

PROPOSED HOME RULE CHARTER

for the

CITY OF NEW ULM, MINNESOTA

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PROCEEDINGS OF THE BOARD OF FREEHOLDERS

for the

CITY OF NEW ULM, MINNESOTA

Frank, pursuant to Section 36 of Article 4 of the Constitution of the State of Minnesota and the State Laws enacted pursuant thereto, by the Board of Freeholders appointed by the District Court of Brown County, Minnesota, on November 1, 1937, as and for a Home Rule Charter for the City of New Ulm.

#### NAME, BOUNDARIES, AND JURISDICTION

##### Name and Boundaries.

Section 1. The City of New Ulm, in the County of Brown, and State of Minnesota, shall, upon the taking effect of this Charter, continue to be a municipal corporation, under the name and style of "City of New Ulm", with the same boundaries as now are or hereafter may be established, such boundaries now being as follows:

All the territory in the County of Brown lying and being in Township Number One Hundred Ten (110) North, of Range Thirty (30) West, saving and excepting therefrom Section Number Twenty-seven (27), Section Number Thirty-four (34), West Half of Section Number Thirty (30), Section Number Thirty-one (31), the South Half of Section Number Thirty-two (32), and the South Half of the Northwest Quarter of Section Number Thirty-two (32), all in said Town and Range.

##### Wards and Precincts.

Section 2. The City of New Ulm shall be divided into four wards, as heretofore, each divided into two precincts. The boundaries of said wards and precincts shall be as they now are or may hereafter be established.

##### Change of Wards and Precincts.

Section 3. The City Council shall have the power by ordinance to change the boundaries of such wards and precincts and to change the number of precincts in a ward, but shall have no power to change the number of wards.

#### CORPORATE POWERS, RIGHTS, AND OBLIGATIONS

##### Corporate Powers.

Section 4. The City of New Ulm, by and in its corporate name, shall have perpetual succession and, save as herein otherwise provided and save as prohibited by the Constitution or Statutes of the State of Minnesota, it shall have and exercise all powers, functions, rights, and privileges possessed by it prior to the adoption of this Charter; also all powers, functions, rights, and privileges now or hereafter given or granted by the constitution and the laws of the State of Minnesota to municipal corporations having "Home Rule Charters"; also all powers, functions, rights, and privileges usually exercised by, or

which are hereby granted to the City of New Ulm, and the power and authority to acquire, hold, manage, maintain, improve, lease and transmit, to convey and to dispose of the same, and in addition to shall have all the powers not in conflict with the provisions contained in this Charter.

In its corporate name, it may take and hold, by purchase, condemnation, gift, or devise, and lease and convey all real, personal, or mixed property, within or without its boundaries, on any purpose or for any use or to 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.

#### Substantive Rights and Obligations.

Section 5. When this Charter takes effect the City of New Ulm shall be and become the legal successor of the City of New Ulm under its former Charter, and shall be vested with all franchises, rights, and immunities formerly vested in said City, except as herein otherwise provided.

All property and property rights and interests of every kind and nature, formerly vested in said City of New Ulm, or in any board or public officer of the same, all taxes and assessments levied in its behalf, and all rights, penalties or forfeitures, accrued or accruing, shall, when this Charter takes effect, be and become vested in, and be possessed by, the City of New Ulm under this Charter; and all previously existing indebtedness, obligations, and liabilities of said City of New Ulm, or any department thereof, no matter in what form or how incurred, shall, together with all interest accrued or to accrue thereon, be assumed and paid by the City of New Ulm. Any subsisting right, lien, or demand against the City, or any pending action or proceeding to enforce the same, shall not be prejudiced or affected in any way by this Charter.

#### Existing Ordinances Continued.

Section 6. All ordinances, resolutions, rules, and regulations of the City 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.

#### Continuance of Contracts and Initiated Public Work.

Section 7. All contracts entered into by the City or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. All public work begun prior to its taking effect shall be continued and perfected thereunder. Public improvements for which legislative steps shall have been taken under laws or charter provisions, existing at the time this Charter takes effect, may be carried to completion in accordance with such existing laws and charter provisions.

#### Eminent Domain.

Section 8. In the exercise of the right of eminent domain, herein granted, the City, for the purpose of acquiring private property, within or without the corporate limits thereof, which may be needed for any public use or purpose, may proceed in the manner prescribed by the General Laws of the State pertaining to such proceedings, or in the manner otherwise provided in this Charter.



Section 7. The City Council may, at any time, acquire or acquire by purchase or otherwise any real or personal property, and may lease or convey any such property to any person or corporation, or to any other person or corporation, for the purpose or purposes of such property, or for the purpose of such property, and for the same public purposes, but in those cases where the City Council may acquire or convey any such property, the City Council may determine the price and the terms for such proceeds.

Gifts and Donations.

Section 10. The City may, through the City Council or any of the commissions created under this Charter, receive and accept any gifts, donations, or bequests of real or personal property, and may lease and administer such property for the benefit of the residents of the City in accordance with the terms prescribed by the donor.

TERMS OF OFFICERS

Continuation of Officers

Section 11. All city officers elected at any city election held prior to the ratification and adoption of this Charter shall continue to hold their offices until the expiration of their respective terms unless the office has been abolished by the provisions of this Charter. Any offices which are abolished by the provisions of this Charter shall be vacated by the incumbent thereof at the expiration of thirty (30) days from and after the adoption and ratification of this Charter.

Regular Municipal Elections.

Section 12. Regular municipal elections shall be held on the first Tuesday in April in the year 1911, and on that day annually thereafter, at such places in the various precincts, new or hereafter established, as the City Council may designate.

At such regular elections there shall be elected the officers provided for in this Charter, or that may hereafter be required in lieu thereof by the laws of the state.

Special Elections.

Section 13. The City Council may by resolution order a special election and fix the time of and provide all means for holding the same. The notice, in case of such special elections, shall include a statement of the purpose for which the election is to be held, but in all other respects the procedure shall conform as nearly as possible to that herein provided for other municipal elections.

Notice of Elections.

Section 14. Notice of all elections shall be given by the City Clerk in the manner provided by the general election laws of the State of Minnesota applicable to the City of New Ulm, but failure to give such notice shall not invalidate the election.

Section 15. Except as otherwise provided herein, the provisions of any state law, now or hereafter in force, relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other provisions with respect to the conduct of elections, shall, so far as applicable, apply to all municipal elections held under this charter.

#### Equal Suffrage.

Section 16. Whenever two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the City Council at such time and in such manner as they may direct, of which time and place said candidates shall have notice.

#### Equal Suffrage.

Section 17. Whenever two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the City Council at such time and in such manner as they may direct, of which time and place said candidates shall have notice.

### MUNICIPAL OFFICERS

#### Elective Officers.

Section 18. The elective officers of the city shall be a mayor, city clerk, city treasurer and a municipal judge, all of whom shall be residents and qualified electors of the city, and a city council consisting of two councilors from each ward who shall be residents within and qualified voters of the ward for which they may be elected and who shall have been residents of the city for a period of three years continuously prior to the day of election, all of said officers to hold their respective offices for two years and until their successors except municipal judge are elected and qualified. Councilors shall hold their respective offices for a term of two years, one city councilor from each ward to be elected in the year 1941 and each two years thereafter, and the other councilor from each ward to be elected beginning with the year 1942 and each two years thereafter.

#### Judge of Municipal Court.

Section 19. There shall be elected at the general municipal election, to be held on the first Tuesday of April, in the year 1941, and at a general municipal election held each four years thereafter, a judge of the Municipal Court of said City, whose term shall be four years from and after the first Monday in May next succeeding his election, and until his successor shall have been elected and qualified.

#### Board, Commissions and Departments.

Section 20. In addition to the elective officers of the City there shall be a Board of Health, a Board of zoning Appeals, a Public Utilities Commission, a Fire Department and a Department of Police, the duties, powers, and form of organization of which shall be as defined herein.

Section 17. There shall also be appointed, in the several herein after provided, a City Engineer, a City Attorney, a City Treasurer, and such other officers and employees as may be required under this Charter, the General Laws of the State, or the ordinances of the City.

#### Incompatibility of Offices.

Section 18. No member of the City Council in office at the time this Charter becomes effective or at any time thereafter, nor any member of his immediate family, shall be appointed to or hold any paid municipal office or employment under the City, and until one year after the expiration of his term of office as Councilman, no former Councilman shall be appointed to any paid office or employment under the City, created by the City Council during his term as a member of the Council or the increments of which were increased during said term.

#### Combining of Offices.

Section 19. Any two or more of the offices created under this Charter, and made appointive by the City Council, may, in the discretion of the Council, be filled by one and the same person. Additional functions and duties may be assigned to departments, commissions, and offices established by this Charter, but no function or duty assigned by this Charter to a specific department or office shall be discontinued by the Council or assigned to any other department or office.

#### Additional Offices, Departments, Boards or Commissions.

Section 20. The City Council may create and establish additional offices, departments, boards or commissions, consistent with the general purposes of this Charter, and may, from time to time, alter the form or functions thereof. It may also discontinue temporarily or entirely abolish the departments or offices by it so established.

#### Functions of the Council.

Section 21. All powers of the City, both legislative and administrative, unless otherwise delegated by the provisions of this Charter, shall vest in and be exercised by the City Council.

#### Duties and Powers of the Mayor.

Section 22. The Mayor shall be the chief executive officer of the City. He shall also be the head of the police department of said City and shall have the power of appointing and removing all police officers and watchmen, subject to confirmation and approval of the Police Commission. He shall exercise all powers and perform all duties conferred on him by this Charter, the ordinances of the City, and the laws of the State.

He shall have the power to veto all ordinances and regulations enacted or adopted by the City Council, also all motions passed by the Council involving the expenditure of public funds or the granting of licenses or permits.

He shall be recognized as the official head of the City for all ceremonial purposes, and by the Governor of the State for the purposes of the martial law. He shall study the operation 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.

In all cases where the vote of the City Council on the question of the selection of its own presiding officers or the appointment of any city officer or employee, or upon the question of the granting of any license or permit results in a tie vote or votes, such question shall be reconsidered and voted upon as the first order of business at the next regular meeting of the

City Council shall be held by following the regular order of business, and when such the same shall be held, a special order shall be made, and upon such special ballot, the council shall have the right to cast the deciding vote in case the vote of the council shall remain equal. In such case where the mayor casts the deciding vote, the action of the City Council and the mayor shall be final and not subject to any subsequent vote by the mayor. The right of the mayor to cast a deciding vote is expressly limited to the provisions hereinbefore contained.

#### Acting Mayor.

Section 27. In case of the temporary absence of the Mayor from the City, or by reason of his inability through sickness or otherwise, temporarily to perform the duties of his office, the President of the City Council, or, in case he also is prevented by absence or sickness from acting, then the Vice-President of the Council, shall, during such absence or disability, exercise the powers and perform the duties of the Mayor, and while so acting shall be styled "Acting Mayor" and his acts in that capacity shall have the same force and validity as if performed by the Mayor.

#### Term of Office.

Section 28. Except as otherwise provided herein, the term of all city officers shall be for two years and until their successors are elected and qualified. Except as otherwise provided herein, the term of office of all appointive officers shall be for one year and until their successors shall have been appointed and duly qualified.

#### Commencement of Term.

Section 29. Unless otherwise specifically provided in this Charter, the terms of all elective officers shall begin on the second Tuesday in April, and of all appointive officers on the third Tuesday in April next succeeding the annual election.

#### Vacancies - How Created.

Section 30. A vacancy in any office created under this Charter, and filled either by election or appointment for a definite term, shall be deemed to exist for any of the following reasons: The death, resignation or removal of the incumbent; his removal from the ward for which he was elected, or from the City, his conviction, while in office, of any infamous crime or of any offense involving a violation of his official oath; his failure to take the oath of office or to give or renew his official bond or to deposit or file such oath or bond within the time prescribed; the decision of a competent tribunal declaring his election or appointment void; or the death of the person elected or appointed to fill a vacancy, or for a full term, before he qualifies, or before the time when by law he should enter upon the duties of the office to which he was elected or appointed, in which case the vacancy shall be deemed to take place at the time when his term of office would have begun had he lived.

#### Vacancies - How Filled.

Section 31. Whenever such a vacancy occurs the City Council shall by resolution declare such vacancy to exist and an eligible person shall forthwith be appointed by it to fill the same. In the case of a vacancy in the

Section 32. The salaries of the City Council and the Mayor shall be fixed by the Council, not exceeding, in any one year, provided, that the City Council may award a salary of \$10,000 per year for the Mayor, not exceeding \$5,000 per year, to other officials, as may be deemed in his official capacity. Such salaries shall be fixed by the City Council as provided under this Charter for the period ending on the second Monday after the 1911 regular election; thereafter, with the year 1911, the Council shall fix such salaries for a period of two years and the salaries so fixed shall not be increased or diminished during such period. In addition, such Councilmen shall receive compensation of \$100 for each day of actual service when meeting as a Board of Equalization, not to exceed, however, a period of five days in any one year.

The salary of all other elective officers shall also be fixed by the City Council. Except as otherwise provided for herein, the City Council shall fix the salaries of all appointive officers at the time of their appointment.

Removal.

Section 34. Every person elected to office under this Charter, and every person appointed for a definite term, except police officers and the Municipal Judge, shall be subject to removal by a three-fourths vote of the entire Council. No such officer, or appointee, however, shall be removed except for cause, and unless furnished with a written statement of the charges against him and an opportunity given him to be heard, in person, or by counsel, in his own defense.

The Council shall fix the time and place for a hearing on such charges, of which not less than ten days' notice shall be given to the officer to be removed, and shall have power to arrange the mode of trial, to compel the attendance of witnesses and the production of papers, to administer oaths, and to hear the proofs and arguments. If, after due notice, said officer shall neglect to make answer to the charges, the same shall be cause for removal without further notice.

Oath of Office.

Section 35. Every person elected or appointed to office under this Charter shall, before entering upon the performance of the duties of his office, take and subscribe an oath of office, in the form prescribed by the General Laws of this State, and shall cause the same to be filed with the City Clerk.

...shall be filed with the City Treasurer...

REGULAR MEETINGS

Regular Meetings

Section 37. On the second Tuesday in April in each year the City Council shall hold what shall be known as the regular annual meeting. All other stated regular meetings shall be held on the first Monday of each month.

Special Meetings

Section 38. Special meetings may be held at any time upon call of the Mayor, or at the request of any three members acting through the Mayor, and if for any reason the Mayor refuses to act upon such request, then upon the call of the members themselves. In all cases notice in writing, containing a statement of the purpose for which the meeting is called, shall be given to each member of the Council at least six hours in advance thereof, either by delivery in person or by leaving a copy of the notice with some responsible person at the member's usual place of abode. The presence of any member of the Council at a special meeting shall constitute a waiver by him of any formal or written notice of said meeting, unless he appears for the special purpose of objecting to the holding of such meeting.

Rules of Procedure and Quorum

Section 39. 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 for the transaction of business, but a less number may adjourn from time to time.

Meetings to be Public

Section 40. All meetings of the City Council shall be public, and any citizen shall have access to the minutes or records thereof at all reasonable hours.

Organization

Section 41. In the first Tuesday following the adoption and ratification of this charter, the Council members heretofore elected and continued in office by this charter shall enter upon their duties as such under this charter and the Council shall then proceed to perfect its organization. At the annual meeting immediately following

any member, unless he is elected, shall be elected by a vote of the majority of the members of the Council. The Council shall also have the power to elect a president and a vice president, and such other officers as may be required under the provisions of this charter, the general laws of the state and the ordinances of the city and whose appointment is not specifically delegated to some other authority.

