

# THE CITY OF REDWOOD FALLS

DR. J. C. BUDIK, MAYOR  
F. W. STANTON, TREASURER  
C. E. JOHNSON, CHIEF OF POLICE  
THOS. SEIFERT, WATER SUPT.  
F. B. FORBES, RECORDER

ENJOY A VISIT TO RAMSEY STATE PARK



"THE YELLOWSTONE OF MINNESOTA"

ALDERMEN  
OSCAR W. HILLGER  
HARRY M. WILLCOX  
GEO. A. PATON  
GROVER MANSFELDT

REDWOOD FALLS  
MINNESOTA

## CERTIFICATE

I, J. C. Budik, do hereby certify that I am the duly elected, qualified, and acting Mayor of the City of Redwood Falls, Minnesota, and as such, I am the Chief Magistrate of said City.

I DO FURTHER CERTIFY, That the attached and annexed document is the proposed Charter of the City of Redwood Falls, Minnesota; that such proposed Charter was, on the 4th day of March, 1941, duly submitted to the legally qualified electors of the said City of Redwood Falls, Minnesota, and was, by said electors, ratified by more than four-sevenths (4/7) of the legally, qualified voters, voting at such election.

I FURTHER CERTIFY, That the seal hereto attached is the corporate seal of the City of Redwood Falls, Minnesota.

Dated at Redwood Falls, Minnesota, this 1st day of April, 1941.

Attest:

*F. B. Forbes*  
City Recorder

*J. C. Budik*  
Mayor  
City of Redwood Falls, Minn.

8937

Home Rule  
**CHARTER**

of the

**CITY OF REDWOOD FALLS  
MINNESOTA**

---

**Accepted by Voters March 4, 1941**

---

**Effective April 4, 1941**

# Home Rule Charter

of the

## City of Redwood Falls, Minnesota

Framed, pursuant to the 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 duly appointed by the District Court of Redwood County, Minnesota as and for a Home Rule Charter for the City of Redwood Falls.

### CHAPTER I.

#### NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

##### Name and Boundaries.

Section 1. The City of Redwood Falls, in the County of Redwood and State of Minnesota, shall, upon the taking effect of this Charter, continue to be a Municipal Corporation, under the name and style of the City of Redwood Falls, with the same boundaries as now are or hereafter may be established. The boundaries of the said City shall comprise all that territory within said County of Redwood and State of Minnesota described as follows, viz:

All of section one (1), Township One Hundred Twelve (112), Range Thirty-six (36), the South Half (S $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Two (2), Township One Hundred Twelve (112), Range Thirty-six (36); the South Half (S $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ); the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ), the South Half (S $\frac{1}{2}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) and the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirty-six (36), Township One Hundred Thirteen (113), Range Thirty-six (36); the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Six (6), Township One Hundred Twelve (112), Range Thirty-five (35); the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) and the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Thirty-one (31), Township One Hundred Thirteen (113), Range Thirty-five (35) excepting therefrom Lot Sixteen (16) of section No. One (1) of Section Thirty-one (31), Township One Hundred Thirteen (113), Range Thirty-five (35).

##### Wards and Precincts.

Auditor's Subdivision No. One (1); the South Half (S $\frac{1}{2}$ ) of Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirty-one (31), Township One Hundred Thirteen (113), Range Thirty-five (35), and Lots One (1), Nine (9), Ten (10), Thirteen (13), and the North 4.68 acres of Lot Twelve (12) of Auditor's Subdivi-

Section 2 The City of Redwood Falls shall be divided into three (3) wards.

The first ward shall comprise all the territory within the corporate limits of said City lying and being West of an imaginary line running North and South through the center of Mill Street, as now

designated, from the South boundary to the North boundary of said City.

The second ward shall comprise all the territory within the corporate limits of said City lying and being East of an imaginary line running North and South through the center of Mill Street, as now designated, from the South boundary to the North boundary of said City and West of an imaginary line running North and South through the center of East Street, as now designated, from the South boundary to the North boundary of said City.

The third ward shall comprise all the territory within the corporate limits of said City lying and being East of an imaginary line running North and South through East Street, as now designated, from the South boundary to the North boundary of said City.

#### Change of Wards and Precincts.

Section 3. Each ward in the City shall constitute at least one election district, and additional election districts may be established and the boundaries thereof subsequently changed by ordinance or resolution of the Council adopted at least ninety days before the next ensuing election; and sixty days' posted notice thereof shall be given before the change shall take effect, provided, however, the council shall have no power to change the number of wards.

### CHAPTER II.

#### CORPORATE POWERS, RIGHTS AND OBLIGATIONS

##### Corporate Powers.

Section 4. The City of Redwood Falls, 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 incidental to, or inherent in, municipal corporations of like power and degree; also all municipal powers, functions, rights, privileges, and immunities, of every name and nature whatsoever; and in addition it shall have all the powers and be subject to the restrictions contained in this Charter.

In its corporate name, it may take and hold, by purchase, condemnation, gift, or devise, and lease and convey all such real, personal, or mixed property, within or without its boundaries, as its purposes may require or as may be useful or beneficial to its inhabitants; and it may contract with the County or with other municipalities for such joint services and utilities as may seem desirable, and for all other legitimate purposes.

##### Subsisting Rights and Obligations.

Section 5. When this Charter takes effect the City of Redwood Falls shall be and become the legal successor of the City of Redwood Falls 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 Redwood Falls, 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 Redwood Falls under this Charter, and all previously existing indebtedness, obligations, and liabilities of said City of Redwood Falls, or any department thereof, no matter in what form or how incurred, shall, together with all interest accrued thereon, be assumed and paid by the City of Redwood Falls, 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 rights 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.

##### Sale of Real Property.

Section 9. No real property of the City shall be disposed of except by unanimous vote of the City Council, and then only in case the said property is no longer needed for public purposes. The proceeds of any such conveyance or sale shall be used, as far as possible, to retire any outstanding indebtedness incurred by said City in the purchase or improvement of such property, or other property used for the same public purpose; but if there be no such outstanding indebtedness, the City Council may designate some other public use for such proceeds.

##### Gifts and Bequests.

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

**CHAPTER III.  
NOMINATIONS AND ELECTIONS**

**Regular Municipal Elections.**

Section 11. Regular municipal elections shall be held on the first Tuesday after the first Monday in April, every two (2) years, at such places as the City Council may designate: the first regular municipal election to be held on the first Tuesday after the first Monday in April, 1943.

At such regular election 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.

On the ninth (9th) Tuesday after this Charter is ratified by the qualified voters of the City of Redwood Falls, there shall be held a special election at which special election there shall be elected a mayor who shall serve until the second Tuesday after the first Monday in April, 1943. One alderman for the first ward who shall be elected to serve until the second Tuesday after the first Monday in April, 1943. One alderman for the second ward who shall serve until the second Tuesday after the first Monday in April, 1943. One alderman for the third ward who shall be elected to serve until the second Tuesday after the first Monday in April, 1945. One alderman-at-large who shall be elected to serve until the second Tuesday after the first Monday in April, 1945.

The officers elected at the election above provided for shall take office on the Tuesday next, after the holding of said election.

**Existing Officers.**

Section 12. 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 Tuesday next following the special election held pursuant to the provisions of Section eleven (11) of this Charter.

The incumbent of any office abolished by the provisions of this Charter shall vacate such office on the Tuesday next following the special election held pursuant to the provisions of Section eleven (11) of this Charter.

