be paid to the city clerk who shall receipt for it in duplicate and keep the original copy of the receipt as a permanent record. The city clerk shall deposit daily with the city treasurer all money received by him in his official capacity and the city treasurer shall deposit such money in such depositories as may be designated by the council, and then only after such depositories shall have furnished a corporate surety bond or collateral approved by the council in an amount adequate to protect the city. The treasurer shall not deposit any money in any bank in excess of the bond or collateral so furnished.

Section 37. Disbursements. Disbursements other than those made to pay the principal or interest on bonds of the city shall be made only upon orders signed by the mayor or president pro-tem of the council, in the absence of the mayor, and by the city clerk. Every such order shall specify the purpose for which the disbursement is made, and indicate the fund out of which it is to be paid.

Section 38. Signatures to Contracts. Requisitions and contracts, bonds and other instruments to which the city shall be a party shall be signed by the mayor and city clerk on behalf of the city.

Section 39. Contracts. In all cases of work to be done by contract, or for the purchase of property of any kind, when the amount involved is more than five hundred dollars, unless the council by an emergency ordinance shall provide otherwise, the council shall give not less than ten days public notice of the time and place of receiving bids therefor. The council may reject any and all bids. No contract requiring the payment of money by the city shall be valid unless the particular fund out of which the same is to be paid is specified in such contract and adequate provisions has been made for the payment. The council shall regulate by ordinance the making of bids and the letting of contracts.

Section 40. Funds. There shall be maintained in the city treasury

the following funds: (a) A general fund for the payment of such expenses of the city as the council may deem proper. Into this fund shall be paid all money not herein provided to be paid into any other fund; (b) a bond and interest fund for the purchase or payment when due of the principal of and interest upon any bond or debt of the city, other than public utility bonds. The council shall annually levy a tax sufficient to meet all obligations against this fund when due, unless otherwise provided for; (c) a public utility fund into which shall be paid all money derived from the sale of bonds issued on account of any municipally owned utility, all proceeds of any tax levy for the public utility fund, and all money derived from the sale of utility services, and from the sale of any property acquired for or used in connection with any such utility. There shall be paid out of this fund the cost of the purchase, construction, extension, operation, maintenance and repair of such utility, including the principal of and interest upon obligations which have been or shall be issued on its account. Separate accounts shall be kept for all utilities which are operated separately; (d) a permanent improvement fund into which shall be paid all moneys received from special assessments for local improvements and from the sale of bonds issued in anticipation of the collection of special assessments of bonds issued for the city's share of the cost of any local improvement. Any other contribution by the city to the cost of an improvement shall be transferred from the general fund to this fund. There shall be paid out of this fund such amounts as may become due on account of the making of any public improvement in the city the cost of which has been specially assessed in whole or in part.

Section 41. Tax Limitations. General property taxes upon real and personal property for the general revenue fund shall never exceed three per cent; for the bond and interest fund they shall never exceed the amount necessary to pay interest and principal upon the lawful bonded debt of the city; for the public utility fund they shall never exceed one per cent; no taxes shall ever be levied for the permanent improvement fund.

Section 42. Accounts and Reports. The city clerk shall be the chief accounting officer of the city. The council may prescribe and enforce proper accounting methods, forms, blanks and other devices consistent with the law, this charter, and the ordinances passed under it. The clerk shall submit to the council a monthly statement showing the amount of money in the custody of the city treasurer, the status of all funds, the amounts spent or chargeable against each of the budget allowances and the balances left in each, and such other information relative to the finances of the city as the council may require. The accounts of all city officers who receive or have custody of public funds shall be audited annually by a competent public accountant or by the state comptroller.

Section 43. Bonded Debt. 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 for current expenses.

