

Any elective or appointive officer of the city of Minneapolis, or any person employed in the service of the city of Minneapolis, who shall wilfully violate or evade any of the provisions of law, or commit any fraud upon the city or convert any of the public property to his own use or knowingly permit any other person so to convert it, or by gross or culpable neglect of duty allow the same to be lost to the city, shall be deemed guilty of a misdemeanor and in addition to the penalties imposed by law, and on conviction, shall forfeit his office and be excluded forever after from receiving or holding any office under the charter of the city of Minneapolis and shall be liable to refund to the city, at the suit of any tax payer or citizen any amount lost to said city by reason of any such violation of law.

SEC. 12. Any provision of this charter or of the charters of the board of park commissioners, or the board of education, or of the library board, inconsistent with this chapter of the city charter is hereby repealed, and in construing any act creating any of said boards, the provisions of this chapter shall be considered as a part thereof.

SEC. 3. This act is hereby declared to be a public act.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 4th, 1887.

CHAPTER 11.

[H. F. 663.]

AN ACT TO AMEND THE CHARTER OF THE CITY OF MINNEAPOLIS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That, that certain act entitled "An Act to Amend and Consolidate the Charter of City of Minneapolis, approved March eighth (8th), one thousand eight hundred and eighty-one (1881)," the same being chapter seventy-six (76) of the special laws of one thousand eight hundred and eighty-one (1881), as amended by an act entitled "An Act to Amend the Charter of the City of Minneapolis," approved February twenty-seventh (27th), one thousand eight hundred and eighty-three (1883), the same being chapter three (3) of the special laws of one thousand eight hundred and eighty-three (1883) and amended by an act entitled "An Act to Further Amend the Charter of the City of Minneapolis," approved February twenty-second (22d), one thousand eight hundred and eighty-three (1883), the same being chapter seven (7) of the special laws of one thousand eight hundred and eighty three (1883), and further amended by act entitled

"An Act to Amend the Charter of the City of Minneapolis," approved March fifth (5th), one thousand eight hundred and eighty-five (1885), the same being chapter two (2) of the special laws of one thousand eight hundred and eighty-five (1885), be and hereby is further amended by striking out, adding to and altering the same in the manner following, to wit:

SEC. 2. By adding to the end of chapter ten (10) of said charter the following words and figures, to wit: "Section twenty-seven (27). Whenever the city council shall have adopted any assessment roll whereby it shall assess and levy any special assessment against the lots and parcels of land abutting on any street, avenue, alley or other public-ground, in the city of Minneapolis, for the purpose of paying the cost of paving, re-paving or macadamizing any street, lane or alley in said city, or any gutter or gutters along any such street, lane or alley, or for the purpose of laying or re-laying any curbstone along any such street, lane or alley (but not including the side-walk proper on any such lane or alley) or to lay, re-lay or extend any sewer pipes in or through any such street, lane or alley, or other public grounds or any portion thereof, and when such assessment roll shall have been delivered to the county auditor of the county of Hennepin, as required in this chapter, said county auditor shall divide each assessment for any such paving, re-paving or macadamizing, or for any such curb or gutter stone or stones, or for laying, re-laying or extending any such sewer pipes or sewers, into five (5) equal parts as nearly as the same can be divided, and shall in proper books to be provided and kept by said auditor of said Hennepin county, extend the same in proper columns in such manner that said assessment shall extend over five (5) successive years succeeding to the year in which said assessments shall have been so ordered, that is to say: said assessments are to be paid in five (5) equal annual installments, with interest to be paid annually on each one (1) of said installments after the first (1st) installment, at the rate of five (5) per cent. per annum, and the owner or owners or other person whose duty or right it may be to pay such special assessments shall have the right to either pay the same at any time after the first (1st) year's installment becomes due, or they may pay the same in said five (5) annual installments with interest on each one (1) of said deferred installments to be paid annually at the time of paying the installment due each year; and the auditor of said Hennepin county shall at the time of so extending said special assessment on the tax list in such parallel columns for each year's installment, add to the amount of each installment for each year after the first (1st) installment, interest on each installment remaining unpaid at said rate of five (5) per centum per annum on the whole of such unpaid installments, and said interest on the whole of said installments shall be paid each year at the same time and in the same manner that said installments are to be paid.