**Special Elections.**

Section 13. The City Council may by resolution order a special election and fix the time 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 Redwood Falls, but failure to give such notice shall not invalidate the election.

**Nomination by Filing**

Section 15. At least fifteen (15) days but not more than thirty (30) days prior to a municipal election any eligible person may become a candidate for any office, elective under the provisions

of this Charter, by filing an affidavit with the City Clerk, specifying therein the office for which he is a candidate at the ensuing election and that he is a candidate for such office. At the time of filing said affidavit he shall pay the Clerk a fee of one (\$1.00) dollar.

**Nominations by Petition.**

Section 16. The name of any elector of the City shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in his behalf with the City Clerk; providing said elector has not filed with the City Clerk a statement declining to be a candidate for said office at least ten days before said election. Such petition shall be signed by a number of voters equivalent to at least ten per cent (10%) of the total number of votes cast at the last regular municipal election. No elector shall sign petitions for more candidates than the number of places to be filled at the election, and should he do so his signature shall be void as to the petition or petitions last filed. All nominating petitions shall be in the hands of the City Clerk at least fifteen days before the election, and the filing for each candidate shall be accompanied by a filing fee of one dollar (\$1.00) which fee shall be paid into the general fund and used in defraying the cost of the election.

The signature to the nomination petition need not be all appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and house number or other descriptions sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

**NOMINATION PETITION**

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

|       |                   |
|-------|-------------------|
| Name  | Street and Number |
| ..... | .....             |
| ..... | .....             |

..... being duly sworn, deposes and says that he is the circulator of the foregoing petition paper containing ..... signatures, and that the signature appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

Signed.....

Subscribed and sworn to before me this ..... day of ....., 19.....

Signed.....

(Official Administering Oath)

This petition, if found insufficient by the City Clerk; shall be returned to ..... at No. .... Street.

**Election Returns and Canvass.**

Section 17. Immediately upon the completion of the counting of all ballots the judges of election shall certify to the council a statement of the results of the election. The statement to the council shall include (a) total number of good ballots cast for each candidate, with an indication of those who were elected; (b) a true copy of the ballots used; (c) the number of defective or spoiled ballots; (d) the names of the judges and clerks of election; and such other information as may seem pertinent.

The City Council shall meet and canvass the election returns within three (3) days after any regular or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the City Clerk. The City Clerk shall forthwith notify all persons elected of the fact of their election.

**State Laws Applicable.**

Section 18. 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.

**Tie in Election.**

Section 19. 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 candidate shall have notice.

**Elective Officers.**

Section 20. The elective officers of the City shall be a Mayor, one Councilman from each ward, one Councilman-at-large, a Municipal Judge and Special Municipal Judge. The Mayor, the Councilman-at-large and the Municipal Judge and Special Municipal Judge shall be a resident and qualified elector of the City for a period of one year continuously prior to the day of the election. Each Councilman shall have been a resident of the City for a period of one year continuously prior to the day of election and also shall be a legal, qualified elector in the ward which he shall represent.

The Mayor shall be elected to serve for a term of two years and each Councilman, elected to represent a ward, shall be elected to serve for a term of four years and one Councilman, who shall be designated as Councilman-at-large who shall be elected by the voters of the entire electorate of the City, who shall serve for a term of four years. The terms of all elective officers except the Municipal Judge and Special Municipal Judge shall begin on the second Tuesday after the first Monday in April following the last Municipal Election. All elective officers shall hold office until their successors are elected and qualified.

**Judge of Municipal Court.**

Section 21. There shall be elected at the general municipal election a Municipal Judge and a Special Municipal Judge who shall hold office for four (4) years.

The Municipal Judge and the Special Municipal Judge shall take

and hold office pursuant to the provisions of the Constitution of the State of Minnesota and Laws of the State of Minnesota establishing and regulating municipal courts.

Nothing in this Charter shall be construed as shortening the terms of any municipal judge or special municipal judge elected at any election held prior to the adoption and ratification of this Charter.

**CHAPTER IV****APPOINTIVE OFFICERS AND DEPARTMENTS****Board Commissions and Departments.**

Section 22. In addition to the elective officers of the City there shall be a Board of Health, a Fire Department and a Department of Police, the duties, powers, and form or organization of which shall be as defined herein.

Section 23. The Council shall appoint annually at its first meeting in April, a City Clerk, a City Attorney, a City Treasurer and a City Engineer. At the first meeting in January of each odd-numbered year it shall appoint an assessor for a term of two years. Such other officers and employees may be appointed from time to time as the council may determine or this charter may require. All appointive officers shall be selected for their special fitness for such offices and positions, and their duties shall be fixed by the council by ordinance or resolution.

**Incompatible Offices.**

Section 24. 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 expiration of his term of office as Councilman, no former Council member 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 emoluments of which were increased during said term.

**Combining of Offices.**

Section 25. 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 26. 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.

**CHAPTER V****FUNCTIONS OF THE COUNCIL**

Section 27. 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.

## CHAPTER VI

## DUTIES AND POWERS OF THE MAYOR

Section 28. 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 if such commission is in existence at the time. 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 resolutions 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 office 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 immediately following the regular or special meeting at which such tie vote resulted. If, upon reconsideration, the tie vote is unbroken after two ballots, a third ballot shall forthwith be taken, and, upon such third ballot, the mayor shall have the right to cast the deciding vote in case the vote of the councilmen still results in a tie. 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 questions hereinbefore enumerated.

**Acting Mayor.**

Section 29. 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.

## CHAPTER VII.

## TERMS OF OFFICE, VACANCIES and REMOVALS

Section 30. Except as otherwise provided herein, the terms of all City officers shall be as follows: the Mayor, two (2) years; the alderman of the first ward, four (4) years; the alderman of the second ward, four (4) years; the alderman of the third ward, four (4) years and the alderman-at-large, four (4) years, and until their successors shall have been appointed and duly qualified.

**Commencement of Terms.**

Section 31. Unless otherwise specifically provided in this Charter the terms of all elective officers, except the Municipal Judge and the Special Municipal Judge, shall begin on the second Tuesday after the first Monday in April, next succeeding the regular City Election, and the terms of all appointive officers shall begin on the third Tuesday after the first Monday in April.

**Vacancies—How Created.**

Section 32. 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, the 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 33. 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 membership of the Council it shall be filled by appointment only until the next regular municipal election, at which time a successor shall be chosen for the balance of the unexpired term; provided, that in filling a vacancy in the office of Mayor, the Council shall not appoint one of its own members.

**Vacancies in Commission.**

Section 34. Nothing in the foregoing section shall be construed as applying to vacancies in the membership of commissions appointed under this Charter or to a vacancy in the office of the Municipal Judge, such vacancies shall be filled in the manner specifically provided herein.

**Removals.**

Section 35. Every person elected to office under this Charter, and every person appointed for a definite term, except police officers and the Municipal Judge and the Special 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, nor 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.

The police officers of the City of Redwood Falls shall be subject to the Civil Service Ordinance now in effect or subject to amendments that may hereafter be made thereto.