Section 44. Bond Limitations. No bonds shall be issued which would cause the bonded indebtedness of the city to exceed ten per cent of the last assessed valuation of taxable property therein, including money and credits. Certificates of indebtedness of bonds shall not be included in or counted as a part of such bonded indebtedness (1) if held in a sinking fund of the city or (2) if issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement or improvement of any public convenience from which a revenue is or may be derived, owned and operated by

the city, or for the acquisition of property needed in connection therewith, or for the construction of public drainage ditches or the acquisition of lands for such drainage ditches or for any public improvement to the extent that they are payable from the proceeds of assessments levied upon property especially benefited by such ditches or improvements or (3) if issued for the creation or maintenance of a public improvement revolving fund, or (4) for the purpose of anticipating the collection of general taxes for the year in which issued.

Section 45. Voters Approval of Bond Issues. Except as otherwise provided in this charter, no bonds or other term obligations of the city may be issued except pursuant to a favorable vote of a majority of those voters who vote on the proposition of their issuance. The council may by a four-fifths vote of all its members, submit to the electors of the city propositions for the issuance of bonds for any public purpose not prohibited by law. Certificates of indebtedness or bonds may be issued by ordinance adopted by a four-fifths vote of all the members of the council, without a popular referendum for the following purposes: (1) for the creation or maintenance of a permanent improvement revolving fund, (2) for the purpose of anticipating the collection of general taxes for the year in which issued and (3) for the purpose of extending, enlarging, or improving water and lighting and heat and power plants, or either, owned and operated by the city, or of acquiring property needed in connection therewith, (4) for the purpose of funding floating indebtedness incurred before the adoption of this charter or (5) for any municipal purposes or improvements in respect to which the city was authorized to incur indebtedness or issue certificates of indebtedness or bonds at the time of the adoption of this charter.

Section 46. Manner of Issuing Bonds. The procedure for the issuance of bonds except as established herein shall be prescribed by ordinance. Bonds may, in the discretion of the council be issued under the provisions of any general or special law applying to cities of the class to which this city belongs.

Section 47. Form and Repayment of Bonds. All bonds issued by the city shall be serial bonds, and as nearly as practicable, an equal amount of each series shall fall due each year. No bonds shall be issued to run for a longer period than the reasonable life of the property or improvement for which the bonds are to be issued as ascertained and set forth in the proposition submitted at the election or in the ordinance authorizing such bonds, and in no case shall bonds be issued to run for longer than thirty years. The purpose for which bonds are to be issued shall be set forth in the proposition submitted to the voters at the election or in the ordinance authorizing them, and the proceeds from such bonds shall not be diverted to any other purpose. No bonds shall be sold unless the sale has been advertised by ten days public notice, provided that the council may reject any and all bids and sell the bonds at private sale if a better price can be obtained.

Section 48. Emergency Debt Certificates. If in any year the receipts of the city shall from some unforeseen cause become insufficient for the ordinary expense of the city, or if any calamity or other public emergency should make necessary extraordinary expenditures, the council may by a resolution approved by four-fifths of all the members thereof authorize the sale of emergency debt certificates to run not to exceed one year, and to bear interest at a rate of not more than six per cent per annum. A tax suffi-

cient to redeem all such certificates at maturity shall be levied as a part of the budget of the next year following the issuance of such certificates.

CHAPTER V

Public Improvements

Section 49. City Plan. The city council shall, with such assistance as they shall deem necessary, prepare and adopt a complete plan for the future physical development of the city. Such plan may be altered from time to time. It may include provisions for zoning, for the planning and development of new areas, for the planning and location of public buildings, parks, playgrounds, bridges, and other public facilities, and for the laying out, grading and improvement of streets and public places, as well as for all other matters which may seem essential to such plan. The council shall have power to pass and enforce ordinances to regulate the uses of private property, the height to which buildings may be erected, and the portion of the area of any lot which may be built upon, provided that such power shall be used only for the promotion of public health, safety, morals, welfare, and convenience.

Section 50. Public Improvements and Special Assessments. The city shall have 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 improvements with interest until paid. The council may, by a four-fifths vote of all its members, order that the cost and expense of all or any part of the making of any local improvement shall be paid out of the general fund or the public utility fund as the case may be, without assessment on the property benefited.