#### Appointments.

Section 42. Immediately upon the adoption and ratification of this charter and at each annual meeting thereafter, the City Council shall appoint a city attorney, a city engineer and such other officers as may be required under the provisions of this charter, the general laws of the state and the ordinances of the city and whose appointment is not specifically delegated to some other authority.

The Mayor shall preside at these meetings, or in his absence thereof, and such nominations for appointment as he is authorized to make by this charter, but which require confirmation by the City Council.

At the regular monthly meeting in October of each year the City Council shall also appoint a City Assessor, whose term of office shall begin on the Sunday next following.

#### Ordinances, Resolutions, and Notices.

Section 43. The final vote upon all ordinances or resolutions, and upon all amendments thereto, shall be by yeas and nays, and the vote of each member shall be recorded in the minutes. The votes of at least five members shall be required for the passage of all ordinances and the votes of at least a majority of the members present at any duly constituted meeting shall be required for the doing of any other business except the passage of such ordinances and except as otherwise provided in this charter. Every ordinance or resolution enacted or adopted by the Council shall be signed by the president of the council, attested by the City clerk, and approved by the Mayor, and shall be filed with the City Clerk immediately after its passage.

#### Procedure on Ordinances.

Section 44. The enacting clause of all ordinances passed by the Council shall be in the words: "The City of New Ulm does ordain." Every proposed 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.

#### Emergency Ordinances and Resolutions.

Section 45. 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 six members of the Council, as recorded by yeas and nays.

#### Procedure on Resolutions.

Section 46. Every resolution shall be presented in writing and read in full before a vote is taken thereon, unless the reading thereof is dispensed with by unanimous consent.

Section 10. After approval in any manner, every ordinance shall be published at least once in the official paper of the City within thirty days after such approval and shall be deemed to be published for all legal purposes, and the official publication thereof shall be evidence of its validity, and the number of said publication and affidavit of publication thereof, or a certified copy thereof, shall be deemed sufficient evidence of such publication.

Section 11. The City Council may by ordinance adopt any code, or portion thereof, relating to building construction, plumbing, electrical wiring, inflammable liquids, sanitary provisions, public health, public safety and welfare, and all other matters of public concern, proposed for general distribution in printed form as a standard or code on any such subject. Any such ordinance may incorporate all or part of the provisions of such standard as model printed code by reference thereto. All ordinances for publication shall be certified to the ordinance co-ordinating any such code, or portion thereof, by reference as published in the manner required by this chapter and so, prior to publication of such ordinance, not less than three printed copies of such code or portion of such code to be adopted shall have been certified "official copy" and filed for use and examination by the public in the office of the City Clerk. Provisions of the code, or portions thereof, thus incorporated in such ordinance by reference shall be as much a part of such ordinance as if they had been set out in full therein.

Publication of Ordinances

Publication of Ordinances by Reference

Section 12. The City Council may by ordinance adopt any code, or portion thereof, relating to building construction, plumbing, electrical wiring, inflammable liquids, sanitary provisions, public health, public safety and welfare, and all other matters of public concern, proposed for general distribution in printed form as a standard or code on any such subject. Any such ordinance may incorporate all or part of the provisions of such standard as model printed code by reference thereto. All ordinances for publication shall be certified to the ordinance co-ordinating any such code, or portion thereof, by reference as published in the manner required by this chapter and so, prior to publication of such ordinance, not less than three printed copies of such code or portion of such code to be adopted shall have been certified "official copy" and filed for use and examination by the public in the office of the City Clerk. Provisions of the code, or portions thereof, thus incorporated in such ordinance by reference shall be as much a part of such ordinance as if they had been set out in full therein.



#### ORDINANCES AND RESOLUTIONS

Section 49. Every ordinance or resolution of the Council, including the expenditure of public funds or the granting of licenses or permits, shall be subject to the vote of the Mayor. It shall take effect if approved by him within three days after its passage. It shall have the same effect as if originally approved by him. If the Mayor vetoes of the same, he shall file his objections, in writing, with the City Clerk within the time aforesaid, in which event the vote upon such ordinance shall be reconsidered by the Council, and if, upon reconsideration it shall be passed by a three-fourths vote of its membership, it shall have the same effect as if approved by the Mayor.

#### When Ordinances and Resolutions Take Effect.

Section 51. Emergency ordinances and resolutions, and ordinances and resolutions determining the annual budget, setting the annual tax levy, and providing for local improvements and special assessments, shall take effect immediately upon their passage and approval and publication in case of ordinances.

All other ordinances and resolutions, enacted by the Council, shall take effect ten (10) days after the date of their passage and approval and publication in case of ordinances, unless a later date is fixed therein, in which event they shall take effect at such later date.

#### Reconsideration of Council Votes.

Section 52. No vote of the City Council shall be reconsidered or rescinded at a subsequent meeting unless there be present at such meeting as large a number of councilors as were present when the vote was taken.

#### Official Paper.

Section 53. At the regular annual meeting in each year the City Council shall designate one of the local newspapers, regularly printed and published in the City, as the official paper of said City, in which shall be published all ordinances and other proceedings and notices, the publication of which is required by this Charter or the ordinances of the City; provided, that the City Council may order the publication of such ordinances, notices, and advertisements as may be of general importance in such other newspapers as they may direct.

#### DEPARTMENTS OF CITY ADMINISTRATION

#### Purchases.

Section 54. No purchase involving the expenditure of more than \$500.00 shall be made except upon competitive sealed bids, and in all such cases public notice shall be given and bids invited for the same by notice published in the official paper of the City once in each week for two successive weeks.

#### Requisitions.

Section 55. No order shall be placed or any purchases made for or on behalf of the City except upon written requisition of the head of the Department, Board, or Council Committee in such form as the City Council shall prescribe.

Section 36. The duties of the City Treasurer shall be as follows:

(1) He shall be the chief accounting officer of the City and all departments thereof. He shall keep a complete and correct record in detail of the business and financial affairs and operations of the City. The City Council shall have authority to prescribe the form of such books of account and also to prescribe and enforce such methods of accounting as it may deem best for the purposes of the City.

(2) He shall keep the corporate seal of the City and all papers and records of the City except as otherwise provided in this Charter.

(3) He shall be the Clerk of the City Council and as such shall attend all of its meetings and keep a record of all of its proceedings in books to be provided therefor.

(4) He shall sign all orders on the City Treasurer, but only when authorized so to do as provided in this Charter. He shall also sign all bonds, certificates of indebtedness, warrants, or other evidences of indebtedness of any kind issued by the City and affix the corporate seal thereto. He shall also sign in behalf of the City any and all contracts authorized by the City Council pursuant to the provisions of this Charter, and shall likewise affix the corporate seal thereto.

(5) He shall, on request, prepare and certify under the corporate seal of the City copies of all papers and records in his office, and he shall be entitled to make a reasonable charge therefor.

(6) He shall have power to administer oaths and affirmations and to take acknowledgments.

(7) He shall promptly notify all officers of their election or appointment and of the amount of their official bonds.

(8) He shall report the name of any person elected or appointed to any office, who shall have neglected to file his official bond or oath of office as required, to the Council at its next meeting after such default.

(9) He shall present to the City Council at each regular meeting thereof a report, setting forth in detail and classified as to funds, all moneys received and paid out in behalf of the City since his last monthly report, the balances to the credit of each fund, and the balance on deposit in each City depository. At the end of each fiscal year he shall present a similar report to the City Council, showing in detail all receipts and disbursements of the City for the fiscal year then ending. All of said reports shall be in such form as may be prescribed by the City Council. He shall also make such other and further reports as may from time to time be required of him by the City Council.

(10) He shall have such other powers and duties as may be elsewhere provided for in this Charter or as may hereafter be prescribed by the City Council.

#### Duties of the City Treasurer.

Section 37. The duties of the City Treasurer shall be as follows:

(1) He shall receive and safely keep all moneys and funds belonging to or under control of the City or any department thereof, including the moneys and funds of the Public Utilities Commission and any other commission or bureau hereafter at any time established.

(2) He shall be the custodian of and shall safely keep all bonds, certificates of indebtedness, warrants, and other securities owned or held by the City or any of its departments, or by the Public Utilities Commission or any other commission or bureau hereafter at any time established, for any purpose whatsoever.

... shall have and possess all of the authority, rights, powers and duties of assessors under the General Laws of the State, now or hereafter enacted, together with the right to appoint a deputy or deputies, subject to the approval of the City Council.

(4) He shall deposit daily all moneys received by him, belonging to the City or any department or commission thereof, in any bank or banks designated by the City Council as a depository or depositories. All moneys shall be deposited in the name of the City of New York. He shall issue receipts in triplicate for all moneys paid to him, one of which shall be delivered to the person making payment, one to be delivered forthwith to the City Clerk, and one to be retained as a permanent record in the City Treasurer's office.

(5) He shall present to the City Council at each regular meeting thereof a report, setting forth in detail and classified as to funds all moneys received and paid out by him in behalf of the City since his last monthly report, the balance to the credit of each fund and the balance on deposit in each city depository. At the end of each fiscal year he shall present a similar report to the City Council, showing his receipts and disbursements as such City Treasurer for the fiscal year then ending. All of said reports shall be in such form as may be prescribed by the City Council. He shall also make such other and further reports as may be required from time to time by the Council.

(6) He shall have such other duties as may be elsewhere provided in this Charter, or as may hereafter be prescribed for by the City Council.

#### City Attorney.

Section 58. The City Attorney shall be a person who has been admitted to practice in the Courts of this State for at least five years prior to his appointment. He shall be the legal adviser of and attorney for the City and all departments, commissions, or officers thereof in relation to their official powers and duties. It shall be his duty to attend all meetings of the City Council; to give advice in writing when so requested, to the Council or any of the authorized boards or commissions; to prosecute or defend, as the case may be, all suits or cases to which the City may be a party, to prosecute for all offenses against the ordinances or regulations of the City and for such offenses against the laws of the State as may be required of him as the chief legal officer of the municipality by law; to draw all contracts, bonds, and other instruments in writing in which the City is concerned and to endorse thereon his approval of the form and correctness thereof; to draw all ordinances and resolutions; and to perform such other duties of a legal nature as the City Council may from time to time require.

#### City Assessor.

Section 59. The Assessor shall have and possess all of the authority, rights, powers and duties of assessors under the General Laws of the State, now or hereafter enacted, together with the right to appoint a deputy or deputies, subject to the approval of the City Council.



Section 10. The Police Department shall be organized and operated as a department of the City of Chicago, and shall be subject to the control and supervision of the City Council.

The Police Department shall be organized and operated as a department of the City of Chicago, and shall be subject to the control and supervision of the City Council. The Police Department shall be organized and operated as a department of the City of Chicago, and shall be subject to the control and supervision of the City Council.

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**Section 11.**

Section 11. A Police Commission of three members shall be appointed by the City Council. The Commission shall have the power and duty to examine and disapprove all appointments, suspensions and removals of members of the Police Force except the Chief of Police and special police men, but shall exercise no other control over the Police Department or its members. The Commission in its discretion may require the filing of a criminal charge against any policeman caught to be suspended or removed by the mayor and may direct a hearing thereon with an opportunity to be heard.

**Section 12.**

Section 12. No person shall be eligible for appointment in the Police Department who is not a citizen, nor shall any person be eligible for appointment therein, other than as a special policeman, who has not been a resident of the City of Chicago at least one year prior to his appointment.

**Section 13.**

Section 13. The duties of all police officers shall be such as the laws of the State and the ordinances of the City may prescribe for the preservation of the public peace, the preservation and protection

of crime, the arrest of offenders, the protection of the rights of persons and property, the enforcement of laws of the state and the ordinances and regulations of the city, and the custody and care of prisoners held in the city jail during the pendency of hearings or trials in the city courts.

#### Power of Police Officers.

Section 69. The chief and all regular officers of the department shall possess the authority and rights of, shall perform all the duties of Constable, and, when acting in matters to which the city is not a party, shall receive the same fees as constables under the laws of this state.

#### Service of Warrants and Returns.

Section 70. The Chief and all regular Police Officers shall have the power to execute and serve all warrants, process, commitments, and any writs whatsoever, issuing out of any authorized court of the city, and whenever any crime shall be committed in the city and the person or persons accused or suspected thereof shall flee from justice, the officers of the department shall have the authority to pursue and arrest such fugitives anywhere in the state.

#### Special Police.

Section 71. The Mayor may, in case of riot, large public gatherings or disturbances, appoint such special or temporary police officers as he may deem necessary, but such special or temporary appointments shall not continue in effect for more than one week without the consent of the City Council.

#### Police for Designated Places.

Section 72. The Mayor may also, at the request of any person, firm, society, organization, or corporation, appoint policemen or watchmen who shall serve without expense to the City, and have police powers to preserve the peace and protect property within such limits and at such places as may be designated in such appointment, but such policemen or watchmen shall exercise no authority, nor wear any badge of office, outside the limits named in such appointment.

#### Compensation.

Section 73. The salaries or compensation of the Chief and all regular and special police officers and patrolmen shall be fixed by the Mayor, by and with approval of the City Council. In addition to the salary allowed to the regular officers of the department they may be allowed to retain as their own all fees to which they may be entitled for the service of papers, issuing out of any authorized court of the City; provided, that they shall not be paid any additional compensation whatever for the service of warrants, subpoenas, and other papers, or for attendance upon court in any criminal action in said city wherein the City of New York is a party.

ARTICLE IV

Fire Prevention.

Section 74. The City Council shall have the power to make all regulations reasonably necessary for the prevention of fires and the elimination of fire hazards within the City. It shall have power to prescribe the limits within which buildings, the material or construction of which shall be regarded as dangerous to surrounding property, shall not be erected, enlarged, placed, or repaired; to prescribe the manner in which such buildings shall be constructed or repaired; to order the removal of any or all buildings or materials erected or placed in violation of such prescriptions, by notice to the owner or agent; and, in case the same is not removed in pursuance of notice given, to order the same to be removed by the police or fire marshal in such manner as the Council may direct.

Fire Apparatus and Fire Department.

Section 75. The City Council shall also have the power to authorize the purchase of all apparatus, equipment, and supplies necessary for the extinguishing of fires; to erect fire stations and buildings needed for the proper housing of such apparatus and equipment; to establish fire alarm systems and other devices for the prompt and effective handling of fires; and to authorize, support, and maintain an adequate and efficient department of fire companies, and to establish by ordinance the rules and regulations for the government thereof.

Chief of the Department.

Section 76. At its regular November meeting in each year the City Council shall appoint a Chief of the Fire Department to hold office for the ensuing year commencing January 1st and at its regular December meeting shall appoint such other officers as the ordinances and regulations may require. All such appointments shall be on the basis of merit and experience and, if not inconsistent with those qualifications, upon the recommendations of the Department.

Fire Marshal.

Section 77. The Council shall likewise annually appoint a fire marshal for the City who shall have authority to enforce all ordinances of the City relating to fire prevention and shall have the right to enter and examine any building and all parts thereof, at all reasonable hours, for the purpose of enforcing all such ordinances. The City Council may also require the fire marshal to examine particularly into the cause of any fire within the City and report to the Council the results of such examination.

Compensation.

Section 78. The compensation to be paid the Chief of the Department, the Fire Marshal, and other officers or members of the department shall be determined by the City Council.