**CHAPTER VIII.  
OFFICIAL OATHS AND BONDS**

**Salaries.**

Section 36. The Mayor shall receive an annual salary of Two Hundred Fifty Dollars (\$250.00) payable monthly. Each councilman shall receive an annual salary of One Hundred Twenty-five Dollars (\$125.00) payable monthly. The other elective officers and all appointive officers and employees of the City shall receive such salaries, fees or wages as may be fixed from time to time by resolution of the council. In addition, each councilman shall receive compensation of \$5.00 for each day of actual service when meeting as a Board of Equalization, not to exceed, however, a period of three (3) 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.

**Mayor's Contingent Fund.**

Section 37. The City Council may create a contingent fund for the Mayor not to exceed \$125.00 per year to cover legitimate expenses incurred in his official capacity.

**Oath of Office.**

Section 38. 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.

**Official Bonds.**

Section 39. The City Clerk, the City Treasurer, and such other officers as the Council or the various Commission may direct, shall each, before entering upon the duties of their respective offices, be required to give bond to the City, in such sum as may be fixed by the Council or the Commissions, as additional security for the faithful performance of their respective duties and the safe-keeping of the moneys, funds, securities, and property belonging to the City or any of its departments or commissions, or under their control. Such bonds shall be approved by the Council or the Commissions, as the case may be, and shall then be filed with the City Clerk, excepting that the bond of said City Clerk shall be filed with the City Treasurer.

**CHAPTER IX.  
COUNCIL PROCEDURE**

**Regular Meetings.**

Section 40. The annual meeting of the City Council shall be held on the second Tuesday after the first Monday in April of each

year. A regular meeting time and place shall be fixed by motion; provided, however, that there shall be a regular meeting held at least once each month.

**Special Meetings.**

Section 41. Special meetings may be held at any time upon call of the Mayor, or at the request of three (3) 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 42. 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 43. 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.

**Appointments.**

Section 44. Promptly upon the adoption and ratification of this Charter and at each annual meeting thereafter the City Council shall appoint a City Clerk, a City Attorney, a City Engineer, a City Treasurer 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 authorities.

The Mayor shall likewise at these meetings, or adjourned sessions thereof, make such nominations for appointment as he is authorized to make by this Charter, but which require confirmation by the City Council.

**Ordinances, Resolutions, and Motions.**

Section 45. The final vote upon all ordinances or resolutions, and upon all amendments thereto, shall be by ayes and noes, and the vote of each member shall be recorded in the minutes. The votes of at least three (3) 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 ordinance and except as otherwise provided in this Charter. Every ordinance or resolution enacted or adopted by the Council shall be signed by the Mayor, attested by the City Clerk, and shall be filed with the City Clerk immediately after its passage.

**Procedure on Ordinances.**

Section 46. The enacting clause of all ordinances passed by the Council shall be in the words: "The City of Redwood Falls 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 47. 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 three (3) members of the Council, as recorded by ayes and noes.

**Procedure on Resolutions.**

Section 48. 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.

**Signing and Approval.**

Section 49. Every ordinance or resolution enacted or adopted by the Council shall be presented by the City Clerk to the Mayor for approval or disapproval within three days after its passage, Sunday, excepted. Upon such presentation, the Mayor shall endorse thereon the date of its presentation to him and shall within three days, Sundays, excepted, place thereon in writing either his approval or disapproval. If he disapproves of the same, he shall attach thereto his objections, and return such ordinance or resolution, together with his objections, to the City Clerk within the time aforesaid.

Upon the return of any such ordinance or resolution, disapproved by the Mayor the vote by which the same was passed shall be reconsidered by ayes and noes, entered upon the record, and if upon such reconsideration it shall be passed by said Council by a unanimous vote of its membership, it shall have the same effect as if approved by the Mayor.

If an ordinance or resolution is not returned by the Mayor within three days after it shall have been presented to him, it shall have the same effect as if approved by him.

**Publication of Ordinance.**

Section 50. After approval in any manner, every ordinance shall be published at least once in the official paper of the City within fifteen days after such approval and shall be recorded by the City Clerk in a book kept for that purpose, and the affidavit of publication thereof shall be recorded therewith, and the record of said ordinance and affidavit of publication thereof, or a certified copy thereof, shall be deemed sufficient evidence of such publication.

**Ordinances—Adoption of Codes by Reference.**

Section 51. The City Council may by ordinance adopt any code, or portion thereof, relating to building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, public safety and welfare, and all other subjects of public concern, prepared for general distribution in printed form as a standard or model on any such subject. Any such ordinance may incorporate all or part of the provisions of such standard or model printed code by reference thereto. All requirements for publication shall be satisfied if the ordinance so incorporating any such code, or portions

thereof, by reference is published in the manner required by this charter and if prior to publications of such ordinance, not less than three printed copies of such code or portions of such code to be adopted shall have been marked "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.

**Mayor's Veto or Motions.**

Section 52. Every motion passed by the Council, involving the expenditure of public funds or the granting of licenses or permits, shall be subject to the veto of the Mayor. If not disapproved by him within three days after its passage, it shall have the same effect as if expressly approved by him. If he disapproves 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 motion shall be reconsidered by the Council, and if, upon reconsideration it shall be passed by a unanimous vote of its membership, it shall have the same effect as if approved by the Mayor.

**When Ordinances and Resolutions Take Effect.**

Section 53. Emergency ordinances and resolutions, and ordinances and resolutions, determining the annual budget, making 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 immediately after the date of their passage and approval, and publication in case of ordinances, unless later date is fixed therein, in which event they shall take effect at such later date.

**Reconsideration of Council Vote.**

Section 54. 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 councilmen as were present when the vote was taken.

**Official Paper.**

Section 55. At the regular annual meeting in each year the City Council shall designate one of the legal 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.

**Purchases.**

Section 56. No purchase involving the expenditure of more than Five Hundred Dollars (\$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 57. No order shall be placed or any purchase 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.

#### CHAPTER X.

##### DUTIES OF APPOINTIVE OFFICERS

###### City Clerk—Powers and Duties.

Section 58. The powers and duties of the City Clerk shall be as follows:

- (1). He shall be the chief accounting officer of the City and of all departments, thereof. He shall keep a complete set of books, showing in detail all of the business and financial affairs and transactions, of the City. The City Council shall have authority to prescribe the form of such books as it may deem best for the interests 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 at any time 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 acknowledgements.
- (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 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 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 59. 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 securities owned or held by the City or any of its departments, or by the Public Utilities Commission or any other bureau hereafter at any time established, for any purpose whatsoever.

(3). He shall keep an accurate and detailed record of all moneys and property received by him belonging to the City or any department or commission thereof. He shall keep a separate account for each fund and pay no money out of the treasury except upon an order signed by the Mayor and City Clerk or by the Proper Officers of the Public Utilities Commission, in the event such a commission be created by the City Council under the power as to do 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 City or any department or commission thereof, in some 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 Redwood Falls. 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 60. The City Attorney shall be a person who has been admitted to practice in the Courts of this State for at least five (5) years and who shall have been a legal resident of the City of Redwood Falls for a least three (3) 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 of the duties of a legal nature as the City Council may from time to time require.

**City Assessor.**

Section 61. 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.

**Board of Health.**

Section 62. The Board of Health, created under this Charter, shall be composed of three resident freeholders, one of whom shall be designated in his appointment as Health Officer of the City and executive head of the Board. The Health Officer shall be a qualified practicing physician, and shall receive as compensation for his services such salary as the City Council may determine at the time of his appointment. All members of the Board shall be appointed by the Mayor, with the approval of the Council, at the first meeting of the Council held under this Charter and at the regular annual meeting in each year thereafter. Their tenure of office shall be until their successors are duly appointed and qualified.

