

STATE OF MINNESOTA

ss

COUNTY OF BROWN

I, N.J. Pietrus, the duly elected and qualified and acting mayor of the City of Sleepy Eye, in said Brown County, Minnesota, and being the chief magistrate of said City, do hereby certify that the foregoing and hereto attached paper writing, entitled 'The Board of Heat Commissioners of the City of Sleepy Eye' which is an amendment to the present Charter of said City, was duly prepared and proposed as an amendment to said Charter by a board of fifteen freeholders of said City duly appointed by the judges of the district court of the Ninth Judicial District, in and for Brown County, Minnesota, under and pursuant to Section Thirty-six, Article Four of the Constitution of the State of Minnesota and all general laws and amendatory acts thereto of the State of Minnesota. That such Board of Freeholders was duly appointed on the 3rd day of February, 1938, and consisted of the following named persons, viz, N.J. Pietrus; L.G. Davis; H.H. Youngman; W.P. Barnes; William F. Rounds; John Hauser; M.G. Hanson; Ed. McGowan; O.A. Prescott; Frank Scobie; E.H. Snow; P.J. Guldán; Henry Leitschuh; Henry Domeier; A.J. Thomas, all of whom were duly qualified.

That thereafter and on the 25th day of Feb., 1938, the said Board of Freeholders duly returned to and filed with me, as chief magistrate of said City, the foregoing amendment. That thereupon the said amendment was duly proposed and submitted to the qualified voters of said City for ratification and adoption at the general election of said City, held on the 5th day of April, 1938. That at such election there were 1309 ballots cast by qualified voters. That of the ballots so cast 892 ballots were cast in favor of the adoption and ratification of the foregoing amendment and 283 ballots were cast against the adoption and ratification thereof. That all ballots cast were duly canvassed and counted and the result of such election publicly declared and said amendment declared duly adopted and ratified.

And I, N.J. Pietrus, as the chief magistrate of said City of Sleepy Eye, in said County and State, do hereby certify and declare the foregoing amendment annexed hereto, was in all things duly prepared and proposed and filed with the chief magistrate of the said City of Sleepy Eye. That it was duly submitted to the qualified voters of said City for ratification and adoption. That it was duly ratified and adopted by a vote of more than three-fifths of the qualified voters of said City voting at the election duly held for that purpose on the 5th day of April, 1938. And the foregoing paper writing entitled as aforesaid correctly and fully sets forth the said charter amendment and the whole thereof.

WITNES MY HAND AND THE SEAL OF THE SAID CITY OF SLEEPY EYE THIS 8th DAY OF APRIL, 1938.

N.J. PIETRUS
Mayor of
The City of Sleepy Eye.

8361

Official Ballot

City Election

Sleepy Eye, Minnesota

Tuesday, April 5, 1938

THE BOARD OF HEAT COMMISSIONERS OF THE CITY OF SLEEPY EYE

Section 1. At the first regular meeting in May 1938, the City Council of the City of Sleepy Eye, Minnesota, shall elect, one at a time, five persons, who shall be freeholders and citizens of the City of Sleepy Eye, Minnesota, as a Board of Commissioners for the operation of the municipal heating unit of the City of Sleepy Eye, and for the further purposes as specified in the amendment, and having the powers and subject to the restrictions hereinafter contained:

One of the said commissioners shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years; and annually thereafter, the Mayor shall appoint with the approval of the Council, as herein specified, one commissioner qualified as above for the term of five years to fill the place of the one whose term expires and each commissioner shall continue to act until his successor is appointed and qualified. Upon filing a written acceptance of their appointment and an oath of office in the office of the City Recorder, the commission shall meet, and the Board shall designate one of their number as president, one of their number as vice-president, and one of their number as secretary.

Upon the expiration of a term of office of a Heat Commissioner or if a vacancy occurs on said Board of Heat Commissioners, the remaining members of said Board shall within ten days thereafter present to the Mayor of the City of Sleepy Eye, Minnesota, the names of three freeholders for each vacancy or expiration from whom the Mayor shall appoint at the next regular meeting of the said Council one for each vacancy with the approval of the City Council to fill such vacancy or expired term as the case may be.

Upon effecting such organization, the commissioners and their successors shall constitute and be designated, "The Board of Heat Commissioners of the City of Sleepy Eye."