BOARD OF ZONING APPEALS

Board of Zoning Appeals.

Section 79. Ordinance number 115 of the City of New Uin passed by its City Council on December 3, 1925, commonly known as the Zoning Ordinance, and any existing amendment thereto, shall and hereby is continued in full force and effect. Said ordinance may be amended, changed or altered from time to time by the City Council but only by a six-eighths vote thereof. The Board of Zoning Appeals as it may be constituted at the time of the adoption of this Charter shall be continued in authority. Such board shall consist of five freeholders who have been residents and taxpayers in the City for at least five years. The Chief of the Fire Department and the City Engineer shall be ex-officio members of said board but shall have no right to vote. The five citizen members shall be appointed by the Mayor with the approval of the City Council. The board shall serve without compensation. Its members shall be appointed for a term of four years and may be removed by a six-eighths vote of the City Council. The City Clerk shall act as secretary of the Board.

LIBRARY BOARD

Library Board.

Section 80. The City Council shall maintain a public library, reading room, and Historical Museum for the use of inhabitants of the city and may levy an annual tax of not more than three mills for such purpose, the proceeds thereof to be known as the library fund.

The Mayor, with the approval of the City Council, shall appoint a board of nine directors to constitute a library board, not more than one of whom shall at any time be a member of the city council. One-third of the members of such board shall hold office for one year, one-third for two years and one-third for three years, from the third Saturday of July following their appointment, the term of office of each being specified by the Mayor. Annually thereafter the Mayor shall appoint three directors for the term of three years and until their successors qualify. The Mayor by and with the consent of the City Council may remove any member of said library board for misconduct or neglect.

Vacancies and Compensation.

Section 81. Vacancies on the board of directors shall be reported to the City Council and filled by like appointment for the unexpired term. Directors shall receive no compensation for their services as such.

Organization of Library Board.

Section 82. Immediately after appointed, the library board shall organize by electing one of its members as president and one as secretary and from time to time it may appoint such other officers and employees as it deems necessary. The secretary, before entering upon his duties, shall give bond to the municipality in an



shall be stored by the director in the vault for the official records of the official session. The board shall collect and receive all paper donations for the government of the city, including books, maps, and for the control of the books, so as to expedite and conformable to law. It shall have complete control of the expenditures of all moneys collected for or found to the credit of the library fund, of the construction of library buildings, and of the purchase, repair, and building provided for library purposes. All moneys granted for such library shall be paid into the city treasury, be credited to the library fund, to have separate from other moneys of the city and to be paid out only upon itemized vouchers approved by the board. The board may lease rooms for library use, fix the compensation of employees and remove any of them at pleasure. With the approval of the council, the board may purchase ground and erect a library building thereon.

#### Directors now in Office.

Section 29. Directors of the existing library board of the city in office under the existing ordinance and resolutions of the city shall so continue until the expiration of their respective terms, and their successors shall be appointed and vacancies filled under the provisions hereof. At the first regular meeting of the board following the third Saturday of July in each year, the board shall report to the City Council all amounts received during the preceding year, and the sources thereof, the amounts expended, and for what purposes, the number of books on hand, the number purchased and loaned, and such other information as it deems advisable. A copy of such report shall be filed with the state library commission.

#### Title to Property -- Free Use.

Section 30. All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by, the city for a library, reading room, or museum shall vest in, and be held in the name of the City of New Ulm, and any conveyance, grant, donation, devise, bequest, or gift made to or in the name of the public library or library board shall be deemed to have been made directly to the city. Every library, reading room, or museum established under this charter shall be forever free to the use of the inhabitants of the City of New Ulm, subject to such reasonable regulations as the directors may adopt.

#### Gifts, Etc. -- Contracts.

Section 35. With the consent of the City Council, expressed by ordinance or resolution, the library board may accept any gift, grant, devise or bequest made or offered by any person for library purposes or for the establishment, enlargement or maintenance of an art gallery or museum in connection with its library and may carry out the conditions of such donation.

#### STREETS, ALLEYS AND HIGHWAYS

#### City Council to Have Control.

Section 36. The City Council shall have the care, supervision, and control of all highways, streets, and alleys within the limits of the city, and all sidewalks, cross walks, bridges, culverts, retaining walls, and other structures therein or thereon.

Section 87. Powers of the City Council.

Section 87. The City Council shall have power to lay out, alter, widen, or narrow any street, highway or alley within the city, or to widen, straighten, or alter any street, highway or alley, or to alter or change any street, highway or alley now or hereafter existing in the city.

Improvement of Highways Outside City Limits.

Section 88. The City Council may appropriate and expend such reasonable sum as it deems proper to assist in the improvement and maintenance of roads and bridges lying beyond its boundaries and leading into it, either within or without the County in which it is situated.

Vacations - Petition.

Section 89. The City Council shall have sole and exclusive power to vacate streets, alleys, and highways within the City. No such vacation shall be granted or ordered by the City Council except upon the petition of one or more residents and freeholders of the City, which petition, accompanied by a plat of the street, alley, or highway proposed to be vacated, shall set forth the reasons for such vacation and shall be verified by the oath of the petitioner.

Vacations - Order for Hearing - Publication.

Section 90. The City Council shall thereupon, if they deem it expedient that the matter be proceeded with, order the petition to be filed with the City Clerk, and shall appoint a time and place for a hearing thereon, and direct that notice be given to all interested persons or parties, by publication in the official paper of the City for two successive weeks, at least once in each week, which notice shall state that such petition has been filed as aforesaid, and shall also state briefly its object and that said petition will be heard and considered by the City Council at said time and place.

Vacations - Determination by the City Council.

Section 91. The City Council shall hear and consider said petition at the time and place so appointed and shall receive the testimony and evidence of all interested persons or parties and make such further investigation concerning said matter as it deems best, and may thereupon, by resolution adopted by not less than three-fourths vote of its members, declare such street, alley, or highway, or any part thereof, vacated, and thereupon a copy of such resolution, duly certified by the City Clerk, shall be recorded in the office of the Register of Deeds of Brown County, Minnesota.

Vacations - Appeals.

Section 92. Within ten days after the adoption of any resolution vacating any street, alley, or highway within the City, or any part or portion thereof, any person being aggrieved thereby may appeal therefrom to the District Court of Brown County, Minnesota, by serving upon the Mayor, or, in his absence, upon the City Clerk, a notice of appeal stating briefly the grounds thereof, and giving a bond in the sum of Two Hundred Fifty Dollars to the City, to be approved by a Judge of said Court, conditioned that the appellant will duly prosecute the appeal and pay all costs and disbursements which may be adjudged against him, and abide the order of the Court.

Such appeal shall be taken within sixty days after the date of the adoption of said resolution, and shall be filed with the City Clerk within ten days after the adoption of said resolution, and if not so filed the appeal shall be ineffective and shall be dismissed.

As soon as any such appeal is taken, it shall be the duty of the appellant to cause to be transmitted to the clerk of said court a certified copy of the record of all proceedings had and taken before the City Council in such matter. He shall pay the City Clerk his reasonable fees and charges therefor.

The appeal shall be placed upon the calendar of the next general term after the filing of said notice and bond, and shall be tried as other appeals are tried in such cases.

#### Resolutions -- Plans to be Filed.

Section 93. Whenever any highway, street, or alley is laid out, widened, enlarged, or vacated under the provisions of this Charter, the City Council shall cause an accurate survey and plat thereof to be made in duplicate. One copy thereof shall be filed in the office of the City Clerk, and the other shall be filed in the office of the Register of Deeds of DeWitt County.

#### Right of Way Over Streets.

Section 94. The City Council shall have power and authority by a three-fourths vote of its members, to grant a right-of-way upon, over, or through any of the public streets, highways, and alleys of the City, and also to grant the exclusive use of any portion of any street, alley, or public highway, not required for public use, to any railway company, or other corporation or person, upon such limitations and conditions as may be prescribed by the City Council; but any such grant shall be deemed a license and may be revoked by the City Council at any time.

#### Street Grades.

Section 95. The City Council shall have power to establish the grade of any street, alley, or sidewalk, and may by vote of three-fourths of the members of the Council change the same after it has been established.

It shall cause accurate profiles of all grades established or changed to be kept in the office of the City Clerk.

#### Sidewalks -- Property Owners to Build and Maintain Same.

Section 96. Whenever the City Council, under the authority hereby granted, shall order the construction of sidewalks along any highway, street, or alley within the City, it shall be the duty of the owners of land adjoining or fronting upon such highway, street, or alley, to construct the same of such material and width, and upon such place and grade, as the City Council may prescribe; and it shall also be the duty of such owners to reconstruct such sidewalks when required so to do by the Council, to maintain them at all times in good order and repair, and to promptly remove the snow therefrom.

In ordering the construction or reconstruction of any such walks, the Council shall direct, by resolution, where and how the work is to be done, specifying in detail the type of construction and fixing the time within which the work is to be completed. Thereupon the City Clerk shall prepare

a notice stating briefly the directions embodied in the regulations and cause the same to be served on each owner of the property affected, either personally, or by leaving a copy thereof at his usual place of abode with some person of suitable age and discretion then residing therein, or by mailing a copy thereof to him by registered mail to his last known post-office address, or by publishing the same at least once in the official paper of the City.

If the work be not done within the time so prescribed, the City Council shall proceed to have the same done by contract, or otherwise, and to levy and assess the cost thereof upon and against the land adjacent to or fronting upon such sidewalk, and to collect such assessments, all in the manner provided in this Charter for the making and collection of special assessments. Various lots and parcels of land owned by different persons may be included in one assessment proceeding.

#### Sidewalks -- Repairs and Snow Removal by the City.

Section 97. If the owner of any lot or parcel of land shall suffer or permit any sidewalk adjacent to or along the same to become broken or out of repair, or shall fail to promptly remove the snow therefrom at any time, it shall be the duty of the City Council to cause the same to be immediately repaired in a good and substantial manner, or the snow to be promptly removed therefrom, as the case may be; and the owner of any such lot or parcel of land shall forthwith pay to the City the cost of making such repairs or removing such snow.

In all cases where the cost thereof has not been paid to the City by the owner of the land, the City Council shall, once in each year, assess and levy the cost of making such repairs, or removing such snow, upon the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired, or from which the snow has been so removed by the City, and shall collect such assessments, all in the manner provided in this Charter for the making and collection of special assessments. Assessments for all such repairs and the removal of snow from sidewalks within the year may be combined in one assessment proceeding.

#### Liability for Obstructions and Excavations.

Section 98. Any person who shall render any street, alley, or highway within the City insufficient or unsafe for travel or public use, either by reason of any unauthorized excavations or obstructions in or upon said street, alley, or highway, or by reason of negligence in the making or maintaining of any authorized excavation or obstruction, or by reason of failure to maintain proper guards or lights for the same, shall be primarily liable for all damages to whomsoever resulting when not caused by the negligence of the party or parties injured.

No action shall be commenced or maintained against the City of New Ulm for such damages unless such person or persons shall be joined as a party or parties defendant therein; and in case of judgment against the defendants in such action execution shall at first issue only against such other person or persons, and the City shall not be required to pay such judgment until such execution shall be returned unsatisfied; and if the City shall pay such judgment, it shall become the owner thereof and may enforce payment thereof from the other defendant or defendants in any lawful manner.

Section 99. Notice of Claim.

Section 99. Every person who claims damages from the City of New Ulm for or on account of any loss or injury sustained by reason of any defect in any bridge, street, sidewalk, road, park, public works, or any grounds or places whatsoever, or by reason of the negligence of the City or any of its officers, agents, servants or employees, shall cause to be presented to the City Council, within thirty days after the alleged loss or injury, a written notice, stating the time, place and circumstances thereof and the amount of compensation or other relief demanded.

No action therefor shall be maintained unless such notice is given within the time stated, nor shall any action be maintained if commenced within ten days or more than a year after the occurrence of the loss or injury.

Claim for Death or Notice for Same.

Section 100. The provisions of the preceding section shall also apply when the claim is one for death by wrongful act or omission, and in that case a notice may be presented by the personal representative, surviving spouse, or next of kin within one year after the alleged injury or loss resulting in such death; provided, however, that if the person for whose death the claim is made shall have duly presented, within thirty days from the date of such alleged wrongful act or omission, a notice, which would have been sufficient had he lived, the same shall be deemed sufficient within the terms of this section.

Liability for Insufficiency of Streets.

Section 101. The acceptance of plats or additions, or subdivisions thereof, either within or without the limits of said City, shall not make the City liable to grade the streets therein designated, nor responsible for any insufficiency of such streets, unless the City Council shall by resolution direct the same to be graded and opened for travel.

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Power to Make Improvements.

Section 102. The City of New Ulm is hereby vested with, and authorized and empowered to exercise, the following powers, in the manner provided by this Charter or the General Laws of the State now or hereafter enacted:

- (1) To lay out, open, extend, widen, straighten, or otherwise alter or change any street, alley, or highway within the City.
- (2) To fill, grade, gravel, pave, repave, macadamize, and construct boulevards, curbs, and gutters, or otherwise improve any street, alley, or highway within the City.
- (3) To maintain and keep in repair, sprinkle, oil, or otherwise provide for the laying of dust upon any such streets, alleys, or highways; to plant shade and ornamental trees thereon, and to protect, trim, and maintain same.
- (4) To construct, reconstruct, extend, repair, and maintain sidewalks, cross walks, bridges, culverts, retaining walls, and other structures in or upon any such streets, alleys, or highways.
- (5) To install and extend street or ornamental lights along or upon any such streets, alleys, or highways.



The respective amounts to be contributed by the City or any such county, school district, or other municipality on account of any such improvement, shall be determined by the City Council in the proceedings to levy special assessments therefor against other benefited property, and the same action with respect to the making of such improvements and award of damages and levying of assessments therefor, shall be given to such counties, school districts, or other municipalities as to other property owners.

If any county, school district, or other municipality shall fail to promptly pay its proportionate share of the cost of any such improvement, as so determined, the City may recover the amount thereof in an appropriate civil action.

#### City May Pay Part of Cost.

Section 107. The City may also, if the City Council shall so determine, pay the whole or any part of the cost of making such improvements between street intersections or between street and alley intersections, and such other part or portion of the cost of making such improvement or improvements as it may deem just and equitable.

#### Institution of Proceedings.

Section 108. The making of any such improvement may be instituted by a petition filed with the City Clerk and signed by the owners of not less than thirty-five per cent in frontage of the real property abutting upon such proposed improvement, exclusive of any such property that may be owned by the City, the State, or any county, school district, or other municipality. The owner of a life estate in any property shall be deemed an owner of said property within the meaning of this section.

But the City Council may, by resolution adopted by a three-fourths vote of its members, institute a proceeding for the making of any such improvement without a petition therefor.

#### Council to Provide for Hearing on Petition or Resolution.

Section 109. Upon the filing of any such petition or the adoption of any such resolution by the City Council, the City Council shall fix a time and place when the same shall be examined, heard, and considered by the City Council, and it shall thereupon be the duty of the City Clerk to give notice of such hearing as hereinafter provided.

#### Notice of hearing.

Section 110. It shall thereupon <sup>be</sup> the duty of the City Clerk to prepare a notice of hearing in said matter, setting forth in general language the improvement or improvements proposed to be made, and that the City Council will meet at the time and place appointed, to examine, hear, and consider said petition or resolution, as the case may be, and to take such action with respect to the making of such improvement as it deems proper; and, in the case of a proceeding which has been initiated by a petition, that it will at said hearing first examine and consider such petition and determine whether it is signed by the requisite property owners and is otherwise sufficient. Such notice need not include a description of the property affected or likely to be assessed therefor, or the names of the owners thereof.