The Board, in addition to enforcing the ordinances of the City pertaining to sanitary conditions and the public health, shall perform all the duties prescribed for municipal health boards and health officers by the laws of the State, and in the performance of such duties they may exercise all the power conferred by said laws.

**City Engineer and Street Commissioner.**

Section 63. The City Engineer shall be a duly licensed surveyor and civil engineer. He shall under the direction of the City Council and its committees superintend all work and improvements on the streets, bridges, and public grounds of the City and carry into effect all orders and ordinances of the City Council or its committees in relation to work or improvements on the streets, roads, sidewalks, alleys, bridges, and public grounds, and he shall perform such other services as may be required by the Mayor or City Council. The City Council may in its discretion appoint a Street Commissioner to work under its direction and the direction of the City Engineer in relation to work and improvements on the streets, roads, sidewalks, alleys, bridges, and public grounds of the City.

**Publicity of Records.**

Section 64. All records and accounts of every officer, department or commission of the City shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the City Council, except such records and documents the disclosure of which would tend to defeat the lawful purposes which they are intended to accomplish.

**Investigation of City Affairs.**

Section 65. The council and any officer or officers, formally authorized by it shall have power to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers.

**Audits.**

Section 66. As soon as practical after the closing of each fiscal year, an independent audit shall be made of all accounts of all city officers, departments and commissioners by a qualified accountant or accountants selected by the City Council who shall have no personal interest, direct or indirect, in the financial affairs of the City or any of its officers or employees. At least once in each three years such annual audit shall be made by or under the supervision of the State Public Examiner or State Comptroller. Any audit made by the State Public Examiner or State Comptroller shall be accepted as fulfilling the requirements of this section for an independent annual audit. The City Council may at any time provide for an examination or audit of accounts of any one or more officers, departments, or commissions of the City Government.

**CHAPTER XI.**

**POLICE DEPARTMENT**

**Mayor to Control Police.**

Section 67. The Police Department of the City shall consist of the Mayor, a Chief of Police, and such other police officers and patrolmen as the City Council may from time to time determine.

The Mayor shall be the responsible head of the Department and as such shall have the power to appoint all members of the force and suspend or remove them at will; provided, however, that the appointment, suspension and removal of all members of the police force, shall be subject to confirmation by the Police Commission or a majority of its members, if such Police Commission is in existence at the time.

The Chief of Police, subject at all times to the orders of the Mayor, shall be in immediate control and supervision of all of the other police officers and shall be responsible for the faithful performance of their duties as well as his own.

**Police Commission.**

Section 68. The Police Civil Service Commission, as now in force in the City of Redwood Falls, Minnesota shall be continued until such time as said commission is abolished by the vote of the people as provided for in the Civil Service Laws of the State of Minnesota.

**Qualifications.**

Section 69. No person shall be eligible to appointment in the Police Department who is not a citizen, nor shall any person be eligible to appointment therein, other than as a special policeman, who has not been a resident of the City for at least one year prior to his appointment.

**Duties.**

Section 70. The duties of all police officers shall be such as the laws of the State and the ordinance of the City may prescribe for the preservation of the public peace, the prevention and detection 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.

**Powers of Police Officers.**

Section 71. 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 Process and Writs.**

Section 72. The Chief and all regular Police Officers shall have the power to execute and serve all warrants, processes, 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 73. 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 74. 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 appointments, but such policemen or watchmen shall exercise no authority, nor wear any badge of office, outside the limits named in such appointment.

**Compensation.**

Section 75. The salaries or compensation of the Chief and all regular and special police officers and patrolmen shall be fixed by 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 whatsoever 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 Redwood Falls is a party.

**CHAPTER XII.**

**FIRE DEPARTMENT**

**Fire Prevention.**

Section 76. 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 con-

struction 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 prescription, 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 77. 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 78. At its regular April meeting in each year the City Council shall appoint a Chief of the Fire Department to hold office for the ensuing year, and at its regular April 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 these qualifications, upon the recommendations of the Department.

**Fire Marshal.**

Section 79. The Council shall likewise annually appoint a fire marshal who may be Chief of the Fire Department 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 80. 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.

**CHAPTER XIII.**

**LIBRARY BOARD**

Section 81. The City Council shall maintain a public library, reading room, and may provide for a Historical Museum for the use of inhabitants of the City and may levy an annual tax of not more than five (5) 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-third of whom 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 82. 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 83. 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 board shall adopt such by-laws and regulations for the government of the library, reading room, and museum and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all moneys collected for or placed to the credit of the Library Fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes. But all moneys received for such library shall be paid into the City Treasury, be credited to the library fund, be kept separate from other moneys of the City and 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.

#### Directors now in Office.

Section 84. Directors of the existing board of the City in office under the existing ordinances and resolutions of the City shall so continue until the expiration of their respective terms, but 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 85. 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 Redwood Falls, 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 Redwood Falls, subject to such reasonable regulations as the directors may adopt.

#### Gifts E.c.—Contracts.

Section 86. With the consent of the City Council, expressed by ordinance or resolution, the library board may accept any gift, grant, device 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.

#### CHAPTER XIV.

##### CITY BAND

#### Tax Levy.

Section 87. The City Council may levy an annual tax of no more than two (2) mills for the purpose of maintaining a musical organization to be designated as the City Band; such taxes to be known as the City Band Tax.

#### Control of Funds from Band Tax.

Section 88. The proceeds from said Band Tax are to be kept in the City Treasury with other municipal funds and shall be paid out and expended only upon the order of the City Council by a majority vote thereof.

#### CHAPTER XV.

##### STREET, ALLEYS AND SIDEWALKS

#### City Council to have Control.

Section 89. 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.

#### Laying Out and Changing Streets.

Section 90. The City Council shall have the power to lay out or open any new street, highway or alley within the City, or to widen, straighten, extend, or otherwise alter or change any street, highway, or alley now or hereafter existing in the City.

#### Improvement of Highways Outside City Limits.

Section 91. The City Council may appropriate and expend such reasonable sums 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 92. 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 petitioners.

#### Vacations—Order for Hearing—Publication.

Section 93. 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 94. 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 Redwood County, Minnesota.

**Vacations—Appeals.**

Section 95. Within ten days after 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 Redwood 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 (\$250.00) 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 notice of appeal, with proof of service, and said bond so approved as stated, shall be filed with the Clerk of said Court 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.

**Vacations—Plat to be Filed.**

Section 96. 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 Redwood County.

**Right of Way over Streets.**

Section 97. 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 uses, 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 98. 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 99. 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 resolution, 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 a resident 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 100. 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 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 101. 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 Redwood Falls 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.

#### Limitations of Actions.

Section 102. Every person who claims damages from the City of Redwood Falls for or on account of any loss or injury sustained by reason of any defect in any bridges, streets, sidewalks, roads, parks, 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—Notice for same.

Section 103. 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 104. The acceptance of plats of 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, or responsible for any insufficiency of such streets, unless the City Council shall by resolution direct the same to be graded and opened for travel.

### CHAPTER XVI.

#### PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

##### Power to Make Improvements.

Section 105. The City of Redwood Falls 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 such streets, alleys, or highways.