The said Board shall make rules to govern its proceedings and meet from time to time and adjourn its meetings, as it may be by vote or rule determined. However the president may, and in the event he refuses, any

three commissioners of said commission may call a special meeting as is necessary or they see fit.

It shall make and publish from time to time, rules and regulations for the governing of its agents, servants, and employees and for the governing and regulating of the use, maintenance and operation of the heating system in the City of Sleepy Eye.

DUTIES

Section 2. The Board of Heating Commissioners herein appointed and their successors, shall have the power, and it shall be its duty to devise and adopt any rules and regulations necessary for the proper operation and maintenance of the municipal heating system in the City of Sleepy Eye, and have full control thereof, except as herein restricted.

CONTROL AND MANAGEMENT OF HEATING SYSTEM

Section 3. The Board shall have the exclusive control and management except as herein restricted of all properties which may be acquired, set apart, or dedicated to the City to be used in the municipal heating system. The Board shall have authority to purchase all articles and materials for, and have all work and labor performed upon said heating system, and to that end may appoint, remove, discharge, or suspend superintendents, laborers, and all other persons employed upon or about said heating system. The Board shall have authority to protect and regulate said heating system and to set the rate for users of heat, and make all necessary rules and regulations for the collection of accounts payable to it.

Compensation for services rendered by employees in the employ of the City and other departments, while working on city time, shall be adjusted by the City Council and said Board, and the City to be reimbursed for the cost thereon in the event services are rendered by city employees in another department.

The Board shall have control of all funds that have accumulated from the operation of said heating system to date and shall have management over it, as well as to manage all funds which may be earned in the future. And that the system of collecting bills

from heat users shall be through the office of the City Recorder, and all funds shall be deposited with the City Treasurer and records kept by the City Recorder, and the City of Sleepy Eye shall collect accounts receivable as may be established by rule of the City Council.

Annually as of March 1, 10% of the gross receipts of the heating system shall be paid into the general fund of said City of Sleepy Eye. And that the said Board shall annually pay to the City of Sleepy Eye as of March 1, the amount due for exhaust and live steam furnished during the twelve months preceeding said March 1, such rate to be determined by the City, through its Common Council.

DISTRICT COURT MAY REMOVE

Section 4. Said commissioners, or either or any of them, may be removed from office by the district court of said County after trial and conviction upon the petition with sworn charges presented by not less than ten reputable freeholders of said City if it shall be made to appear that the said commissioner or commissioners have been guilty of a misdemeanor or malfeasance in office.

ATTENDANCE OF MEETINGS—VACANCIES—HOW DECLARED

Section 5. The office of any commissioner under this act who shall not attend the meetings of the Board for three successive meetings, after having been duly notified of said meetings, without reasons satisfactory to the Board, or without leave of absence from said Board, may be by said Board declared, and thereupon shall become vacant.

JURISDICTION OVER HEATING SYSTEM

Section 6. The jurisdiction of the Board of Heating Directors shall be confined to the heating system in the City of Sleepy Eye that is already acquired and established or which shall hereafter be acquired by the City and shall include all that part of the system beginning outside of the buildings housing the source of supply, but it shall allow no further extension of any main, unless it is approved by the City Council.

This amendment shall take effect and be in force from and after June 1, 1938.

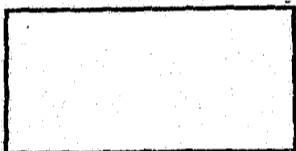
Shall the foregoing proposed Amendment to the Charter be adopted?

Yes

No

8361

THE PRECEDING



DOCUMENT(S)

HAVE BEEN

REFILMED

TO ENSURE

LEGIBILITY



Official Ballot
City Election
Sleepy Eye, Minnesota
Tuesday, April 5, 1938

THE BOARD OF HEAT COMMISSIONERS OF THE CITY OF SLEEPY EYE

Section 1. At the first regular meeting in May 1938, the City Council of the City of Sleepy Eye, Minnesota, shall elect, one at a time, five persons, who shall be freeholders and citizens of the City of Sleepy Eye, Minnesota, as a Board of Commissioners for the operation of the municipal heating unit of the City of Sleepy Eye, and for the further purposes as specified in the amendment, and having the powers and subject to the restrictions hereinafter contained:

One of the said commissioners shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years; and annually thereafter, the Mayor shall appoint with the approval of the Council, as herein specified, one commissioner qualified as above for the term of five years to fill the place of the one whose term expires and each commissioner shall continue to act until his successor is appointed and qualified. Upon filing a written acceptance of their appointment and an oath of office in the office of the City Recorder, the commission shall meet, and the Board shall designate one of their number as president, one of their number as vice-president, and one of their number as secretary.