Such notice shall be published in the official paper of the City once in each week for two consecutive weeks. The last publication thereof shall be not less than seven days prior to the date set for each hearing. The City Council may direct such other and further notice to be given as in its judgment may seem proper, but its failure so to do, or its failure to give any other and further notice which it may direct to be given, shall not affect the validity of the proceedings.

#### Determination of Sufficiency of Petition.

Section 111. At the time and place appointed, or at some subsequent time to which the hearing may be adjourned, the City Council shall first examine the petition, if one has been filed and determine by resolution whether or not it has been signed by the requisite number of property owners and is otherwise sufficient, after making such investigation pertaining to said matter as it deems necessary, and hearing any and all persons and parties who may care to be heard with reference thereto.

Unless reversed upon appeal, as hereinafter provided, the determination of the City Council as to said matter shall be final and conclusive.

#### Hearing on Petition or Resolution.

Section 112. If the City Council shall determine that the petition has been signed by the requisite number of property owners and is otherwise sufficient, or in case the proceeding has been instituted by resolution of the City Council without a petition, it shall thereupon, at said time, or at any later time to which the hearing may be adjourned, proceed to hear and consider the said petition or resolution, as the case may be, and any and all reasons for or against the making of such improvement; and shall hear any and all persons and parties who may desire to be heard with reference thereto. Upon the conclusion of the hearing the City Council shall by resolution determine whether the improvement or improvements shall be made or not, which resolution shall describe the improvement or improvements in a general way, but need not describe the property affected or likely to be assessed therefor, or the names of the owners thereof.

#### Publication of Resolution Determining Sufficiency of Petition.

Section 113. Any resolution adopted by the City Council, determining that any such petition has been or has not been signed by the requisite number of property owners or is or is not otherwise sufficient, shall be published for one week in the official paper of the City.

#### Appeal from such Determination.

Section 114. Any person being aggrieved by such determination may appeal to the District Court of Brown County within ten days after the adoption and publication of such resolution, by serving upon the Mayor, or in his absence upon the City Clerk, a notice of appeal, stating briefly the grounds thereof, and giving a bond in the sum of Two Hundred Fifty Dollars (\$250.00) to the City, to be approved by the Judge of said Court, conditioned that the appellant will duly prosecute the appeal and abide the order of the Court therein, and pay all costs and disbursements which may be adjudged against him.



Such notice of appeal shall be filed with the City Clerk and no appeal shall be taken until the City Clerk has received the same. The City Clerk shall also file a copy of such notice of appeal with the City Engineer and the City Assessor and the City Treasurer. The City Clerk shall also file a copy of such notice of appeal with the City Engineer and the City Assessor and the City Treasurer.

Right of Appeal from Decision of City Clerk

Section 115. The City Clerk shall thereupon prepare a copy of the notice of appeal and a certified copy of said petition and return the same to the City Engineer and the City Assessor and the City Treasurer and the City Clerk shall also file a copy of such notice of appeal with the City Engineer and the City Assessor and the City Treasurer.

Right of Appeal

Section 116. Such appeal may be brought on for trial in vacation or at any general or special term of said Court upon eight days' notice by the City or the appellants, and shall be tried by the Court without a jury, and shall have preference in order of trial over all other cases and proceedings pending in said Court. There shall be no pleadings, and the only questions to be determined by the Court are whether the petition in such proceeding is signed by the requisite property owners and is otherwise sufficient, and whether a notice of hearing thereon has been given as required by the provisions of the Charter. There shall be no appeal from such determination.

Contract for Improvements

Section 117. Upon the adoption of any resolution by the City Council, determining that any such improvement or improvements shall be made, the Council shall proceed to make such improvement by letting contract therefor, or shall otherwise provide for the making thereof, all as provided in this Charter.

Determination of Benefits and Damages

Section 118. Whenever a contract has been entered into, or the City Council shall have otherwise provided for the making of any such improvement or improvements, the City Clerk, with the assistance of a City Engineer, shall calculate the amount of damages to be paid to the owners of property taken or injured by such improvement; and shall also calculate the proper amount to be specially assessed for such improvement against every lot, piece, or parcel of land especially benefited thereby; and shall also calculate the amount that the City and any county, school district, or other municipality shall severally contribute and pay toward the cost of such improvement on account of real property owned by it, abutting on the improvement or benefited thereby.

The amount of damages, the amount of special assessments, and the amount to be contributed and paid by the City or any county, school district, or other municipality, shall be separately determined and stated, as to each and every lot, parcel, or tract of land affected by such improvement.

Such calculations shall be tabulated and reduced to writing and filed with the City Clerk and shall constitute the proposed assessment of benefits and damages in said proceeding.

Section 119. Hearing on Proposed Assessment.

Section 119. Upon the filing of any such proposed assessment of benefits and damages, the City Council shall by resolution fix a time and place when the same shall be carried out, read and passed upon by the Council, and it shall be the duty of the City Clerk to give notice of such hearing as hereinafter provided.

Notice of Hearing Thereon.

Section 120. It shall be the duty of the City Clerk to prepare a notice of hearing on such proposed assessment, which shall set forth the time and place where the same will be examined, considered and passed upon by the Council, the nature, in general language, of the improvement or improvements, and that the proposed assessment is on file with the City Clerk and open to inspection.

Such notice need not include a description of the property proposed to be assessed or otherwise affected in said proceeding, or the nature of the owners thereof, or the amount of damages, or the amount of the proposed assessment as to any tract or parcel of land, or the amount that the City or any county, school district, or other municipality shall pay on account thereof.

Such notice shall be published in the official paper of the City once in each week for two successive weeks. The last publication thereof shall be not less than seven days prior to the date set for such hearing. The City Council may direct such other and further notice to be given as in its judgment may seem proper, but its failure so to do, or the failure to give any other and further notice which it may direct to be given, shall not affect the validity of the proceedings.

Written Objections to be Filed.

Section 121. All objections to such proposed assessment for any reason whatsoever, shall be in writing and filed with the City Clerk on or before the time appointed for such hearing, and all objections not specified therein shall be deemed waived.

Hearing on Proposed Assessment.

Section 122. At the time and place appointed, or at some subsequent time to which the hearing may be adjourned, the City Council shall meet and consider the proposed assessment and any and all objections so filed with the City Clerk, and shall hear any and all persons and parties who shall desire to be heard with reference thereto. The City Council may correct, change, or amend the proposed assessment in any respect that it deems just and equitable. Upon the adoption, by resolution, of such proposed assessment as corrected, amended, or changed, the same shall constitute the award of damages and the special assessments on account of such improvement or improvements against the various lots, pieces, or parcels of land therein mentioned, and a determination as to the amount to be contributed and paid by the City, or any county, school district, or other municipal corporation on account of such improvement.

Unless reversed on appeal, as hereinafter provided, such award, assessment, and determination shall be final and conclusive upon all interested persons and parties.

Section 122. Any petition or resolution adopted by the City Council may be appealed to the District Court of Brown County within ten days after the adoption of such resolution, by serving upon the Mayor or, in his absence, upon the City Clerk a notice of appeal, stating briefly the grounds thereof, and by giving a bond in the sum of One Hundred Dollars (\$100) to the City, to be approved by the Judge of said Court, conditioned that the appellant will duly prosecute the appeal and abide the order of the Court thereon, and pay all costs and disbursements which may be adjudged against him.

Such notice of appeal with proof of service thereon, and said bond, so approved as aforesaid, shall be filed with the Clerk of said Court within ten days after the adoption and publication of such resolution, and if not so filed, the appeal shall be ineffective and shall be discontinued.

#### City Clerk to Furnish Transcript of Proceedings.

Section 123. The City Clerk shall thereupon promptly transmit to the Clerk of said Court a certified copy of the proposed ordinance and of any and all objections thereto filed with him by the appellant, and of the resolution of the City Council adopting such proposed ordinance, and of such other papers and records as may be required for a determination of such appeal, and the appellant shall pay his proper and reasonable charges thereon.

#### Trial of Appeal.

Section 124. Such appeal may be brought on for hearing in vacation or at any general or special term of such Court upon eight days' notice by the City or the appellant, and shall be tried by the Court without a jury, and shall have preference in order of trial over all other actions and proceedings pending in said Court.

#### Assessments Payable in Installments.

Section 125. Any assessment of benefits shall be payable in equal annual installments extending over such period as the City Council may determine, not exceeding, however, twenty years, the first of said installments to be payable on or before the first day of June following the adoption of the assessment. All deferred payments shall bear interest, payable annually from the date of the adoption of the assessment, at the rate of six per cent per annum, or such lower rate as may be determined by the Council. Any installment, however, may be paid at any time, with interest to date of payment.

#### Lien on Property Assessed.

Section 126. Any and all such special assessments, and all penalties and interest thereon, shall be a paramount lien upon the lands upon which such assessments are imposed from and after the adoption of the assessment therefor by the City Council and shall be of equal rank and have the same priority and preference as taxes levied upon such property under the General Laws of the State.

#### Payment to City Treasurer.

Section 127. All special assessments shall be payable to the City Treasurer, who shall issue receipts therefor as otherwise provided in this Charter. All special assessments, and the interest thereon, shall be deemed delinquent if not paid when due, and thereupon a penalty of four per cent shall accrue and an additional penalty of one per cent for each month shall accrue and be charged on such unpaid installments up to and including October 1st in each year.

Rolling Back Assessments.

Section 129. As or before the fourth day of October in each year, the City Clerk shall transmit to the County Auditor a list, duly certified by him of all delinquent assessments, including any penalty which has attached thereto, with interest on such assessments computed to the first day of June next thereafter. Upon receipt of such list, the County Auditor shall enter the several amounts of such unpaid assessments on the tax list for the ensuing year, and levy the same upon the several lots and parcels of land to which the same are respectively chargeable; and the same shall thereupon be collected and payment thereof enforced as in the case of other taxes on real estate.

Adjournments.

Section 130. The City Council may adjourn any hearing in a local improvement or special assessment proceeding, or in any other matter, from time to time, and shall not be required to give notice thereof to interested persons or parties; but any such adjournment shall be noted in the record of the proceedings of the City Council.

Supplemental or New Assessments.

Section 131. In the case of omissions, errors, or mistakes in the making of any such award, assessment, or determination, it shall be competent for the City Council to make supplemental assessments to correct such omissions, errors or mistakes.

In all cases where any assessment or any part thereof is not made, the Council may cause a reassessment or a new assessment to be made as to any property assessed for or otherwise affected by such improvement.

Informalities Not To Vitiating Proceedings.

Section 132. No omission, error, or mistake in making such award, assessment, or determination, or in any of the proceedings had or taken with reference thereto, shall vitiate or in any way affect any such award, assessment, or determination, unless it shall appear that by reason of such omission, error, or mistake substantial injury has been done to the party or parties claiming to be aggrieved.

Abandonment of Proceedings.

Section 133. The City Council may at any time prior to the letting of a contract for such improvement, or the beginning of work for the making thereof without contract, abandon any improvement ordered by the City Council under the provisions of this Charter, if it shall deem it to be for the best interests of the City so to do; and may in such cases take such further action with reference to said matter as it may deem to be just and proper.

May Proceed under State Laws.

Section 134. The provisions contained in this Charter for the making of local or other improvements, and the award of damages and the levying of special assessments therefor, shall not be exclusive, but shall be supplementary to the General Laws of the State, now or hereafter enacted, pertaining to said matters; and the City Council may at any time proceed under any such general law having application to cities operating under a Home Rule Charter, or to cities of like class as the City of New Ulm.

Section 135.

Section 135. If any fire or other accident or damage shall have occurred in connection with any local improvement project, the City Council may proceed to make local improvement bonds to pay the cost and expense of making such improvement, including the amount of damages to property taken or damaged thereby, in the manner and on conditions provided in this ordinance.

CONTRACTS FOR IMPROVEMENTS

Work as per Paragraph.

Section 136. In undertaking any repairs, construction, or other work in behalf of the City, the Council, in all cases where the estimated cost, inclusive of labor and materials, shall exceed \$2,000.00, shall advertise for bids in the manner hereinafter provided. When the estimated cost of such work, inclusive of labor and materials, shall not exceed \$2,000.00, the Council may call for bids in the same manner, or it may, by a three-fourths vote of its membership, whenever in its judgment it is economical or for the public interest as to do either let a contract for such work without calling for bids or direct that such work, or any part thereof, be done by day-work, under the supervision of the City Engineer or some other officer of the City designated by the Council, who shall thereupon be authorized to employ the necessary labor and procure the necessary materials in the open market for the doing of said work.

Plans, Specifications, and Estimates.

Section 137. In all cases where bids are to be received, and in all other cases where the estimated cost of such work, inclusive of labor and materials, shall exceed \$1,000.00, plans and specifications shall be adopted by the City Council and filed with the City Clerk.

It shall be a condition of all plans and specifications for the doing of any such work that the contractor shall employ local workmen when available in the performance thereof.

Before any such work shall be undertaken by the City, a detailed estimate of the cost thereof shall be furnished the Council by the City Engineer.

Subdivision of Work.

Section 138. In all cases where any such work is to be done by contract, it shall be the duty of the City Engineer, or of any other person charged with the preparation of plans and specifications therefor, to provide that the work be divided into such portions, sections, and divisions, and in such other manner as to afford all contractors, local or otherwise, a reasonable opportunity to bid thereon; and it shall likewise be the duty of the City Council to invite bids for the various portions, sections, and divisions of said work, in such manner as to accomplish that purpose; but the City Council shall in all cases invite bids for the doing of the entire work, including all portions, sections, and divisions thereof, and may award contract or contracts to any one or more bidders, giving preference, however, to local contractors and local workmen where the interests of the City will not be adversely affected thereby.

Section 140. To all such advertisements for bids for each work, and plans and specifications to be done, and filed on file, the City Clerk shall file with the City Clerk to give the public notice of the opening of such bids, such advertisement and specifications on official paper of the City of New York, and in each office where the same are to be made available to the public.

Form of Certified Check for Deposit

Section 141. Each bid shall be accompanied by a cash deposit or certified check for not less than ten percent of the amount of such bid, payable to the City Clerk, to insure the execution of a contract between the bidder and the City for the doing of such work, in accordance with said bid, and the furnishing of a bond for the faithful performance thereof as required by law and the Charter, and if the successful bidder shall fail to enter into contract with the City for the doing of said work, or to furnish such bond, the amount of such deposit or certified check shall be forfeited to the City as liquidated damages for such default.

Form of Advertising

Section 142. All such advertisements for bids shall state briefly, in general terms, the nature of the work to be done, where the plans and specifications therefor may be examined, within what time bids will be received therefor by the City Clerk, the time and place when they will be opened and considered by the City Council; that no bids will be received or considered unless sealed and filed with the City Clerk within the time stated; that each bid shall be accompanied by a cash deposit or certified check for not less than ten percent of the amount of such bid, payable to the City Clerk; and that the City reserves the right to reject any and all bids.

Opening of Bids

Section 143. The City Council shall meet at the time and place mentioned in the advertisement for bids and publicly receive, open, and read all bids received by the City Clerk. No bids shall be considered which were not filed within the time limited by the advertisement, or which are not accompanied by a cash deposit or certified check, as stated in the advertisement.