Section 51. Local Improvements. After this charter takes effect all local improvements shall continue for the time being to be made under the laws previously applicable thereto as far as possible. The council shall adopt a comprehensive ordinance, prescribing the procedure which shall be followed thereafter in making all local improvements and making assessments therefor, and such ordinance when adopted shall supplant all other provisions of the law on the same subject and may be amended only by a vote of four-fifths of all the members of the council. Such ordinance shall provide for such notice and hearing in the ordering of improvements and the making of assessments therefor as shall be necessary to meet constitutional requirements. All plans, specifications, maps, charts, and field notes prepared by order of the council shall be the property of the city.

Section 52. Eminent Domain. Condemnation proceedings by this city shall be carried out as provided in Chapter 41, General Statutes 1923, and acts amendatory thereof.

CHAPTER VI

Franchises

Section 53. Definition of Franchise. The word "franchise" as used in this chapter shall be construed to include all privileges granted to any person, firm, association or corporation in, over, upon, or under any of the highways or public places of the city, whether such privileges have been or shall hereafter be granted either by the city or by the State of Minnesota.

Section 54. Franchise Ordinances. The council may, by ordinance adopted by an affirmative vote of four-fifths of all its members, submit to a vote of the people proposals for the granting of a franchise for the construction or operation of any and every type of public utility, subject to the limitations and conditions prescribed in this charter. If a majority of those voting on the question approve, the council shall grant the franchise. The grantee shall bear the cost of publication of franchise ordinances and of the election, and shall deposit sufficient cash to guarantee such cost before the ordinance is passed.

Section 55. Term Limited. The council in granting any franchise shall fix the term thereof. No franchise shall be granted for a longer term than twenty years.

Section 56. Acceptance of Franchise. Every ordinance granting any franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatever until it has been unconditionally accepted in all its terms by the grantee and until a written statement of such acceptance signed by the proper officers of the grantee shall have been filed with the city clerk.

Section 57. Power of Regulation. The city shall have the power through its council to enforce the conditions and terms of any franchise whether such franchise has been or shall hereafter be granted by the city or by the State of Minnesota.

Section 58. Rates and Charges. Every grantee of a franchise to operate a public utility shall give courteous, efficient, and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management, normally yield above all operating expenses and depreciation, a fair return on all money honestly and efficiently invested in the plant and equipment of the grantee. This shall not be construed to be a guarantee of a return.

Section 59. Conditions of Franchises. Every franchise shall contain the conditions set forth in this section, and every franchise which does not contain them and all of them shall be absolutely void and incapable of ratification by estoppel or otherwise; Every franchise shall contain a provision: (1) That the council shall have the right (a) to hear and determine what are just, fair and reasonable rates, to order that only reasonable rates be charged, and to make effective such order by penalties and forfeitures. The granting of any franchise shall not be deemed to confer any right to include in the charges for service any return on the value of the franchise; (b) to require reasonable extensions of services; (c) to make such rules and regulations as may be required to secure adequate and proper service, and to provide sufficient accommodations for the public. (2) That no sale, assignment or lease of said franchise shall be effective until the vendee, assignee, or lessee, shall have filed in the office of the city clerk, an instrument, duly executed, reciting the fact of such sale, assignment, or lease, accepting the terms of the franchise, and agreeing to perform all the conditions thereof. (3) That in the case of franchises granted for the erection of poles or masts on, over, or along the highways or other public places, or the stringing of wires thereon, the council may require the placing underground, or in any other safe or convenient position or manner, of wires carrying electricity, and wires for other purposes. (4) That the city shall have free access to all books, records and papers of the grantee which in any way deal with, affect or record its operations within the city. (5) That the violation by

the grantee of any of the provisions of the franchise shall be sufficient cause for the forfeiture of the franchise by resolution of the council.

Section 60. Further Limitations. The enumeration in this charter of particular provisions which must be included in every franchise shall not be construed to impair the right of the city to insert in such franchise such other and further conditions and 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.

CHAPTER VII

Miscellaneous and Transitory Provisions

Section 61. Charter a Public Act. This charter shall be a public act and need not be pleaded nor proved in any case. It shall take effect thirty days from and after its adoption by the voters of the city.