Upon the expiration of a term of office of a Heat Commissioner or if a vacancy occurs on said Board of Heat Commissioners, the remaining members of said Board shall within ten days thereafter present to the Mayor of the City of Sleepy Eye, Minnesota, the names of three freeholders for each vacancy or expiration from whom the Mayor shall appoint at the next regular meeting of the said Council one for each vacancy with the approval of the City Council to fill such vacancy or expired term as the case may be.

Upon effecting such organization, the commissioners and their successors shall constitute and be designated, "The Board of Heat Commissioners of the City of Sleepy Eye."

The said Board shall make rules to govern its proceedings and meet from time to time and adjourn its meetings, as it may be by vote or rule determined. However the president may, and in the event he refuses, any

three commissioners of said commission may call a special meeting as is necessary or they see fit.

It shall make and publish from time to time, rules and regulations for the governing of its agents, servants, and employees and for the governing and regulating of the use, maintenance and operation of the heating system in the City of Sleepy Eye.

DUTIES

Section 2. The Board of Heating Commissioners herein appointed and their successors, shall have the power, and it shall be its duty to devise and adopt any rules and regulations necessary for the proper operation and maintenance of the municipal heating system in the City of Sleepy Eye, and have full control thereof, except as herein restricted.

CONTROL AND MANAGEMENT OF HEATING SYSTEM

Section 3. The Board shall have the exclusive control and management except as herein restricted of all properties which may be acquired, set apart, or dedicated to the City to be used in the municipal heating system. The Board shall have authority to purchase all articles and materials for, and have all work and labor performed upon said heating system, and to that end may appoint, remove, discharge, or suspend superintendents, laborers, and all other persons employed upon or about said heating system. The Board shall have authority to protect and regulate said heating system and to set the rate for users of heat, and make all necessary rules and regulations for the collection of accounts payable to it.

Compensation for services rendered by employees in the employ of the City and other departments, while working on city time, shall be adjusted by the City Council and said Board, and the City to be reimbursed for the cost thereon in the event services are rendered by city employees in another department.

The Board shall have control of all funds that have accumulated from the operation of said heating system to date and shall have management over it, as well as to manage all funds which may be earned in the future. And that the system of collecting bills

from heat users shall be through the office of the City Recorder, and all funds shall be deposited with the City Treasurer and records kept by the City Recorder, and the City of Sleepy Eye shall collect accounts receivable as may be established by rule of the City Council.

Annually as of March 1, 10% of the gross receipts of the heating system shall be paid into the general fund of said City of Sleepy Eye. And that the said Board shall annually pay to the City of Sleepy Eye as of March 1, the amount due for exhaust and live steam furnished during the twelve months preceeding said March 1, such rate to be determined by the City, through its Common Council.

DISTRICT COURT MAY REMOVE

Section 4. Said commissioners, or either or any of them, may be removed from office by the district court of said County after trial and conviction upon the petition with sworn charges presented by not less than ten reputable freeholders of said City if it shall be made to appear that the said commissioner or commissioners have been guilty of a misdemeanor or malfeasance in office.

ATTENDANCE OF MEETINGS—VACANCIES—HOW DECLARED

Section 5. The office of any commissioner under this act who shall not attend the meetings of the Board for three successive meetings, after having been duly notified of said meetings, without reasons satisfactory to the Board, or without leave of absence from said Board, may be by said Board declared, and thereupon shall become vacant.

JURISDICTION OVER HEATING SYSTEM

Section 6. The jurisdiction of the Board of Heating Directors shall be confined to the heating system in the City of Sleepy Eye that is already acquired and established or which shall hereafter be acquired by the City and shall include all that part of the system beginning outside of the buildings housing the source of supply, but it shall allow no further extension of any main, unless it is approved by the City Council.

This amendment shall take effect and be in force from and after June 1, 1938.

Shall the foregoing proposed Amendment to the Charter be adopted?

Yes

No

8361

8361

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 21 1938

Wm. H. Johnson
Secretary of State.