(6). To construct, lay, relay, extend, repair, and maintain water mains, heating fixtures, appliances, and appurtenances incident thereto, including service pipes and main; to keep open and in serviceable condition the outlets of the sewers and sewer system of the City; and to construct, reconstruct, repair, and maintain a sewage disposal plant or system.

(7). To drain or fill marshy or low grounds, and abate nuisances.

(8). To provide for, construct, and maintain all other local or public improvements, or public utilities not prohibited by the laws of this State, which may inhere in or pertain to municipal corporations.

(9). To acquire, by condemnation or otherwise, property of any kind whatsoever, necessary for any such purpose.

##### Right to Award Damages and Levy Assessments for Improvements.

Section 106. Except as otherwise provided in this Charter, the City Council shall have authority to ascertain and award the amount of damages to be paid to the owner of property taken or injured by any such improvement, and the power to levy and assess the whole or any part of the cost and expense of making such improvement upon the property especially benefitted thereby, including the amount of damages so awarded for property taken or injured thereby.

Such assessments of benefits may be made upon any lawful basis, or according to any lawful method, and shall be in proportion to the benefits to be received by each parcel or tract of land and may be without regard to cash valuation, but shall not exceed the total cost and expense of the improvement; nor shall any lot or parcel of land be assessed more than the amount of the special benefit thereto by reason of such improvement.

Such awards of damages and assessment of benefits may be made in the same proceeding.

**Right to Combine Two or More Proceedings.**

Section 107. Any two or more improvements may be made at the same time and in one proceeding, and may be included in one contract and in one assessment proceeding; but in any case the cost and expenses of each improvement shall be separately determined and apportioned by the City Council, and assessment made accordingly, as hereinafter provided.

**Branch Sewer and Water Pipes.**

Section 108. Before making any such improvement, the City Council may, by resolution, require the owners of abutting property to lay branch sewers or water pipes, of such material and in such manner as the City Council may determine, from the mains to the curb or lot line of each lot, and in case any property owner shall fail or neglect to lay such sewer or water pipes within thirty days after being served with a copy of such resolution, the City Council may cause the same to be constructed, and the cost and expense thereof assessed against such property in any proceeding to levy special assessment for such improvement.

**City and Other Municipalities to Pay Proportionate Share of Costs.**

Section 109. The City of Redwood Falls and any county, school district, or other municipality shall severally contribute and pay toward the cost of any such improvement its proportionate share thereof, on account of real property owned by its abutting on the improvement or benefitted thereby, to the amount that such improvement would have been assessed if owned by an individual.

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 benefitted property, and the same notices 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 110. 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 111. 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 (35) per cent in frontage of the real property abutting upon such proposed improvement, exclusive of any 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 action.

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 112. 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 113. It shall thereupon be 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 therefore, 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 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 to do so, or the failure to give any other and further notice which it may direct to be given, shall not affect the validity of the proceeding.

**Determination of Sufficiency of Petition.**

Section 114. 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 115. 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 116. 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 once for one week in the official paper of the City.

**Appeal from such Determination.**

Section 117. Any person being aggrieved by such determination may appeal to the District Court of Redwood 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, with proof of service thereof, and said bond so approved as stated, 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 dismissed.

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

Section 118. The City Clerk shall thereupon promptly transmit to the Clerk of said Court a certified copy of said petition and resolution and of such other papers and records as may be required for a determination of said appeal, and the appellant shall pay his proper and reasonable charges therefor.

**Trial of Appeal.**

Section 119. 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 appellant, 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.

**Contracts for Improvements.**

Section 120. 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 121. 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 specially benefitted 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 benefitted 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.

**Hearing on Proposed Assessment.**

Section 122. 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 examined, considered, 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 123. It shall thereupon 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 names 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 124. All objections of 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 125. 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 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.

#### Appeal.

Section 126. Any person being aggrieved by such determination may appeal to the District Court of Redwood 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 (\$100.00) 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.

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

Section 127. The City Clerk shall thereupon promptly transmit to the Clerk of said Court a certified copy of the proposed assessment, and of any and all objections thereto filed with him by the appellant and of the resolution of the City Council adopting such proposed assessment, 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 therefor.

#### Trial of Appeal.

Section 128. 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 Court without a jury.

#### Assessments Payable in Installments.

Section 129. 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 130. 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 131. 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.

#### Delinquent Assessments.

Section 132. On or before the tenth 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 133. The City Council may adjourn any hearing in a local improvement or special assessment proceedings, or in any other matter, from time to time, and shall not be required to give notice thereto 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 134. 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 set aside, 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 Vitate Proceedings.

Section 135. 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 136. 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 case state such further action with reference to said matter as it may deem to be just and proper.

**May Proceed under State Laws.**

Section 137. 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 matter; 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 Redwood Falls.

**Local Improvement Bonds.**

Section 138. At any time after the assessment of benefits and damages shall have been made in connection with any local improvement proceedings, the City Council may proceed to issue local improvement bonds to pay the cost and expense of making such improvement bonds to pay the cost and expense of making such improvements, including the amount of damages to property taken or injured thereby, in the manner and as otherwise provided in this Charter.

**CHAPTER XVII.****CONTRACTS FOR IMPROVEMENTS****Work—How Performed.**

Section 139. In undertaking any repair, 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 \$1,000.00 shall advertise for bids in the manner hereinafter provided. When the estimated cost of such work, inclusive of labor and materials, shall not exceed \$1,000.00 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 so 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, procure the necessary materials in the open market for the doing of said work.

**Plans, Specifications, and Estimates.**

Section 140. 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.

As far as practical, 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 141. 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.

**Advertising for Bids.**

Section 142. In all cases where bids are to be received for any such work, and plans and specifications therefor have been adopted and filed as hereinbefore provided, the City Council shall direct the City Clerk to advertise for sealed bids for the same in accordance with such plans and specifications, and appoint a time and place for receiving such bids. Such advertisements shall be published in the official paper of the City for not less than once each week for two consecutive weeks, and in such other manner as the Council may direct.

**Cash or Certified Check to Accompany Bid.**

Section 143. Each bid shall be accompanied by a cash deposit or certified checks for not less than ten per cent 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 this 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 bonds, the amount of such deposit or certified check shall be forfeited to the City as liquidated damages for such default.

**Form of Advertising.**

Section 14. All such advertisements for bids shall state briefly in general terms, the nature of the work to be done; where the plans and specification therefor may be examined, within what time bids will be opened and 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 Bids.**

Section 145. 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 con-

sidered which were not filed within the time limits by the advertisement, or which are not accompanied by a cash deposit or certified check, as stated in the advertisement.

#### Acceptance of Bids.

Section 146. 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 \$1,000.00 may, by a three-fourths vote of its membership, direct that such work be done by day-work in the manner provided in section 139 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 theretofore in any contract with the City, except as to time of performance, or who has refused to enter into contract after the same has been awarded to him, or to furnish bond for the performance thereof, may be rejected on that ground as not being a responsible bidder. The determination however of the City Council as to the responsibility of any bidder shall be final and conclusive.

#### Execution of Contract and Bond.

Section 147. All contracts shall be executed by the bidder within ten days after the acceptance of his bid, and he shall also within said time furnish and deliver to the City a good and sufficient bond for the performance of said contract, as hereinafter specifically provided.