Section 62. Oath of Office. Every elected or appointed officer of the city shall before assuming his official duties, appear before the city clerk and take and subscribe the oath of office prescribed by law and file the same with the city clerk. Every officer of the city shall hold over until his successor has been elected or appointed and has duly qualified. He shall deliver to his successor or to the city, all official books, papers, and records in his possession.

Section 63. Official Bonds. The city clerk and city treasurer shall furnish, before assuming the duties of their office, a good and sufficient surety bond, of a surety company authorized to do business in this state, for the faithful performance of their duties in a sum fixed by the council and sufficient amply to protect the city. Such official bonds shall be approved by the council. The council may require that bonds be furnished by other elective and appointive officers. The premium on such bonds shall be paid by the city.

Section 64. Officers Not to Accept Favors. 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 the city, or any contract to which the city shall be a party, except his lawful compensation or salary as such officer or employee, or except as his property may be benefited incidentally by the making of public improvements. No officer or employee of the city, except as otherwise provided by law, shall solicit, accept, or receive directly or indirectly from any public utility company or the grantee of any franchise any service upon terms more favorable than those granted to the public generally.

Section 65. Forfeiture of Office. Any willful violation by any elected or appointed officer of any of the provisions of this charter or of the ordinances lawfully enacted under its authority or of his official oath, and any willful omission to perform any of the duties imposed upon such officer by this charter, the city ordinances, or such official oath shall constitute malfeasance or nonfeasance in office. The district court of St. Louis County is hereby given exclusive jurisdiction to try such cases of malfeasance or nonfeasance in a summary manner, upon complaint of any fifty legal voters, and a judgment of conviction by such court shall work an immediate forfeiture of office.

Such cases shall be preferred cases and shall be tried within thirty days after said complaint is filed.

Section 66. Official Publication. The council shall designate as an official newspaper any newspaper of general circulation in this city. Whenever any public notice shall be required either by this charter or by any ordinance of the city, such notice may be given either by publication once in such official newspaper or by posting for ten days in at least three public places in said city designated for the purpose by the council, or by both such methods. The council may designate which method shall be used in each case, or require that both be used. Unless otherwise provided by the council, public notice shall be given by publication in the official newspaper.

Section 67. Application of General Laws. All general laws of the state applicable to cities of the class to which the City of Tower belongs, not inconsistent with the provisions of this charter shall apply to the City of Tower, and shall be construed as supplementary to the provisions of this charter. All acts and parts of acts giving the city authority and powers to be exercised outside of the corporate limits are hereby expressly retained.

Section 68. Vacation of Streets. The council shall have the exclusive power, by ordinance passed by a four-fifths vote of all the members thereof, to vacate or discontinue highways, streets, and alleys within the city. Such vacations may be made only after notice and hearing of affected property owners and upon such further terms and by such procedure as the council may, by ordinance, prescribe. A record of each such vacation shall be filed in the office of the register of deeds of St. Louis County.

Section 69. 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 property or highway shall have been improved or not.

Section 70. 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 after the occurrence of such injury or damage, stating the time when and the specific place where, and the circumstance under which the same occurred and that the person injured or damaged will claim damages of the city therefor, and the amount of such claim.

Section 71. Recovery of Judgment. If any judgment shall be recovered in any action against the city for any injury or damage caused by any obstruction, excavation, opening or defect in any public place, caused or occasioned by the act or omission of any person, firm, association or corporation, the city shall have the right to recover the amount of such judgment from the person or persons responsible for such defect.

Section 72. Ordinances to Carry Out Charter. The council shall by ordinance make such rules and regulations as may be necessary to carry out and make effective the provisions of this charter.

Section 73. Existing Ordinances Continued. All ordinances not inconsistent with the provisions of this charter and in force when this charter

takes effect are hereby continued in full force and effect until amended or repealed by the council.

Section 74. Pending Condemnation and Assessments. Any condemnation or assessment proceedings in progress when this charter takes effect shall be completed under the laws under which such proceedings were begun. All assessments made by the city prior to the time when this charter goes into effect shall be collected and the lien thereof enforced in the same manner as if this charter had not been adopted.