Acceptance of Bids

Section 144. The City Council shall thereupon consider the bids so received, and if it shall decide to award contract for the work, the lowest responsible bid shall be accepted, but the Council may reject any and all bids, and, where the estimated cost inclusive of labor and material shall not exceed \$2000.00, may, by a three-fourths vote of its membership, direct that such work be done by day-work in the manner provided in Section 135 of this Charter, or it may in its discretion call for new bids for the doing of said work.

In determining the responsibility of a bidder, the City Council may consider his financial responsibility and his ability otherwise to perform the contract, without reference to the responsibility of the sureties on his bond. Any bidder who shall have defaulted heretofore in any contract



Section 149. Withdrawal of Bids.

Section 149. Whosoever any person or party to whom a contract has been awarded shall have complied or agreed with any other person or party to do any act or thing, or refrain from doing any act or thing, whereby competition in the bidding of said contract or in the receiving of bids therefor has been or may be hindered, restricted or prevented, the City Council may declare the contract so awarded to be null and void, and thereupon it may advertise for new bids for said work, or otherwise provide for the doing thereof in the manner provided in this Charter.

FRANCHISES.

Definition.

Section 150. The word "franchise" as used in this Charter shall be construed to mean any special right or privilege granted to any person, co-partnership, or corporation to use any part or portion of any street, alley, or public place of said City for the construction, maintenance, or operation of a public utility therein or thereon, whether such right or privilege has been heretofore or any hereafter granted by the City, the State of Minnesota, or any other authority; but a temporary license or permission to use the streets, alleys, or public places of the City, for a period not exceeding one year, shall not be considered a franchise within the meaning of this Charter.

Power to Grant.

Section 151. The City Council may grant franchises by ordinance, adopted by a three-fourths vote, but in no case shall a franchise, or an amendment to any of the provisions thereof, be granted by an emergency ordinance. Any and all franchises at any time granted by the Council shall be subject to all of the provisions and limitations contained in this Charter.

Proposed Franchises to be Referred to Public Utilities Commission.

Section 152. Before a franchise for any public utility is granted or renewed the matter shall be referred by the City Council to the Public Utilities Commission for investigation and report. The said Commission shall consider the same, make such investigation thereof as it deems proper, and report in writing as promptly as possible its conclusions to the City Council, and make such recommendations pertaining thereto as it sees fit; and at its discretion it may submit with said report a form of franchise for the consideration of the City Council. Such report shall be advisory only, but the City Council shall have no right or authority to grant or renew any franchise until the matter has been investigated and report made by the Public Utilities Commission, unless the Commission fails to make its report within sixty days after such reference, in which event the City Council may proceed without such report, as provided in this Section.

Renewals and Extensions.

Section 153. Any renewal or extension of a franchise shall be subject to all of the conditions and provisions of this Charter, applying to new or original franchises.



Section 147. Power of Ordinance.

Section 147. Every ordinance, order, resolution, or ordinance of any character shall conform with the terms and conditions of the franchise, and shall be published as in the case of other ordinances.

Term of Franchise.

Section 148. No perpetual or exclusive franchise shall ever be granted; nor shall any franchise be granted for more than twenty years.

Power of Franchisee.

Section 149. In all franchises or licenses hereafter granted by virtue of this Charter, the City Council shall have authority to reserve to the City the power to reasonably regulate and control the exercise thereof, within the City, by any person, co-partnership, or corporation exercising the same; to require proper and adequate maintenance of plant and service and the maintenance of the same at the highest practical standard of efficiency; to establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates; and to require the holder of any such franchise, at his own cost and expense, if the public needs require it, to place, move, relocate or re-route, or place under ground, any poles, wires, pipes, conduits, or other attachments or fixtures which it shall place in or upon any public street, alley or public place in the City, under or by authority of said franchise.

Rates and Charges.

Section 150. The maximum rates or charges that may be made for service furnished by the holder of any such franchise shall be stated in the ordinance granting the same, and no rates or charges in excess of those so stated shall ever be charged or collected. The City Council may in its discretion at any time negotiate with the holder of any such franchise for a modification of rates and charges. In case of failure to reach an agreement by negotiation, the matter shall be referred to a board of arbitration, consisting of three members, one of whom shall be appointed by the City Council, one by the holder of the franchise, and these two shall by mutual agreement select a third person, preferably an expert in valuation and rate-making. In case of their inability to agree upon such third arbitrator, he shall be appointed by the District Court of Brown County. Promptly upon their appointment, the said board of arbitration shall investigate and consider the matter so referred to them.

In considering said matter, the board of arbitration, in determining the value of the property of the holder of such franchise, shall not include any amount whatsoever on account of the value of such franchise or the rights possessed by the holder on account thereof, whether capitalized upon the books of such holder or not.

The board of arbitration shall make report as promptly as may be of their findings with respect to a reduction of such rates and charges, and the decision of said board of arbitrators, or a majority of them, as to a reduction of any such rates and charges shall be final and conclusive, subject, however, to revision by any court of competent jurisdiction.

...shall have the right to get back the property of any person who has been the contractor, engineer, or doing business in the City under a franchise granted by it, by paying to the owner thereof the reasonable value of the property employed in and connected with such business, but without paying or making any allowance for the franchise or for any rights possessed by the holder thereof as aforesaid. Such value, unless the same is agreed upon between the city and the owner, shall be determined in and by condemnation proceedings, in the manner provided in this charter or by the General Law of this State.

Right to Revoke Franchise.

Section 159. The City Council may, by ordinance, terminate any franchise for non-acceptance thereof by the grantee within the time limited therein, or for breach of non-use, or for failure to begin or complete construction within the time prescribed by the franchise, or for any other failure to comply with its terms.

Transfer of Franchise.

Section 160. No sale, transfer, or lease of any franchise shall be valid or effective unless approved by the City Council by ordinance or resolution. Copies of all deeds, transfers, leases, mortgages, or other documents affecting any such franchise, or the property of the holder thereof situated within the City of New Vin, shall be promptly filed with the City Clerk upon the execution thereof; and no sale, transfer, or lease of any franchise shall be approved until copies of such papers are filed as hereinbefore provided. Nor shall any such transfer, sale, or lease be effective unless and until the assignee or lessee shall file in the office of the City Clerk an instrument in writing, duly executed, reciting the facts of such transfer, sale, or lease, and accepting the terms of the franchise and agreeing to perform all of the conditions therein contained. The assignee or lessee shall also, at the option of the City Council, file a bond in such amount and under such conditions as the City Council may determine, with execution satisfactory to the Council, obligating the assignee or lessee to perform and discharge all of the conditions and provisions imposed by said franchise.

Acceptance of Franchise.

Section 161. Every franchise, and every extension or renewal thereof, shall be accepted in writing by the grantee within thirty days after its passage by the Council. Such acceptance shall be construed to be an acceptance of and consent to all of the terms, conditions, and limitations contained in the ordinance granting the franchise, and also all of the provisions of this Charter. No franchise shall be binding upon the City until accepted by the grantee as provided in this section.

Franchise shall Contain Certain Provisions.

Section 162. Every franchise hereafter granted by the City Council shall contain the following provisions:

- (1) That the grantee and his assignee shall be subject to all of the terms and conditions of this Charter.

...shall be considered to have part of every franchise which is hereby incorporated into the City Charter in the same manner as if it were a part of the Charter.

...shall be considered to have part of every franchise which is hereby incorporated into the City Charter in the same manner as if it were a part of the Charter.

Other Provisions of Franchise

Section 163. The provisions elsewhere in this Charter or particular conditions or provisions which are to be included in or made a part of every franchise, or renewal or extension thereof, shall not be construed as impairing or limiting the right of the City to insert therein such other and further conditions and provisions 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.

FINANCE

Council to Control Finance

Section 164. 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 making and disbursement of public moneys, and shall make provision for the payment of all liabilities and expenses, all subject to the provisions of this Charter.

Financial Year

Section 165. The financial year of the City shall end each year on the last day of February.

FUND

Indebtedness Funds

Section 166. The following funds shall be maintained for which separate and distinct accounts shall always be kept:

(1) An Administration Fund, out of which shall be paid the ordinary and current expenses of the City for the payment of which, out of some other fund, no provision is made. Into this fund shall be paid all moneys and revenues of the City not appropriated or payable to any other fund.

(2) A Sinking Fund for each issue of bonds, certificates of indebtedness, or other funded obligations of the City, out of which shall be paid the principal thereof.

(3) An Interest Fund for each issue of bonds, certificates of indebtedness, or other funded obligations of the City, out of which shall be paid the interest thereon when due.

(4) A Fire Department Fund, out of which shall be paid the ordinary and current expenses of the fire department of the City and any and all expenses for the prevention and control of fires within the City.

(5) A Library Fund, out of which shall be paid all expenses of purchase of and maintaining the City Library and Historical Society and out of which any books and equipment shall be purchased.

(6) A Sewer Fund, out of which shall be paid all expenses of constructing and maintaining the sewers and sewer system of the City and keeping the same in repair, for the payment of which out of some other fund no provision has been made.

(7) A Street Fund, out of which shall be paid all expenses of improving and maintaining the streets, sidewalks, crossings, and alleys of the City and keeping the same in repair, for the payment of which out of some other fund no provision has been made.

(8) A Cemetery Trust Fund, into which shall be paid all moneys received in trust by the City of New Britain for the perpetual care and maintenance of graves and lots in the city cemetery. No payments shall ever be made out of said fund, but the same shall remain intact and be forever held in trust by the City of New Britain for the purposes stated. Any moneys in this fund shall be invested under the direction of the City Council in bonds or other securities that are approved investments for the sinking and interest funds of the city as otherwise provided in this Charter.

(9) A Cemetery Trust Interest Fund, into which shall be paid the income and revenue from the Cemetery Trust Fund heretofore provided. Such income and revenue shall be used by the City Council to pay for the care and maintenance of those graves and lots in the City Cemetery for which provision is made by payments into the Cemetery Trust Fund.

(10) The City Council may from time to time hereafter establish such other funds as in its opinion may be necessary or proper, and provide the means by which they shall be established and maintained and the disbursements to be made therefrom, and may make such other provisions with respect thereto as it deems proper.

#### Provision on Special Assessments—How Applied.

Section 167. In all cases where the bonds, certificates of indebtedness, or other funded obligations of the City have been or shall be issued for the making of any local improvement or other public works or improvements, or acquisition of grounds or sites for public buildings or other public purposes, the cost of which is to be paid for in whole or in part by special assessments upon benefited property, all moneys collected by the City on the principal of such assessments, and also all moneys paid by the City at large, the State of Massachusetts, or any County, School District, or other municipal corporation, for or on account of such improvement, shall be paid into and credited to the appropriate sinking fund; and all moneys collected by the City as interest upon such assessments or other payments shall be paid into and credited to the appropriate interest fund.

#### Payments by Public Utilities Commission.

Section 168. Whenever the bonds, certificates of indebtedness, or other funded obligations of the City have been or shall be issued for the acquisition, construction, purchase, equipment, maintenance, replacement, reconstruction, extension, enlargement, or other improvement to or of any public utility, now or hereafter owned or operated by the City, the Public Utilities Commission shall from time to time, and so far as the funds of such utility permit, transfer and pay into the appropriate sinking and interest funds of the City such sum or sums as may be necessary to pay the principal and interest owing on such bonds, certificates of indebtedness, or other funded obligations, when and as they become due.

Section 169. The City Council shall by majority vote determine the amount of the principal of each and all of said bonds, and the special taxes shall also be levied for the maturity, interest and the sinking fund interest thereon.

Transfer of Funds.

Section 170. The City Council may from time to time, by three-fourths vote, transfer moneys from one fund to another, but shall have no authority to transfer any moneys or securities from or out of any sinking fund, unless the amount to the credit of such fund is sufficient to pay all outstanding bonds or other funded obligations for which it was created, and then only as to such excess; nor to transfer any moneys or securities from or out of any interest fund unless there is sufficient moneys to the credit of said fund to pay interest in full to maturity on all outstanding bonds or funded obligations of the City for which it was created, and then only as to such excess; nor to transfer any moneys or securities from or out of the Sinking Trust Fund under any circumstances.

Application of Moneys to Particular Funds.

Section 171. All taxes and moneys received or appropriated for any particular fund shall be paid into and credited to such fund; and all taxes and moneys received by the City, not appropriated or otherwise payable to any particular fund, shall be credited to the Administration Fund.

THE CLERK

Preparation of Annual Budget.

Section 172. On or before the 20th day of July of each year the City Clerk shall prepare an estimate in writing of the revenues and expenditures of the City for the next fiscal year, which shall contain a detailed estimate of the revenues and requirements of each fund for such year, and a comparison of such estimates with the corresponding items for the current fiscal year and the preceding fiscal year, which estimates shall be arranged in parallel columns. Such estimates shall be accompanied by the recommendation of the City Clerk as to the amount to be appropriated for each fund, with reasons therefor, in such detail as the City Council may direct. The City Clerk may submit with the estimates such explanatory statement or statements as he deems necessary.

The estimates shall be printed or typewritten. A copy thereof shall be furnished to the Mayor, and each member of the City Council. A copy shall be posted in the office of the City Clerk not less than ten days before the regular meeting of the City Council in August of that year, at which time the estimates shall be submitted to the Council.

The Council shall have the power to amend the budget in any item, but no amendment shall be made which would increase the total estimated revenue or decrease the total estimated expenditures of the budget.

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Adoption of Budget.

Section 173. The budget shall be considered at the regular monthly meeting of the Council in August, and the Council shall hold adjourned meetings thereafter until all the estimates have been considered. Hearings shall be conducted as to give interested citizens an opportunity to be heard, and an opportunity to raise such inquiries as may seem pertinent to them. The budget estimates shall be read in full, and the City Clerk shall explain the various items thereof as fully as may be deemed necessary by the Council. The annual budget as finally agreed upon shall be adopted by resolution setting forth the budget in detail, and shall be recorded at length in the Council proceedings. The total amount appropriated shall be less than the total estimated revenue by a reasonable margin. The Council shall adopt the budget resolution not later than the first day of October.

Enforcement of Budget.

Section 174. It shall be the duty of the City Council and the City Clerk to enforce strictly the provisions of the budget. They shall not allow or approve any claim or demand against the City unless an appropriation has been made therefor in the budget, nor any expenditure covered by the budget unless there is a sufficient unexpended balance left thereon, and the Mayor and City Clerk shall not issue any order on the Treasurer for the payment of any such claim or demand. Any obligations authorized or incurred by any officer or employee 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 personal obligation upon the person incurring or authorizing the expenditure.

Vote by Mayor.

Section 175. Promptly upon the adoption of the budget resolution it shall be transmitted to the Mayor for his approval or disapproval, and shall be considered and returned by him as in the case of ordinances or other resolutions. He may approve or disapprove of the whole or any part or item thereof, excepting that he shall have no authority to disapprove any sum or item therein contained for the payment of the funded debt of the City, the interest thereon, or of any sum therein provided for interest or sinking funds. If the budget be disapproved, the Council shall proceed to reconsider the vote by which the budget was passed, but if an item or items only are disapproved, the reconsideration shall be only as to such item or items. If upon such reconsideration six members shall vote to pass the budget or such item or items, the same shall be deemed to be duly adopted and in full force and effect. Upon such final adoption of the budget resolution the sums fixed therein shall be deemed appropriated for the next fiscal year for the several purposes named therein, and no other.

Alterations in the Budget.