#### Contractor's Bond.

Section 148. The successful bidder shall give bond to the City of Redwood Falls, for not less than the contract price, with surety or sureties to be approved by the City Council, which shall be conditioned as provided in section 9700, General Statutes of Minnesota for 1923, and acts amendatory thereof, and the provisions of said act and acts amendatory thereof are hereby made applicable to and a part of any contract entered into by and between the city and any such bidder.

#### Contract Void Unless Provisions Observed.

Section 149. Any contract entered into by the City for the doing of any work without first adopting plans and specifications and inviting public bids therefor, as provided by this Charter, shall be void and of no effect.

#### City Officers not to be Interested in Contracts or Purchases.

Section 150. No City Councilman or other officer of the City, shall directly or indirectly, be a party to, or interested or concerned in, any contract or job with said City, 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 purchasable for the public uses; and any City Officer so offending shall, on violation thereof, be removed from office by the City Council.

The provisions of this section shall have no application to any proceedings had or taken to designate a city depository or depositories

but any bank may be designated as city depository, notwithstanding the fact that any City Councilman or other officer of the City is a stockholder, other officers or otherwise interested in such bank; but the City Councilman or other officer of the City so interested in any such bank shall take no part in any proceedings that may be had in the matter of the designation of said bank as a City depository.

#### Collusion between City Officers and Bidder.

Section 151. Any officer of the City or of any department thereof, who shall aid or assist any bidder in securing a contract to furnish labor, material, or supplies at a higher price than that proposed by any other bidder; or who shall favor one bidder over another, by giving or withholding information; or who shall willfully mislead any bidder in regard to the character of the materials or supplies called for; or who shall knowingly accept materials or supplies of a quality inferior to those called for by any contract; or who shall knowingly certify to a greater amount of labor performed or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

#### Collusion between Bidders—Contract Void.

Section 152. Whenever any person or party to whom a contract has been awarded shall have conspired 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 letting 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.

### CHAPTER XVIII.

#### FRANCHISES

##### Definition.

Section 153. 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 may hereafter be 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 154. 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, if Such a Commission is Established Pursuant to the Provisions of this Charter.**

Section 155. In the event that a public utility commission shall be created in the City of Redwood Falls, Minnesota after the adoption of this Charter, then in such an event 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 156. 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 franchise.

**Provisions and Publication.**

Section 157. Every ordinance granting, renewing, or extending any franchise shall contain all of the terms and conditions of the franchise and shall be published as in the case of other ordinances.

**Time Limit of Franchises.**

Section 158. No perpetual or exclusive franchise shall ever be granted nor shall any franchise be granted for more than twenty years.

**Power of Regulation.**

Section 159. In all franchises, or renewals thereof, 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 receiving the same; to require proper and adequate extensions 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, re-locate 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 160. 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 Redwood County. Promptly upon their appointment the said board of arbitration shall investigate and consider the matter so referred to them.

In consideration of 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 arbitration, 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.

**City's Right to Purchase.**

Section 161. At any time after one year following the granting of any franchise, the City of Redwood Falls shall have the right to purchase the property of any person, company, or corporation, operating and doing business in said City under a franchise heretofore or hereafter 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 any rights possessed by the holder thereof on account thereof. Such value unless the same is agreed upon between the City and the owner, shall be determined in and by condemnation proceeding, in the manner provided in this Charter or by the General Laws of this State.

**Right to Terminate Franchise.**

Section 162. The City Council may, by ordinance, terminate any franchise for non-acceptance thereof by the grantee within the time limited therein, or for misuse or non-use, or for failure to begin or complete construction within the term prescribed by the franchise, or for any other failure to comply with its terms.

**Transfer of Franchise.**

Section 163. 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 Redwood Falls, shall be promptly filed with the City Clerk upon the execution thereof, and no sale, transfer, or lease of any franchise shall be approved unless 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 fact 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 sureties 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 164. 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 165. Every franchise hereafter granted by the City Council shall contain the following provisions:

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

(2). That the grantee and his assigns shall not at any time claim or collect any rates or charges in excess of the maximum rates set forth in the franchise that all such rates and charges shall at all times be just, fair, and reasonable for the service rendered, and that they may be reduced from time to time in the manner otherwise provided for in this Charter.

The aforesaid provisions shall be considered to be a part of every franchise whether expressly incorporated therein or not, and any provisions to the contrary in such franchise shall be null and void.

#### Other Provisions of Franchise.

Section 166. The enumeration elsewhere in this Charter of particular conditions or provisions which are to be included in or made 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.

### CHAPTER XIX.

#### FINANCES

##### Council to Control Finances.

Section 167. 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, the safekeeping and disbursement of public moneys, and shall make provisions for the payment of all liabilities and expenses.

##### Fiscal Year.

Section 168. The Fiscal year of the City shall end each year on the thirty-first day of December.

##### Funds—Division Thereof.

Section 169. There shall be maintained in the City Treasury the following funds for the support of which the council may levy taxes.

(a). A sinking fund for the purchase, or payment when due, of any bonds or any debt of the City and to pay the interest on all bonds and other obligations of the City. The Council shall levy an annual tax sufficient to meet all obligations against this fund when due, unless otherwise provided for.

(b). A public utility fund or funds for the acquisition, construction, extension, maintenance, and operation of any public utility owned or operated by the City, including the payment of the interest on any bonds or other indebtedness which may be a lien upon such utility. There shall be paid into this fund all moneys derived from the sale of bonds issued on account of any utility, and from the operation of such utility and from the sale of any property acquired for or used in connection with, any such utility. There shall be paid out of this fund the cost of the purchase, construction, extension, operation, maintenance, any indebtedness which may be a lien upon such utility. Any surplus in said fund may be used for the purchase of any bonds or certificates of indebtedness issued against said utility, and for the payment of such bonds or other indebtedness upon their maturity. Separate funds and accounts shall be kept for each such utility operated separately, and in case two or more utilities are operated together the funds and accounts shall be kept separate as far as practicable.

(c). A general fund for the support of such other funds and for the payment of such expenses of the City as the council may deem proper. Into this fund shall be paid all moneys not required to be paid into any other fund.

(d). 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.

##### Receipts To Go To City Treasurer.

Section 170. All receipts of money belonging to the City, or any branch thereof, excepting only those funds collected by the County Treasurer shall be paid into the City Treasury by the person authorized to receive the same at the close of each business day. All such moneys and also all moneys received upon tax settlements from the County Treasurer, shall be deposited as soon as received in a bank or banks approved by the City Council.

##### Accounts and Reports.

Section 171. The City Clerk shall be the Chief Accounting Officer of the City and of every branch thereof, and the Council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this Charter, and the ordinances in accord with it. He shall submit to the Council a statement each month showing the amount of money in the custody of the City Treasurer, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the City as the Council may require. Once each year, on or before the last day of January, the City Clerk shall submit a report to the Council covering the entire financial operations of the City for the past fiscal year. This

report shall show the actual total receipts and actual total expenditures, omitting duplications, and stating the cash balance at the beginning of the last fiscal year and at the close; the total outlays for operation and maintenance, the conditions of each of the funds; the total receipts by sources and the total expenditures by general purposes; the total outstanding bonds and debts of the City, when due, the amount of new bonds issued and the amount redeemed, the interest rate of each; the condition of all annual budget allowances; and an inventory of all the property owned by the City; and such further information as the Council and other City Officials and the taxpayers should have.