Section 75. When Officials Take Office. All elective and appointive officers shall take office upon their qualification. All officers in office when this charter takes effect shall remain in office until twelve o'clock noon on the second Saturday following the first Tuesday in February, 1929, and no longer, and the officers first elected under this charter shall within ten days after their election take an oath of office before the city recorder and shall take office at that time. At the first election under this charter a mayor shall be elected for a two year term; two aldermen shall be elected for a one year term; and two aldermen shall be elected for a two year term; a treasurer for a two year term; and two justices of the peace or a municipal judge as may be provided by law. At the second election and annually thereafter the voters shall elect two aldermen and a treasurer for a two year term, and such justices of the peace for a two year term, or a municipal judge as may be provided by law. Biennially, a mayor shall be elected for a two year term.

Section 76. Rights and Liabilities. The City of Tower shall remain vested with and continue to have, hold and enjoy all property, property rights, rights of action, and rights of every kind now belonging to or pertaining to the city, and shall be subject to all liabilities which now exist against said city.

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CERTIFICATE OF COMMISSION

State of Minnesota, County of St. Louis—ss.

Whereas, the Hon. Judges Martin Hughes, Bert Fesler, Edward Freeman, C. R. Magney, H. J. Grannis and E. J. Kenny, judges of the District Court in and for the Eleventh Judicial District of Minnesota, did on the fourth day of January, 1928, duly make and file their order under and pursuant to Article IV, Section 36, of the Constitution of the State of Minnesota and laws enacted pursuant thereto, appointing a board of freeholders to frame and submit a charter for the City of Tower, St. Louis County, Minnesota, for its own government as a city;

And Whereas, said Board of Freeholders did on the 25th day of February, 1928, qualify in the manner required by law;

And Whereas, said Board of Freeholders in obedience to said order, did thereafter duly prepare and frame a proposed charter for the said City of Tower, of which the foregoing document composed of seventy-six sections, numbered from one to seventy-six, inclusive, is a draft;

Now, Therefore, We, the Undersigned members of said Board of Freeholders, under and pursuant to the power conferred upon us as aforesaid, and acting in accordance with the statutes in such cases made and provided, do hereby affix our signatures to said draft in testimony of our approval thereof, and do deliver the same to the Hon. Herman T. Olson, Mayor of the

City of Tower for submission to the voters in the manner prescribed by law. Dated at Tower, Minnesota, this 19th day of May, 1928.

ANTON STEFANICH, JR., Chairman.
HERMAN T. OLSON, Secretary.
JOHN A. OBERG.
G. C. CARLSON.
CARL ARVID ANDERSON
LUCIEN MERRITT HELM.
ALBERT WEINZIERL.
CARL HOWE.
JOHN A. REDEEN.
PETER E. MORIN.
GUNDER PETERSON.
F. C. BURGESS.
W. A. ARONSON.
J. B. PEARSON.
MARTIN GUNDERSON.

— O —

State of Minnesota, County of St. Louis, City of Tower—ss.

I, Herman T. Olson, Mayor of the City of Tower, County of St. Louis, State of Minnesota, do hereby certify that the foregoing proposed charter was on the 19th day of May, 1928, delivered to me as Mayor of the City of Tower by the Charter Commission duly appointed as provided by law, to be submitted to the qualified voters of the city according to law.

Witness my hand this 24th day of July, 1928.

HERMAN T. OLSON,
Mayor, City of Tower.

(Corporate Seal, City of Tower.)

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State of Minnesota, County of St. Louis, City of Tower—ss.

I, John A. Redeen, Recorder of the City of Tower, County of St. Louis, State of Minnesota, do hereby certify that the foregoing proposed charter was on the 18th day of June, 1928, submitted to the voters of said city for adoption, and that the same was duly adopted by a vote of 144 for and 18 against as shown by the certificate of the Canvassing Board on page 545 of the minute book of said city.

Witness my hand this 24th day of July, 1928.

JOHN A. REDEEN,
Recorder, City of Tower.

(Corporate Seal, City of Tower.)