Section 176. After the budget shall have been adopted, the City Council shall have no power to increase the appropriations therein fixed for any purpose, either by the insertion of any new item or otherwise.

subject to the provisions of law and special laws provided for the City Council or any other authority created by a three-fourths vote, change or alter the amount appropriated for any purpose or object in the budget, either in the case of any other fund, and restrictive covenants hereinafter in the budget contracts to affect the same, and any other law which may be enacted or amended and unincorporated balances for any fiscal year or object.

Property Subject to Taxation.

Section 177. All real, personal, and other property within the City, except such as may be exempt by the laws of this State, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities, and all taxes shall be assessed and collected in the manner provided for by the general laws of this State, except as hereinafter provided; provided, however, that nothing herein contained shall be construed as limiting the levying and collecting of special assessments as provided for in this Charter.

Board of Equalization.

Section 178. The City Council shall constitute a Board of Equalization and shall have and possess all of the authority, rights, powers, and duties of like boards under the general laws of the State now or hereafter enacted, and shall be governed as to time and place of meeting and in all other respects by such laws.

Levy and Collection of Taxes.

Section 179. On or before the first of October of 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 also all delinquent special assessments levied upon any real property within the City; and such taxes and assessments 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 purpose for which the same is levied, but in that case the surplus shall go into the fund to which such tax is levied.

Law Settlement with County Treasurer.

Section 180. The City Treasurer shall see that all moneys in the County Treasury belonging to the City are promptly turned over to the City according to law.

MILLAGE FOR TAX.

Section 181. No taxes for general city or municipal purposes shall be levied by the City Council in any one year exceeding twenty-five mills on the dollar of the assessed valuation of the taxable property of the city, and in addition thereto such amounts as may be necessary to pay the interest on the funded debt of the city and the portion of the principal due of such funded debt becoming due in such year, and all amounts included in the budget for any sinking or interest fund, and any judgments lawfully obtained against the city.

CITY DEPOSITORIES

Council to Designate Depositories.

Section 182. The City Council shall have power to designate, and from time to time to redesignate, a bank or banks in the City of New Orleans, or elsewhere, in which the City Treasurer shall deposit and keep the moneys and funds of the City. Such designation and redesignation may be made at any time by the City Council, but only after advertising for proposals therefor in the official newspaper of the City once in each week for two successive weeks. The maximum amount which may at any time be kept on deposit in each depository so designated shall be fixed by the City Council.

Bond of Depository.

Section 183. Each depository shall give bond to the city, conditioned for the safekeeping and repayment of all sums deposited in such depository, with interest, except to the extent that said deposits are insured in and by the Federal Deposit Insurance Corporation under the Acts of Congress creating such corporation, and any amendments thereto.

If a bond with personal sureties is given, the amount thereof shall be at least double the amount authorized to be deposited in excess of the deposit so insured. If a surety bond is offered, it shall be in an amount equal to the amount authorized to be deposited in such depository in excess of the deposits so insured. In lieu of such bond, a depository may deposit with and assign to the city, bonds or other securities of the character and in the amount provided by the general laws of this State now or hereafter enacted.

Treasurer's Exemption for Liability.

Section 184. The City Treasurer shall keep the funds of the City in the depository or depositories so designated, and when so deposited the Treasurer and the sureties on his official bond shall be exempt from all liability for the loss of any funds so deposited to the amount only that such deposit was authorized by the City Council, and only if such loss is caused by the failure, bankruptcy, or any other act or default of such depository.

The failure of the City Council to designate a depository or depositories shall not exempt or relieve the City Treasurer or the sureties on his official bond from any liability for moneys or funds in his hands belonging to the City.



Section 184. All moneys belonging to any sinking, interest, or other permanent fund of the City shall be made exempt by resolution adopted by a unanimous vote of the City Council. It is hereby made the duty of the City Council and of the Mayor to make careful inquiry and investigation concerning the security of any such investment before the same is made in order that loss on account thereof may be avoided. This section shall not apply to bonds of the United States Government.

All moneys belonging to any sinking, interest, or other permanent fund of the City shall be made exempt by resolution adopted by a unanimous vote of the City Council. It is hereby made the duty of the City Council and of the Mayor to make careful inquiry and investigation concerning the security of any such investment before the same is made in order that loss on account thereof may be avoided. This section shall not apply to bonds of the United States Government.

Investment of Moneys

Section 186. No investment of any moneys belonging to any sinking, interest, or other permanent fund of the City shall be made except by resolution adopted by a unanimous vote of the City Council. It is hereby made the duty of the City Council and of the Mayor to make careful inquiry and investigation concerning the security of any such investment before the same is made in order that loss on account thereof may be avoided. This section shall not apply to bonds of the United States Government.

Prohibition of Speculation

Section 187. Any bonds or other securities in any such fund may be sold or pledged by authority of the City Council at any time, but any moneys received from the sale or pledge thereof shall remain a part of such fund and be deposited or invested as hereinafter provided.

Personal Liability of Treasurer

Section 188. In all cases where the City Council shall authorize the investment of moneys, belonging to any such fund, in any of the aforesaid bonds or securities, the City Treasurer and the clerks on his official bond shall be exempt from all liability for the loss of the money so invested by reason of the non-payment of the principal or interest or depreciation in market value thereof.

Penalty for Violation

Section 189. Any member of the City Council or other officer of the City who shall recommend or authorize, or vote to authorize, the investment of any moneys belonging to any sinking, interest, or other permanent fund of the City in any bonds or other securities or securities, other than those specifically mentioned in Section 185 hereof, shall be personally liable for any loss or damage occasioned the City by reason of such investment.

ARTICLE II - CHAPTER 1 - OF CLAIMS

Verification of Claims.

Section 190. Every account, claim, or demand against the City, except as otherwise provided in this Charter, shall be itemized and verified by the affidavit of the claimant, or his agent, to the effect that the service, labor, or material therein mentioned has been actually performed or furnished as therein stated, that the claim is just and correct, and that no part thereof has been paid.

Approval of Claims.

Section 191. Before any such account, claim, or demand shall be considered or approved by the City Council, some officer or employee of the City having personal knowledge of the matter shall certify in writing upon the same that the service, repair or material therein mentioned has been actually furnished to and received by the City whereupon it shall be examined in detail and audited by the City Clerk and if he finds the same or any part thereof to be a just and proper claim against the City he shall endorse his approval thereon in writing accordingly.

Allowance of Claims.

Section 192. The City Council shall have authority to allow or disallow, in whole or in part, any account, claim, or demand against the City, but shall have no authority to consider or allow any such account, claim, or demand unless verified and approved as heretofore provided.

Money -- How Paid Out.

Section 193. No money shall be paid out of the City Treasury unless authorized by vote of the City Council, and then only upon an order signed by the Mayor and countersigned by the City Clerk, as hereinafter provided, excepting that orders may be issued by the Mayor and City Clerk and paid by the Treasurer, without authorization by the City Council, in the following cases:

- (1) To pay when due the interest and principal of outstanding bonds, warrants, and certificates of indebtedness of the City.
- (2) To pay the salaries and compensation of the officers and employees of the City where such compensation or salaries have been fixed by the City Council.

The City Treasurer shall also pay out of the appropriate funds of the City, without allowance or approval by the City Council, any orders that may be issued upon the Treasurer by the Public Utilities Commission as otherwise provided in this Charter.

Orders -- How Signed -- Form.

Section 194. Every order upon the Treasurer shall be signed by the Mayor and countersigned by the City Clerk, and shall designate the purpose for which it is drawn and the fund out of which it is payable, and shall be payable only out of such fund. Every order shall be made payable to the order of the person in whose favor it is drawn and may be transferred by endorsement. No order on any fund shall be drawn unless there is money to the credit of such fund sufficient to pay the same, together with all orders previously issued against such fund.

Section 195. This chapter shall not be construed as relating to the current obligations of the City payable in the usual course of business and out of its current revenues, but only to obligations of the City, authorized as required by law or this Charter, evidencing an indebtedness of the City payable with interest at future and stated times. The word "bond" as used in this Charter shall include any and all bonds, certificates of indebtedness, warrants, or other funded obligations of the City, authorized as stated and evidencing such indebtedness.

#### Issuance of Bonds.

Section 196. All bonds of the City shall be issued in the name of the City of New Ulm and shall be exempt from all taxation. They shall be issued under the Seal of the City, regularly dated and numbered, and signed by the Mayor and City Clerk. The City of New Ulm shall have authority to issue the following bonds: Refunding Bonds, Local Improvement Bonds, Public Utility Bonds, Public Improvement Bonds, Permanent Improvement Revolving Fund Bonds, Emergency Bonds, and Temporary Construction Bonds.

#### Refunding Bonds.

Section 197. Refunding bonds shall be issued to refund bonds, certificates of indebtedness, warrants, or other funded obligations of the City, whether due or not due.

#### Local Improvement Bonds.

Section 198. Local improvement bonds shall be issued to lay out, open, extend, widen, straighten, or otherwise alter or change any street, alley, or highway within the City; to fill, grade, gravel, pave, repave, macadamize, or otherwise improve any street, alley, or highway within the City, and to construct boulevards, curbs, and gutters thereon; to construct, lay, relay, extend, repair, or otherwise improve the public sewers of the City, including service pipes and mains and all necessary fixtures, appurtenances, and appliances; or to make any other local or public improvement not prohibited by law or this Charter.

#### Public Utility Bonds.

Section 199. Public Utility Bonds shall be issued to replace, reconstruct, extend, enlarge, or otherwise improve the Water Works System, Electric Light Plant, or the Steam Heating System now owned and operated by the City; to acquire, construct, purchase, equip, maintain, replace, reconstruct, extend, enlarge, or otherwise improve any other public utility or convenience to be operated by the City, from which a revenue is or may be derived, and to acquire property needed in connection therewith; and to construct, reconstruct, replace, extend, enlarge, repair, or otherwise improve a Distribution System or Systems for any or all of such utilities.

Article IV - Finance

Section 198. Whenever the City shall have entered into contract for the making of any local or public improvement, the cost of which is to be paid for in whole or in part by special assessment upon benefitted property, the City Council may, by three-fourths vote thereof, authorize the issuance and sale of Temporary Construction Bonds of the City for the purpose of financing the construction of such improvement, and until permanent financing therefor can be conveniently arranged.

Section 199. Temporary Construction Bonds.

Section 199. For any and every purpose involving and which may be deemed to create and maintain a permanent improvement involving such, the amount of such bonds outstanding at any one time shall not exceed \$50,000.00.

Emergency Bonds.

Section 202. If during any year, by reason of calamity or other emergency, or unforeseen circumstances, the City is obliged to make extraordinary expenditures for which no provision has been made in the budget, then and in such event the City Council may by a three-fourths vote thereof authorize the issuance and sale of Emergency Bonds, not exceeding in any one year, however, the sum of \$50,000.00, said bonds to mature in not to exceed six years and to bear interest at not to exceed six per cent per annum.

Temporary Construction Bonds.

Section 203. Whenever the City shall have entered into contract for the making of any local or public improvement, the cost of which is to be paid for in whole or in part by special assessment upon benefitted property, the City Council may, by three-fourths vote, issue and sell Temporary Construction Bonds of the City for the purpose of financing the construction of such improvement, and until permanent financing therefor can be conveniently arranged.

Such bonds shall be issued and sold from time to time, during the making of said improvement, in such amounts as may be necessary to meet the obligations of the City in connection with the making of said improvement. Bonds for such improvement shall not be issued in excess of the contract price therefor. All of such bonds shall be due not more than one year from the date of issue and shall bear interest not exceeding six per cent per annum, payable semi-annually.

At the time of the issuance of any such bonds the City Council shall, by resolution, obligate the City, before or as soon as the improvement shall be completed, to take appropriate proceedings to levy and assess such portion of the cost thereof as may properly be assessed upon benefitted property, and further obligate the City to issue and sell the local improvement bonds of the City to the amount permitted by law for the making of such improvement and to apply the proceeds therefrom in payment of such temporary construction bonds, and to make such other provision for their payment by taxation or otherwise as may be necessary.

Other Bonds.

Section 204. In addition to the bonds hereinbefore enumerated the City shall have the right and power to issue its bonds for any other lawful purpose not prohibited by law or by this Charter, or for any municipal purpose whatsoever authorized by any law or statute of

Section 205. The bonds of the City shall ever be issued to pay current expenses or to pay or refund emergency bonds.

Provision for Sinking Fund Provision.

Section 206. In order that definite and certain provision be made for the payment of bonds and other funded obligations of the City, a sinking fund and interest fund shall be created for each issue of bonds, certificates of indebtedness, or other funded obligations of the City, hereafter or hereafter issued.

Provision for Sinking Fund Provision and Interest Fund.

Section 207. As soon as possible after the adoption of this Charter, the City Council shall make suitable provision by tax levy, or otherwise, for an adequate sinking fund for each issue of bonds or other funded obligations now outstanding to pay the principal thereof when due; and also for an adequate interest fund for each of said issues to pay the interest thereon.

Whenever any bonds shall hereafter be issued by the City, excepting, however, temporary construction bonds, the City Council shall, before the issuance thereof, levy a direct annual tax for each year until the principal and interest of such bonds are paid in full, which levy shall be sufficient in amount to pay the principal and interest of said bonds when and as such principal and interest mature.

Such tax shall be irrevocable until all such indebtedness is paid, and no further action of the City Council shall be necessary to authorize the extension, assessment, and collection of such tax.

The City Clerk shall promptly furnish a certified copy of such levy to the County Auditor of Brown County, together with full information concerning the obligations for which the tax is levied, and such County Auditor shall thereupon extend and assess the tax so levied.

When there is any money in any sinking or interest fund available for the payment of the principal or interest of the bonds for which such funds were created, the City Council may, by resolution, irrevocably set aside and appropriate the same, or such portion thereof as may be necessary, to the payment of the principal and interest of such bonds becoming due in the ensuing fiscal year; whereupon, and before October 26th of such year, the City Clerk shall file a certified copy of such resolution with the County Auditor, who shall then reduce the tax levy for such year by the amount so set aside and appropriated.

Due provision shall be made in each annual budget for the payments of the principal and interest of bonds becoming due in the ensuing fiscal year; and, to the extent that such payments are not otherwise provided for, the City Council shall levy sufficient taxes to pay the same.

Penalty for Violation of Sinking Fund Provision.

Section 208. If the City Council or any other officer of the City shall fail or neglect to comply with the provisions of this Charter pertaining to said interest and sinking funds, any taxpayer of

The City Council shall have the right to call for the redemption of any bonds at any time and at any place, and to enforce compliance therewith.

Form of Bonds.

Section 208. All bonds of the City shall be in such form as may be prescribed by the City Council. They shall be payable periodically in annual installments as determined by the City Council, the first installment to become due not more than three years from the date, and the last not more than twenty years from the date thereof, excepting Emergency Bonds and Temporary Construction Bonds, which shall be payable as heretofore provided. The City Council may provide that any bonds issued by the City shall be callable before maturity at such time and on such terms as it deems proper.

Rate of Interest.

Section 209. All bonds shall bear interest at a rate to be fixed by the City Council, not exceeding six per cent per annum, payable semi-annually.

Sale of Bonds.

Section 210. Before any bonds of the City hereafter issued shall be sold, the City Council shall by resolution, fix a time and place for receiving bids for such bonds and shall give notice thereof in such form as it may direct, by two weeks publication in the official newspaper of the City, and by such other and additional notice as may be determined by the City Council.