#### Preparation of the Annual Budget.

Section 172. The City Council may annually, by resolution appoint a qualified person or a commission of three members to prepare the estimate for the annual budget and in the absence of such appointees the City Clerk will prepare the estimates for the annual budget. The estimates of expenditures shall be arranged for each department or division of the City under the following heads; (1) Ordinary expenses (for operation, maintenance, and repairs) and (2) Capital outlays for (new construction, new equipment and all improvements of a lasting character). Ordinary expenses shall be subdivided into; (a) salaries, with a list of all salaried officers and positions, with the salary allowance and the number of persons holding each; (b) wages; (c) printing, advertising, telephone, telegraph, express charges, and other like items; (d) supplies and repairs, with sufficient detail to be readily understood. All increases and decreases shall be clearly shown. In parallel column shall be added the amounts granted and the amounts expended under similar heads for the past two completed fiscal years, and, as far as possible, for the current year. In addition to the estimates of expenditures, the estimates shall include a statement of the revenues which have accrued for the past two completed fiscal years, with the amounts collected and the uncollected balances, together with the same information, as far as possible, for the current fiscal year, and an estimate of the revenues for the ensuing fiscal year.

The statement of revenues for each year shall specify the following items; sums derived from (a) taxation (b) fees, (c) fines, (d) interest, (e) miscellaneous, (not included in the foregoing) (f) sales and rentals, (g) operation of public utilities (h) special assessments and (i) sales of bonds and other obligations. Such estimates shall be printed or typewritten, and a copy thereof shall be furnished to the Mayor each member of the Council, and the City Clerk, and a copy thereof shall be posted in the office of the City Clerk, not less than ten days prior to the regular meeting of the City Council in August of that year, at which time the estimates shall be submitted to the City Council for consideration. A copy of such estimates shall be kept in the City Clerk's office and shall be subject at all times to inspection or examination by the taxpayers or citizens of the City. The Council may require with the estimates such explanatory statement or statements as the Council may deem necessary.

#### Passage of the 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 from time to time until all the estimates have been considered. The meetings shall be so conducted as to give in-

interested citizens reasonable time in which to be heard, and an opportunity to make such inquiries as may seem pertinent to them. The 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 sum appropriated shall be less than the total estimated revenues 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 therein; and the Mayor and City Clerk shall not issue any order on the Treasurer for the payment of any such claims 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.

#### Veto by Mayor.

Section 175. Promptly upon the adoption of the budget resolution it will 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 sums 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 the Council shall unanimously 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 items or otherwise in excess of the estimated revenues, unless the actual receipts shall exceed such estimates and then only to the amount of such excess; but the City Council shall have no authority to reduce the amounts appropriated in the budget for the payment of principal or interest on bonds, certificates of indebtedness, or outstanding warrants of the City, or the provisions made in the budget for any sinking fund.

Subject to the foregoing provisions, and except as hereinbefore provided, the City Council may at any time by resolution, adopted by a three-fourths vote, change or alter the amount appropriated for any purpose or object in the budget, whether in the same or any

other fund and authorize appropriate transfers in the budget accounts to effect the same; and may also by like vote authorize the transfer of an unexpended and unincumbered balance for any lawful purpose or object.

#### CHAPTER XX.

##### TAXATION

###### Property Subject to Taxation.

Section 177. Subject to the state constitution, and except as forbidden by it or by state legislation, the Council shall have full power to provide by ordinance for a system of local taxation and to change the same from time to time. In so far as the City procures a revenue from taxes upon real and personal property as such, it shall conform as fully as possible to the general state law as to the assessment of such property and the collection of such taxes.

###### 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 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 taxes levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purposes of which the same is levied, but in that case the surplus shall go into the fund to which such tax belongs.

###### Tax 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.

###### Limit of Tax Levy.

Section 181. No taxes for general city or municipal purposes shall be levied by the City Council in any one year exceeding thirty-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 sum 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.

#### CHAPTER XXI.

##### CITY DEPOSITORIES AND INVESTMENT OF FUNDS

###### 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 Redwood Falls 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 account 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. Except to the extent that said deposits are insured in any by the Federal Deposit Insurance Corporation under the Acts of Congress creating such corporations, and any amendments thereto, each depository shall deposit with and assign to the City, bonds or other securities of the character and in the amount provided by the general laws of the State now or hereafter enacted, and approved by the City Council.

###### 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.

###### Approved Investments.

Section 185. Sufficient moneys shall always be retained in each Sinking Fund provided for the prompt payment when due of the principal and interest of the obligations for which such fund was created. Such money shall be deposited in a depository or depositories of the City designated by the City Council as otherwise provided in this Charter.

All moneys belonging to the Sinking Fund or to any other permanent fund of the City not so deposited in a depository or depositories of the City, may be invested only in securities authorized by General Laws of the State.

###### Investments—By Whom Authorized.

Section 186. No investment of any moneys belonging to any sinking, 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.



**Sale or Pledge of Securities.**

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 hereinbefore provided.

**Treasurer's Exemption from Liability.**

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 sureties 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 or other permanent fund of the City in any bonds, or other obligations 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.

**CHAPTER XXII.****ALLOWANCE AND PAYMENT 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 claimant 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 herein 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 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.

**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 pay the same together with all orders previously issued against such fund.

**CHAPTER XXIII.****MUNICIPAL INDEBTEDNESS****Scope.**

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 time. 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 Redwood Falls; 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 Redwood Falls 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, sidewalk and 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 other local or public improvement not prohibited by law or this Charter. Local Improvement Bonds may also be issued to pay for the costs of constructing, laying, relaying, extending, maintaining, repairing or otherwise improving public water-mains.

#### Public Utility Bonds.

Section 199. Public utility bonds shall be issued to replace, reconstruct, extend, enlarge, or otherwise improve the Water Works 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.

#### Public Improvement Bonds.

Section 200. Public Improvement bonds shall be issued to purchase or otherwise acquire grounds for public parks, boulevards, cemeteries, or other public purposes; to improve the same, and to purchase or otherwise acquire sites for public buildings and other structures, and to construct, reconstruct, enlarge or improve such buildings or structures.

#### Permanent Improvement Revolving Fund Bonds.

Section 201. Permanent Improvement Revolving Fund Bonds may be issued to create and maintain a Permanent Improvement Revolving Fund.

#### 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 \$15,000.00, said bonds to mature in not to exceed five 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 public improvement or, any local improvement upon benefitted property, the City Council may, by three-fourths vote, issue and sell temporary construction bonds, 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 improvements. Bonds for such improvements 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 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 this State, now or hereafter enacted, applying to cities of like class as the City of Redwood Falls, whether operating under a Home Rule Charter or otherwise.

#### Bonds for Current Expenses Prohibited.

Section 205. No bonds of the City shall ever be issued to pay current expenses or to pay or refund Emergency Bonds.

#### Provisions for Payment.—Sinking and Interest Funds.

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 shall be created for each issue of bonds, certificates of indebtedness, or other obligations of the City heretofore or hereafter issued.

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 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 Redwood 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 fund available for the payment of the principal or interest of the bonds for which such funds are 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 10th 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. This provision shall be made in each annual budget for the payment 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.

#### Violation of Sinking Fund Provision.

Section 207. 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 or the owner of any bonds of the City shall have the right to maintain in any Court of competent jurisdiction an appropriate action to enforce compliance therewith.

#### Form and Maturity 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 serially in annual installments as determined by the City Council, the first installment to become due not more than three years from its 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 hereinbefore 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 Councilman 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 thereof, 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 interest 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 appropriate fund therewith.

#### Approval of Voters.

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 net 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 net 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 this acquisition, construction, purchase, equipment, replacement, reconstruction, extension, enlargement, or improvement of the Water Works System now owned and operated by the City, 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 Redwood Falls 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 assessment so levied, and the bonds, certificates of indebtedness and warrants so issued, are hereby all and singular in all respects legalized and validated; and any and all of such bonds, certificates of indebtedness, and warrants are hereby declared to be valid and binding obligations of the City of Redwood Falls, according to the terms thereof, and of the resolutions or ordinances authorizing their issuance.

Notwithstanding any defects, errors, or omissions in such proceedings, and without regard to the provisions of the laws under which such proceedings were attempted to be had, and as to any such proceedings which may be pending when this Charter takes effect, the City Council may complete the same, as nearly as may be, according to the provisions of the laws under which they were commenced.

Any bonds, certificates of indebtedness, or warrants so delivered to and held in any fund or account of the City may be sold by the officers charged with the administration of such respective funds on accounts whenever moneys are required for the purposes for which they were created.

#### Right to Proceed Under State Law.

Section 215. The provisions contained in this Charter, as to the purposes for which the bonds of the City may be issued and the procedure relating to the issuance and sale thereof, shall not be exclusive, but shall be supplemental to the General Laws of the State, now or hereafter enacted, pertaining to said matters. In any case where the provisions of such general laws are not inconsistent with the provisions of this Charter, the City Council may, at any time, proceed under any such general law having application to cities of like classes as the City of Redwood Falls, whether incorporated under a Home Rule Charter or otherwise.

### CHAPTER XXIV.

#### PUBLIC UTILITIES

##### Creation of Public Utilities Commission.

Section 216. The City Council may at any time when in its opinion it deems it advisable, by resolution, establish and create a Public Utilities Commission which shall then have sole and exclusive management and control of all utilities then or at any time thereafter owned or operated by the City and determined to be a public utility by the City Council.

##### Appointment—Qualification—and Terms of Office.

Section 217. The commission when so created and established, shall consist of three members each of whom shall be a citizen, qualified voter and freeholder of the City, and shall be appointed by the Mayor, who shall appoint one member of said Commission whose term of office shall expire on the third Tuesday of April next; following thereafter; the second whose term shall expire on

the third Tuesday of April of the second year thereafter and a third whose term of office shall expire on the third Tuesday of April the third year thereafter.

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 Tuesday 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, and all vacancies by resignation or otherwise shall be filled by the Mayor for the unexpired term, and all appointments of members to the Commission, including those to fill vacancies, shall be subject to confirmation by the City Council.

Any member of the Commission may be removed from office by a unanimous 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 with the charges against him and has had a reasonable opportunity to be heard in his defense.

Members of the Commission shall receive such compensation as may be fixed by the City Council, but at no time shall they receive more 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.

##### Officers—Duties of City Clerk.

Section 218. The City Clerk shall be ex-officio secretary of the Commission, but shall have no vote. Such officers as the Commission may deem necessary or proper shall be appointed by it from time to time, and the Commission shall prescribe the respective duties of such officers and all of whom shall hold office at the pleasure of the Commission.

##### City Officers Notice Not to be Interested in Contracts.

Section 219. No member of the Commission, or officer thereof, or City Councilman 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 Councilman or other officer of the City, so offending, shall, on violation thereof, be removed from office.

##### Powers and Duties of Commission.

Section 220. Except as otherwise provided in this Charter, the Commission shall have full and exclusive control of and power over any and all public utilities that may be owned by the City of Redwood Falls at the time said commission is created and all those public utilities that may thereafter be acquired, owned and 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 a full and exclusive control and power over all moneys, bonds, certificates of indebtedness, warrants, and other securities in any 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 or 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 of bonds of the City to pay for the same, in whole or in part, or which are to be paid for in whole or in part by special assessment upon property benefitted thereby; but in such cases, the Commission shall recommend to the City Council, in writing, the making of such replacements, extensions, improvements changes, or additions, whereupon the City Council shall in its discretion proceed to make the same and to issue bonds or levy assessments upon benefitted 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 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 service 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 service.

(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.

(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.

(11). The City Council shall have the power to make and prescribe by ordinance or resolution any further rules and regulations for such public utilities commission and may from time to time change the powers and duties of such commission as said City Council shall deem necessary or expedient for the efficient management of the public utilities under the control of said Commission.

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.

#### CHAPTER XXV.

#### MISCELLANEOUS PROVISIONS

##### Ordinances Need Not be Pleaded.

Section 221. 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 222. 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 partly in interest.

##### Fines and Penalties.

Section 223. 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 224. 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 Redwood County for any offense punishable under the laws of the State.

##### Service of Process.

Section 225. Whenever any suit or action shall be commenced against the City, 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 226. The various sections and provisions of this Charter, in 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 Laws Applicable.**

Section 227. 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 Redwood Falls, not operating under "Home Rule Charter", shall, if not inconsistent with the provisions of this Charter, apply to the City of Redwood Falls and be construed as supplementary to the provisions of this Charter.

**Construction of this Charter.**

Section 223. 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 229. Whenever any elective or appointive municipal officer is required to give bond under the provisions of this Charter or under the provisions of any ordinance passed by the City Council of the City of Redwood Falls, or the statute of the State of Minnesota, the cost of such bond, when furnished, may be paid by the City.

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

**When Charter Becomes Effective.**

Section 230. This Charter shall become effective and become the Charter of the City of Redwood Falls, superseding any existing charter and amendments thereof, at the end of the 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: Honorable J. C. Budik, Mayor of the City of Redwood Falls, Minnesota.

We the undersigned, being heretofore appointed by the Honorable A. B. Gislason and the Honorable Albert H. Enersen, Judges of the District Court of the Ninth Judicial District, State of Minnesota, as and for a Board of Freeholders to prepare a proposed Charter for the City of Redwood Falls, Minnesota do hereby, pursuant to the order of said court present to you as the Mayor and Chief Executive Officer of the City of Redwood Falls, Minnesota, the foregoing document as and for a proposed "Home Rule Charter" of the said City of Redwood Falls, Minnesota.

Dated at Redwood Falls, Minnesota, this 8th day of January, 1941.

|   |  |
|---|--|
| A. C. Dolliff<br>Member of the Board of Freeholders         | Jos. J. Lauterbach<br>Member of the Board of Freeholders |
| Mrs. T. E. Flinn<br>Member of the Board of Freeholders      | Julian E. Morten<br>Member of the Board of Freeholders   |
| Mrs. George A. Barnes<br>Member of the Board of Freeholders | Albert Asleson<br>Member of the Board of Freeholders     |
| W. S. Brammer<br>Member of the Board of Freeholders         | Chris Schulte<br>Member of the Board of Freeholders      |
| Frank Clague<br>Member of the Board of Freeholders          | M. O. Hanson<br>Member of the Board of Freeholders       |
| William A. Brand<br>Member of the Board of Freeholders      | L. E. Backer<br>Member of the Board of Freeholders       |
| Jos. R. Keefe<br>Member of the Board of Freeholders         | William M. Smith<br>Member of the Board of Freeholders   |
| J. L. Parsons<br>Member of the Board of Freeholders         |  |

8937