At the time and place so fixed, the bids shall be opened and the offer complying with the terms of such notice, and deemed most favorable to the City, shall be accepted by the City Council, but the City Council may reject any and all of such offers and award said bonds to a more favorable bidder, or, upon like notice, it may invite other bids.

Any City Councillor or other officer of the City who shall enter into or approve any contract or agreement for the sale or disposition of such bonds, contrary to the provisions hereof, or aid in preventing competitive bidding therefor shall be guilty of malfeasance, and any such contract or agreement shall be void and of no effect.

Notwithstanding the foregoing provisions the City Council shall have the right to sell, in whole or in part, any bonds hereafter issued by the City to the residents thereof by popular subscription at not less than par and accrued interest. In all such cases the Council shall give published notice in the official paper of the City, and in such other manner as it may deem necessary, that the City will receive bids from the residents of the City for such bonds, in amounts of \$100.00 or any multiple thereof, and that at the same time it will receive bids from any other source for the bonds so to be issued. When all bids are received, the Council may award the bonds to any one or more of such bidders in accordance with what, in their judgment, will be for the best interests of the City, but in no case shall any bonds be sold for less than par value and accrued interest.

Proceeds from Sale of Bonds.

Section 211. Upon payment to the City Treasurer of the amount offered therefor by the successful bidder or bidders, the bonds shall be

delivered and the City Treasurer shall receive and hold the proceeds thereof for the purpose or purposes stated in the resolution authorizing the issuance thereof, and shall credit the proceeds to said accounts.

#### Approval of Veterans.

Section 212. No bonds shall be issued without the approval, first obtained, of the legal voters of the City, by majority vote of the electors voting on the question of the issuance thereof, at a special election called for that purpose, or at a general election in the notice whereof the issuance of such bonds shall be plainly submitted for approval or rejection; provided, however, that the approval of the voters shall not be required as to Refunding Bonds, Local Improvement Bonds, Emergency Bonds, or Temporary Construction Bonds, but the City Council shall have full power and authority to issue such bonds in its discretion without the vote or the authority of the electors.

#### Limit of Indebtedness.

Section 213. The total not bonded indebtedness of the City shall never exceed ten per cent of the last assessed valuation of the taxable property therein, including moneys and credits.

In determining the not bonded indebtedness of the City there shall be deducted from its gross bonded indebtedness the following:

(1) All bonds or other funded obligations issued for the acquisition, construction, purchase, equipment, maintenance, replacement, reconstruction, extension, enlargement, or improvement of the Water Works System, Electric Light Plant, or Steam Heating System now owned and operated by the City, or either of them; or any other public utility or public convenience hereafter owned and operated by it from which a revenue is or may be derived, or the acquisition of any property needed in connection therewith.

(2) All bonds or other funded obligations issued for any purpose whatsoever to the extent that they are payable from the proceeds of special assessments levied upon benefited property.

(3) All bonds or other funded obligations of the City issued for the creation or maintenance of a Permanent Improvement Revolving Fund.

(4) The amount of all moneys and the face value of all securities held as a sinking fund for the payment of the bonds and other funded obligations of the City, other than those deductible from the gross bonded debt of the City under this section.

(5) All Temporary Construction Bonds issued by the City pursuant to the provisions of this Charter.

#### Validation of Certain Proceedings and Obligations.

Section 214. All proceedings had or taken at or prior to the time that this Charter becomes effective, by the City of New Ulm and its City Council and officers, in the matter of authorizing and ordering of local improvements of any kind, the making of contracts therefor, the determination of the costs and benefits, the levying of assessments, and the authorization and issuance of warrants, certificates of indebtedness, and bonds of the City on account thereof, including the advancement of moneys for such projects from various funds of the City, and the delivery of such bonds, certificates of indebtedness, and warrants to such funds in replacement of such advances, and the assessments so levied, and the bonds, certificates of indebtedness, and warrants so





At the regular annual meeting of the City Council in April of each year, the Mayor shall appoint a member of the Commission for a term of three years, whose term of office shall commence on the third Monday of April of that year, and who shall succeed the member whose term then expires.

Each member of the Commission shall hold office until his successor is appointed and qualified.

#### Appointments Subject to Confirmation.

Section 219. All appointments of members of the Commission, including those to fill vacancies, shall be subject to confirmation by the City Council.

#### Vacancies in Commission.

Section 219. All vacancies in the Commission, by resignation or otherwise, shall be filled by the Mayor for the unexpired term.

#### Removal of Members of Commission.

Section 220. Any member of the Commission may be removed from his office by a three-fourths vote of the City Council, but no such member shall be removed except for cause and until he has been furnished with a written statement of the charges against him, and has had a reasonable opportunity to be heard in his defense.

#### Compensation of Members.

Section 221. Members of the Commission shall receive compensation as fixed by the City Council but at no time shall they receive less than that received by Members of the City Council, and may be paid actual and necessary expenses incurred by them in the performance of their duties.

#### Powers and Duties of Commission.

Section 222. Except as otherwise provided in this Charter, the Commission shall have full and exclusive control of and power over the Motor Works System, the Electric Light Plant, and the Steam Heating System, now owned and operated by the City, and of all other utilities at any time hereafter owned or operated by the City, including all buildings, structures, machinery, apparatus, equipment, materials, supplies, and all other property belonging to or appurtenant to the same and shall also have full and exclusive control and power over all moneys, bonds, certificates of indebtedness, warrants, and other securities in the current or any other fund of the Commission.

The Commission shall have power:

(1) To provide for regular meetings of the Commission at least once in each month, keep proper minutes thereof, and prescribe their own rules of procedure.

(2) To operate each and all of said utilities and to do any and all things necessary for the economical management, control, and operation thereof.

(3) To keep the same in repair, and make necessary replacements, extensions, improvements, changes, and additions thereto, provided, however, that the Commission shall have no power to make any replacements, extensions, improvements, changes, or additions which require the issuance

shall have the right to make such changes as it may see fit to make in the plan and to provide for the same by special ordinance upon report transmitted thereto; and in such cases the Commission shall be subject to the City Council. In making the making of such replacements, extensions, improvements, changes, or additions, whenever the City Council shall in its discretion proceed to make the same and to make bonds or levy assessments upon benefited property, as the case may be, to pay for the same in whole or in part. Upon the completion of such replacements, extensions, improvements, changes, or additions, the Commission shall have full control and management thereof, including power to operate the same.

(4) To buy fuel, supplies, and other materials.

(5) To fix and determine the rates and charges to be made for water, light, heat, power, and other services furnished by said utilities, and to collect the same and all other earnings and revenues of said utilities; provided, however, that whenever any new schedule of rates is adopted for any of the utilities, or any change or alteration is made in the existing schedule, affecting either a part or all of the patrons of such utility, the Commission shall cause public announcement of such new schedule, or such change or alteration, to be made in the official newspaper of the City.

(6) To prescribe the time and manner in which payment for all such services shall be made, and to provide for the discontinuance or termination of such service in case of non-payment, and in its discretion to require payment in advance for any or all of such services.

(7) To make and enforce reasonable rules and regulations pertaining to such service and the distribution and use thereof, and the operation of said utilities, and to prescribe penalties for the violation thereof. Any and all rules, resolutions, regulations, and ordinances, which are now in force relating to the Water Works System, Electric Light Plant, and Steam Heating System of the City, shall be deemed and considered adopted by the Commission and to be in full force and effect until repealed, altered, or amended by the Commission.

(8) To prescribe the form of books of account to be kept by the Commission, and also to prescribe and enforce such methods of accounting as it may deem necessary or proper.

(9) The Commission shall have the right to the reasonable use of the streets, alleys, and public grounds of the City for the purpose of maintaining and operating such utilities and for repairing the same, or making any extensions, improvements, changes, or additions thereto; but whenever the surface of any street, alley, or public ground is disturbed, the Commission shall cause the same to be promptly restored, as nearly as may be, to its original condition.

(10) To make, perform and enforce contracts in the name and in behalf of the City, and to do any and all other things that may be necessary or proper to carry out the purposes expressed herein.

The Commission shall at the end of each fiscal year of the City make a written report to the City Council showing in detail, and classified as to funds, all moneys received and paid out by the Commission for the fiscal year then ending; the balance to the credit of each fund; the balance on deposit in each city depository; and the character and amount of outstanding bonds or other funded obligations for the payment of which the Commission is primarily liable. The report shall also show the nature and cost of any changes, improvements, or additions made during said year to the utilities under its control, and shall also set forth any other changes, improvements, or additions contemplated or under consideration by the Commission, with an estimate of the cost thereof. It shall also contain any other information that the Commission may deem to be of interest to the City Council.

... shall have been submitted to the legal voters of the city at a regular or special election held therein and approved by a three-fourths vote of the electors voting thereon at such election.

Section 224.

Section 224. Immediately after their appointment and qualification, the Commission shall elect from their number a President and a Vice President, who shall hold office until the regular meeting of the Commission in May, next thereafter. At each regular meeting in May of each year, the Commission shall elect from their number a President and a Vice President, who shall hold office for one year and until their successors are elected and qualified.

The City Clerk shall be ex-officio Secretary of the Commission, and the City Treasurer shall be ex-officio Treasurer of the Commission.

As soon as the Commission is organized, a Superintendent of Utilities shall be appointed by the Commission who shall hold office at the pleasure of the Commission.

Such other officers as the Commission may deem necessary or proper shall be appointed from time to time, and the Commission shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the Commission.

Duties of the President.

Section 225. The President shall preside at all meetings of the Commission and sign all orders on the Treasurer, and also all contracts authorized by the Commission.

Duties of the Vice President.

Section 226. The Vice President shall perform the duties of the President in case of the latter's absence or disability.

Duties of the Secretary.

Section 227. The Secretary shall have the following powers and duties:

- (1) He shall be the chief accounting officer of the Commission and shall keep a complete set of books, showing in detail all of the business and financial affairs and transactions of the Commission.
- (2) He shall be the custodian of all of the books, records and papers of the Commission, except as otherwise provided in this Charter.
- (3) He shall be the Clerk of the Commission, attend all of its meetings, and keep an accurate record of all of its proceedings in books to be provided therefor.
- (4) He shall sign all orders on the Treasurer, but only when authorized so to do as provided in this Charter. He shall also sign any and all contracts authorized by the Commission, pursuant to the provisions of this Charter.

He shall make a monthly report to the Commission, showing in detail, and classified as to funds, all moneys received and paid out in behalf of the Commission since his last monthly report, the balance to the credit of each fund, and the balance on deposit in each city depository. To each monthly report shall be attached a detailed statement of all persons who are delinquent in payment of their accounts, and the amount owing by each of them. Such report shall also contain any other information that may be required by the Commission.

At the end of each fiscal year of the City he shall prepare a similar report to the Commission, showing in detail all receipts and disbursements of the Commission for the fiscal year then ending. He shall also make such other and further reports as may from time to time be required of him by the Commission. All of said reports shall be in such form as may be prescribed by the Commission.

(6) Copies of all reports made to the Commission, as provided in this Section, shall be furnished to the City Council.

(7) He shall have such other powers and duties as may be elsewhere provided in this Charter or as may hereafter be prescribed by the Commission.

#### Duties of the Treasurer.

Section 228. The powers and duties of the Treasurer shall be as follows:

(1) He shall receive and safely keep all moneys and funds belonging to the Commission.

(2) He shall be custodian of and safely keep all bonds, certificates of indebtedness, warrants, and other securities owned or held by the Commission for any purpose whatsoever.

(3) He shall keep an accurate and detailed record of all moneys and property received or disbursed by him belonging to the Commission. He shall keep a separate account for each fund, and pay out no money except upon an order signed by the President and Secretary of the Commission, as provided in this Charter. He shall pay all orders out of the particular fund on which they are drawn, and no other; and shall refuse to pay any order when there is insufficient money in the fund on which it is drawn to pay the same.

(4) He shall deposit daily all moneys received by him, belonging to the Commission, in some bank or banks designated by the City Council as a city depository or depositories. All moneys shall be deposited in the name of the City of New York -- Public Utilities Commission. He shall issue receipts for all moneys paid to him, which shall be in such form as may be prescribed by the Commission.

(5) He shall make a monthly report to the Commission, showing in detail, and classified as to funds, all moneys received and paid out in behalf of the Commission since his last monthly report, the balance to the credit of each fund, and the balance on deposit in each city depository. To each monthly report shall be attached a detailed statement of all persons who are delinquent in payment of their accounts, and the amount owing by each of them. Such report shall also contain any other information that may be required by the Commission.

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(6) Copies of all reports made to the Commission, as provided in this section, shall be furnished to the City Council.

(7) He shall have such other powers and duties as may be conferred upon him in this Charter or as may hereafter be provided by the City Council.

#### Duties of Superintendent of Utilities

Section 289. The Superintendent of Utilities shall have the following powers and duties:

(1) He shall have charge of the physical property of the Commission and the operation of all utilities of the City, subject to the provisions of this Charter, and to any rules, regulations, and directions given him by the Commission.

(2) He shall attend all meetings of the Commission, with the right to take part in its discussions, but shall have no vote.

(3) He shall be the purchasing agent of the Commission, and shall have power and authority to make purchases for it, and to enter into contracts in its behalf, subject to such rules, regulations, and directions as may from time to time be prescribed by the Commission.

(4) He shall audit and approve in writing all bills and accounts before orders are drawn for their payment.

(5) He shall make such suggestions and recommendations to the Commission from time to time as he thinks proper, and the Commission may, whenever it sees fit so to do, refer any question or matter to the Superintendent for investigation and report.

(6) He shall perform such other duties as may be prescribed by this Charter or required by the Commission, not inconsistent with the provisions hereof.

(7) He shall appoint all employees of the Commission whose appointment is not otherwise provided for in this Charter, and prescribe their duties, and he shall also have power to suspend or remove such employees at his pleasure.

#### Compensation of Officers and Employees.

Section 290. No salary or compensation shall be paid by the Commission to the Secretary and Treasurer, but the Commission shall pay to the City such shares of their salaries as may be agreed upon by the Commission and the City Council. In case of disagreement between the Commission and City Council, the share of said salaries to be paid by the Commission, shall be determined by the Mayor.

The salary and compensation of the Superintendent of Utilities and of all other officers and employees of the Commission shall be fixed by the Commission.

#### Requisitions.

Section 291. No order shall be placed or any purchase made for or on account of the Commission except upon written requisition by the Superintendent of Utilities.

#### Purchases Exceeding \$2,000.00.

Section 292. No purchase involving the expenditure of more than two thousand dollars shall be made except upon public bids, and in all such cases public notice shall be given and bids invited for the same by advertisement published in the official paper of the City once in each week for two successive weeks.

Accounts and Demands of Claims.

Section 233. Any account, claim, or demand against the Commission, except as otherwise provided in this Charter, shall be identical and verified by the affidavit of the claimant or his agent, and shall be approved, examined, and audited, and the approval of the Superintendent endorsed thereon, in like manner as in the case of accounts, claims, or demands against the City.

The Commission shall have authority to allow or disallow, in whole or in part, any account, claim, or demand against the Commission, but shall have no authority to consider or allow any such account, claim, or demand unless verified and approved as heretofore provided.

Orders -- How Made Out.

Section 234. No moneys shall ever be paid out unless authorized by vote of the Commission, and then only upon an order signed by the President of the Commission and countersigned by the Secretary thereof, excepting that orders may be issued by the President and Secretary of the Commission and paid by the Treasurer, without authorization by the Commission, in the following cases:

(1) To pay the salaries and compensation of the officers and employees of the Commission where such salaries or compensation have been fixed by the Commission as provided in this Charter.

(2) To pay any account, claim, or demand against the Commission that is subject to discount for payment within a limited time, but only in cases where such payment must be made, in order to obtain the discount thereon, before the claim, account, or demand can be submitted to the Commission for allowance in the usual way; but the Commission may at any time, by resolution, suspend or terminate the authority granted in this section to issue and pay such orders.

In all cases where orders are issued as heretofore provided, without allowance or express authority of the Commission, the Secretary shall make a report in writing, to the Commission at their next meeting, showing in detail as to each order so issued the number of the same, name of person to whom issued, the amount, purpose for which issued, and the discount, if any, received on account of such payment.

Orders -- How Signed -- Form.

Section 235. Every order upon the Treasurer shall be signed by the President and countersigned by the Secretary of the Commission, and shall designate the purpose for which it is drawn, and the fund out of which it is payable, and shall be payable only out of such fund. Every order shall be made payable to the order of the person in whose favor it is drawn, and may be transferred by endorsement. No order on any fund shall be drawn unless there is to the credit of such fund money sufficient to pay the same, together with all orders previously issued against such fund.

Repair, Construction, and Other Work -- How Performed.

Section 236. In the initiation and performance of any repair, construction, or other work in connection with any of the utilities under its control, the Commission, in all cases where the estimated cost, inclusive of labor and materials, shall exceed \$2,000.00 shall advertise for bids for doing the same in the manner hereinafter provided. When the estimated cost, inclusive of labor and materials,

shall not exceed \$2,000.00, the Commission may call for bids in the same manner, or if any, by unanimous vote, either let a contract for such work without calling for bids, or direct that such work, or any part thereof, be done by day-work under the supervision of the Superintendent of Utilities, or some other officer designated by the Commission. In all cases where bids are to be received, and in all other cases, where the estimated cost, inclusive of labor and materials, shall exceed \$1,000.00, plans and specifications for the proposed work shall be adopted by the Commission and filed with the Secretary, and before any such work is actually undertaken a detailed estimate of the cost thereof shall be furnished to the Commission by the Superintendent of Utilities.

In all cases where bids are to be received the Commission shall be governed, in every essential particular, by the provisions set forth in Sections 137 to 146 inclusive, of this Charter as the form of procedure to be followed in the initiation and performance of similar work in behalf of the City when undertaken by the City Council, the Commission to perform the duties imposed thereby upon the Council, and the Secretary the duties imposed upon the City Clerk.

City Officers Not to be Interested in Contracts.

Section 237. No member of the Commission, or officer thereof, or City Councilor or other officer of the City, shall directly or indirectly be a party to or interested or concerned in any contract or job with the Commission, or in any work prosecuted by its authority, or in the compensation to be received therefor, or in the furnishing of supplies, fuel, or other articles purchased by the Commission; and any member of the Commission or officer thereof, or City Councilor or other officer of the City, so offending, shall, on violation thereof, be removed from office.

Funds -- Division Thereof.

Section 238. The following funds shall be maintained, for which separate and distinct accounts shall always be kept:

(1) A General Fund for each public utility, out of which shall be paid the ordinary and current expenses of such utility for the payment of which out of some other fund no provision is made. Into this fund shall be paid the current income and revenues and all other moneys and revenues thereof not appropriated or payable to any other fund.

(2) A Sinking Fund for each issue of bonds, certificates of indebtedness, or other funded obligations of the City, issued for or on account of any public utility, out of which shall be paid the principal thereof.

(3) An Interest Fund for each issue of bonds, certificates of indebtedness, or other funded obligations of the City, issued for or on account of any public utility, out of which shall be paid the interest thereon.

(4) A Depreciation and Replacement Fund for each public utility, out of which may be paid the cost of repairing, replacing, reconstructing, or otherwise maintaining such utility or any machinery, equipment, or other article or thing pertaining thereto.

(5) The Commission may from time to time hereafter establish such other funds as in its opinion may be necessary or proper, and provide the means by which they shall be established and maintained and the disbursements to be made therefrom, and may make such other provisions with respect thereto as it deems proper.

#### Sinking and Interest Fund.

Section 237. As soon as possible after this Charter takes effect, the Commission shall provide for, and at all times thereafter maintain, a sinking fund for each issue of such bonds or certificates of indebtedness, with which to pay the principal thereof when due, and also for an adequate interest fund for each of said issues to pay the interest thereon.

Whenever any bonds, certificates of indebtedness, or other funded obligations shall hereafter be issued by the City for or on account of any public utility owned or operated by the City, which are properly chargeable upon or payable out of the earnings and revenues of such utility, the Commission shall at the time of the issuance thereof provide adequate sinking and interest funds therefor, so as to insure the prompt payment when due of the principal and interest thereon.

#### Depreciation and Replacement Fund.

Section 238. As soon as possible after this Charter takes effect, the Commission shall provide, and at all times thereafter maintain, a Depreciation and Replacement Fund for each utility under its control. Adequate depreciation shall at all times be charged upon all of the property of each utility; and all depreciation so charged shall be paid into the Depreciation and Replacement Fund of said utility at the end of each fiscal year, or more frequently in the discretion of the Commission; but the Commission may in its discretion discontinue, in whole or in part, payments into the Depreciation and Replacement Fund of any utility during the time when the amount in such fund equals or exceeds fifty percent of the cost of all of the property belonging to such utility as shown by the books of the City or Commission, after deducting therefrom any depreciation theretofore charged against the same.

#### Transfer of Funds.

Section 241. The Commission may from time to time in its discretion transfer moneys from one fund to another, but shall have no authority to transfer any moneys or credits from or out of any sinking fund unless the amount to the credit of such fund is sufficient to pay all outstanding bonds or other funded obligations for which it was created, and then only as to such excess; nor to transfer any moneys or securities from or out of any interest fund unless the amount to the credit of said fund is sufficient to pay interest in full to maturity on all outstanding bonds or funded obligations for which it was created, and then only as to such excess; nor to transfer any moneys or securities from or out of any Depreciation or Replacement Fund unless the amount to the credit of such fund equals or exceeds fifty percent of the cost of all property belonging to such utility as shown by the books of the City or Commission, after deducting therefrom any depreciation charged against the same, and then only as to such excess.

The Commission may at any time, by unanimous vote, all members being present, transfer money from any fund of one utility to any fund of another utility.

#### Percentage of Net Profit to be paid City.

Section 242. Not less than ten per cent of the net profit of all utilities shall be paid over to the City Treasurer quarterly to be expended by said City for such general municipal purposes as the City Council may direct.



Section 239. Indebtedness Certificates.

Section 239. The following water bonds and certificates of indebtedness of the City of New York shall be deemed to be general obligations of the City, to-wit:

- A. \$30,000, 5% Water Works Bonds, dated June 1st, 1922, due June 1st, 1942. (Non-callable)
- B. \$15,000, 5% Water Works Bonds, dated October 1st, 1922, due October 1st, 1942. (Non-callable)
- C. \$70,000, 4% Water Works Bonds for Filtration Plant, dated October 1st, 1929, due serially from October 1st, 1940 to October 1st, 1959. (Callable)

The aforesaid Bonds and Certificates of Indebtedness are general obligations of the City of New York, and are hereby in all respects recognized and confirmed as valid obligations of the City; and they are hereby declared to be primarily chargeable and payable out of the revenues and earnings of the respective utilities for which they were issued.

Payments to City.

Section 244. In ample time before any payment of principal or interest shall be payable on any such Bonds, Certificates of Indebtedness, or other funded obligations of the City, the Commission shall cause sufficient moneys to be transferred and paid to the City, out of the appropriate interest or sinking fund accounts, to pay the same.

Inability to Pay.

Section 245. If at any time the Commission shall be unable for lack of funds or other reason to make such payments, in whole or in part, it shall give notice thereof to the City Council, and it shall thereupon be the duty of the City Council to make provision for the payment thereof as otherwise provided in this Charter.

Investment of Sinking, Interest, and Depreciation and Replacement Funds.

Section 246. Sufficient money shall always be retained in each sinking and interest fund to provide for the prompt payment when due of the principal and interest of the obligations for which such fund was created, and there shall also be retained in each depreciation and replacement fund sufficient money for the reasonable requirements of such fund. Such moneys shall be deposited in the depository or depositories of the City designated by the City Council as otherwise provided in this Charter.

All moneys belonging to any interest or sinking fund or to any depreciation or replacement fund, not so deposited in a depository or depositories of the City, shall be invested by authority of the Commission in interest bearing bonds or other obligations of the kind and character specifically mentioned in Section 185 of this Charter as approved investments for the general interest, sinking and other permanent funds of the City.

Any bonds or other securities in any such fund may be sold or pledged by the Commission at any time, but any moneys received from the sale or pledge thereof shall remain a part of such fund and be deposited or invested as hereinbefore provided.

Investments as Herein Authorized.

Section 247. No investment of any moneys belonging to any such fund shall be made except by resolution adopted by unanimous vote of the Commission. In order that loss or account thereof may be avoided, it is hereby made the duty of the Commission to make careful inquiry and investigation as to the security of any such investment before the same is made.

Treasurer Released from Liability.

Section 248. In all cases where any moneys belonging to any such fund are invested in any bonds or other obligations of the character authorized in Section 184 of this Charter, for the investment of the general sinking, interest, or other payment funds of the City, and such investment is made by authority of the Commission, the City Treasurer and the Auditor on his official bond shall be exempt from all liability for the loss of the moneys so invested, by reason of the non-payment of the principal or interest, or depreciation in the market value thereof.

Penalty for Violation.

Section 249. Any member of the Commission, or other officer of the Commission, who shall recommend or authorize, or vote to authorize the investment of any moneys belonging to any sinking, interest, or depreciation and replacement fund of the Commission in any bonds or other obligations or securities other than those specifically mentioned in Section 185 of this Charter, shall be personally liable for any loss or damage occasioned the City by reason of such investment.

MISCELLANEOUS PROVISIONS

Ordinances Need Not be Plead.

Section 250. In all actions, prosecutions, and proceedings, of any kind, in the Municipal Court of said City, the Judge of said Court shall take judicial notice of all ordinances of the City and it shall not be necessary to plead or prove such ordinances in said Court.

Inhabitants Not Incompetent.

Section 251. No person shall be an incompetent judge, witness, or juror, by reason of his being an inhabitant of said City, in any proceeding or action in which the City shall be a party in interest.

Fines and Penalties.

Section 252. All Fines and Penalties imposed by the Municipal Court, for offenses committed within the limits of the City for violation of any ordinance, rule, or regulation of said City, shall belong to and be a part of the general revenue of the City.

State Offenders.

Section 253. The City shall not be liable in any case for the board or jail fees of any person who may be committed by the Municipal Court of said City to the jail of Brown County for any offense punishable under the laws of the state.

Service of Process.

Section 254. Whenever any suit or action shall be commenced against the City, all and every process and notice whatsoever affecting the City shall be served upon the Mayor, or, in his absence, upon the City Clerk, and it shall be the duty of the officer so served to forthwith inform the City Council thereof.

Provisions Severable.

Section 255. The various sections and provisions of this Charter, and the clauses, phrases, and sentences thereof, shall be severable, and if any section, part, or provision thereof shall be held to be invalid, it shall not be construed as invalidating any other part or portion thereof.

General Law Applicable.

Section 256. All general laws and statutes of the State, now or hereafter enacted, applicable to all cities operating under "Home Rule Charters", or applicable to cities of the same class as the City of New Ulm, not operating under "Home Rule Charters", shall, if not inconsistent with the provisions of this Charter, apply to the City of New Ulm and be construed as supplementary to the provisions of this Charter.

Construction of this Charter.

Section 257. 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 the Charter shall not be construed as limiting the powers of the City in the premises to those thus mentioned. All powers of the City, whether express or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed therein, then in the manner determined by the City Council.

Charter a Public Act.

Section 258. This Charter shall be a public act and need not be pleaded or proved in any Court.

When Charter Becomes Effective.

Section 259. This Charter shall become effective and become the Charter of the City of New Ulm, superseding any existing charter and amendments thereof, at the end of thirty days after its ratification by the qualified voters of said city, as provided by the constitution and laws of the State of Minnesota.

To the Honorable Victor F. John Mayor and Chief Magistrate  
of the City of New Ulm, Minnesota.

Sirs,

We, the undersigned, having been heretofore appointed by the  
Judge of the District Court of the Ninth Judicial District of the  
State of Minnesota to prepare and return a proposed new City Charter  
for the City of New Ulm, pursuant to the provisions of Section 96  
of Chapter 4 of the Constitution of the State of Minnesota and Sec-  
tion 1269 to 1277 inclusive, of Mason's Minnesota Statutes for 1927,  
and acts amendatory thereof, do hereby respectfully submit, present  
and return to you, as the Mayor and Chief Magistrate of the City of  
New Ulm, the annexed and foregoing draft of such proposed new Charter.

Dated at New Ulm, Minnesota, this 26th day of April  
1940.

William Helges

Chairman

Alvin Eibner

Secretary

Geo. Erickson

Lies A. Meier

Otto P. Oswald

Harry D. Sommers Jr.

J. J. Hoff

Henry A. Dietz

J. J. Hoff

Wm. A. Gred

A. B. Berger

Peter J. Berger

Herman J. Aufschide

Victor F. John

J. C. Hennig

State of Minnesota

County of Brown SS

City of New Ulm

The undersigned, Victor F. Rein, does hereby certify and being first duly sworn on oath deposes and says:

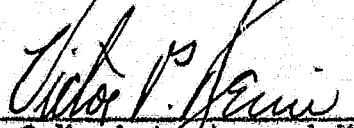
1. That he is the duly elected and qualified Mayor and Chief Magistrate of the City of New Ulm, a Municipal Corporation, in Brown County, Minnesota, and makes this certificate in compliance with and pursuant to the provisions of Section 36 of Article 4 of the Constitution of Minnesota, and that the seal of said City is hereto affixed.

2. That a proposed "Home Rule Charter" was duly presented to the undersigned as such Mayor by a charter commission appointed by the Judges of the District Court in and for Brown County, Ninth Judicial District, State of Minnesota, and received by me on the 26th day of April, 1940. That thereafter such proceedings were duly had that the City Council of said City did by resolution call and fix the time for holding a special election at which there was submitted the following question:

"Shall the proposed charter be ratified?"

City election was duly held on the 25th day of July, 1940, and that at said election the proposed charter was duly ratified by the following vote on the question so submitted: 1867 votes in favor and voting "yes"; 730 votes opposing and voting "no". The vote so cast has been duly canvassed by and a resolution has also been duly adopted by the City Council of said City of New Ulm declaring the result of the special election to be as above stated and that such proposed charter has been duly adopted and ratified.

3. The undersigned as such Chief Magistrate further states on oath that a true and correct duplicate of the Home Rule Charter so prepared, voted upon, adopted and ratified is hereto attached and made a part of this certificate and that a duplicate of this charter and of this certificate will be deposited in the office of the Secretary of State and one duplicate recorded in the office of the Register of Deeds in and for Brown County, Minnesota, to be subsequently deposited among the archives of said City in the office of the City Clerk in and for the City of New Ulm, Minnesota.



Chief Magistrate and Mayor.

Subscribed and sworn to before me  
this 20 day of July, 1940.



H. H. FLOR, Notary Public, Brown County, Minn.  
My Commission Expires April 30, 1947.

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