The provisions of this section shall apply to all such special assessments made by said city council during the year eighteen hundred and eighty-six (1886) for improvements to be made during the

year eighteen hundred and eighty-seven (1887), and the city engineer of said city of Minneapolis is hereby authorized to give certificates to any person or persons who are charged with paying any such assessments so made in the year eighteen hundred and eighty-six (1886), that said assessments were made on any particular lot or parcel of land for any such improvements to be constructed during the year eighteen hundred and eighty-seven (1887), and that four-fifths ($\frac{4}{5}$) of the same are to be deemed as deferred installments to be paid during the four (4) following years, immediately following the year eighteen hundred and eighty-seven (1887) under the provisions of this section, and the county treasurer of Hennepin county shall receive such certificates and give credit for the same in lieu of cash for four-fifths ($\frac{4}{5}$) of any such assessment made during said year eighteen hundred and eighty-six (1886) for any of the improvements in this section provided for, and the city engineer of said city shall keep a record of all the material parts of such certificates, and said city engineer shall cause a roll of such deferred payments so certified by him to be prepared in the same manner as special assessment rolls are prepared as near as may be, containing all the material facts necessary and send the same to the city council of the city of Minneapolis, and when said city council shall have by motion approved the same, the city clerk shall send the same to the auditor of Hennepin county in the same manner that special assessment rolls are sent by said city clerk to said county auditor.

The application by the property owner for such certificates, together with the receipt of the same by said treasurer, and the adoption of said roll by said city council, shall be taken as the consent of all parties to having the payment of said four-fifths ($\frac{4}{5}$) of said special assessment for said purposes so assessed and levied by said city council for the year eighteen hundred and eighty-six [1886] for such improvements to be done in the year eighteen hundred and eighty-seven (1887) divided into four (4) equal parts, one part to be paid each year for the four (4) succeeding years succeeding the year eighteen hundred and eighty-seven [1887], and for the authority of the county auditor to place and extend the same in the proper manner on the proper tax list books of said county, and said county auditor is hereby authorized and directed to so extend and place each respective balance of said special assessments so deferred upon said proper tax lists in such manner that the same may be paid in four [4] equal installments, one installment in each of the four [4] years succeeding the year eighteen hundred and eighty-seven [1887], but said auditor shall add five [5] per centum of the whole of each said deferred payments to the payment to be paid in the year eighteen hundred and eighty-eight [1888] as the first year's interest on said deferred installments, and the lien on said deferred installments which attach to each respective lot or parcel of land before this act passed, shall remain intact the same as though this act had never been passed. Said rolls shall so be made up by said city engineer and so sent to the city council of said city on or before the first (1st) day of September, eighteen hundred

and eighty-seven [1887], and the same shall be adopted by said city council and so sent to the auditor of said Hennepin county on or before the first (1st) day of October, eighteen hundred and eighty-seven (1887). Said auditor shall so keep said books that the treasurer of said county can and shall at the times of the proper settlements with said city of Minneapolis, or with its proper city treasurer, or other officers, report the amount of the interest on said deferred installments separately from the amounts of the installments paid in any year.

The county treasurer of the county of Hennepin, whenever he shall receive any such city engineer's certificate, in lieu of money, in the payment of such special assessment taxes so levied and assessed in the year eighteen hundred and eighty-six (1886), shall stamp or print upon the receipt which he gives for the taxes for the year eighteen hundred and eighty-seven (1887), the fact that four-fifths ($\frac{4}{5}$) of the special assessment for paving, curb and gutter stones, or sewers, was not paid in money, but that the certificate of the city engineer of the city of Minneapolis was received for the same, because the payment of the same had been deferred to be paid in four (4) equal annual installments during the four (4) years following eighteen hundred and eighty-seven (1887) under the provisions of this act; and shall give the number of said city engineer's certificate.

Any surplus which may be collected under any such special assessments over and above the actual cost of said improvement which it is provided by the charter shall be refunded to the property owner, shall be refunded out of said permanent improvement revolving fund.

SEC. 28. There is hereby created a special fund to be called "the permanent improvement revolving fund", to which shall be credited the principal sum of each of the installments of all special assessments assessed and levied by said city council, which are to be paid in five (5) equal annual installments, as provided in the next preceding section of this chapter, and all interest on said deferred installments of any such special assessments shall be credited to the sinking fund of said city to be invested the same as provided for the sinking fund of said city; and the board of sinking fund commissioners are hereby charged with the duty of investing, so far as practicable, any accumulations of money in said permanent improvement revolving fund not needed to carry on the operations to facilitate which the same has been hereby created. Should there at any time be an accumulation of money in said permanent improvement revolving fund greater than the probable demands upon said fund during the two (2) years next following, then it shall be the duty of the city council to report such fact to the board of sinking fund commissioners, who shall as soon as practicable, invest the same substantially in the same manner that funds in said sinking fund are invested.

The aggregate amount of special assessments which shall be made in any one (1) year for sewers, paving, and curb and gutter stones, as in the next preceding section provided, shall not exceed the sum of four hundred thousand (400,000) dollars; but this limit shall not prevent said city council from ordering work aggregating more than said sum of

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four hundred thousand (400,000) dollars in any one (1) year; *Provided*, That the abutting property owners desiring such improvements to be made, shall advance and pay into the city treasury of said city the cost of any such improvements over and above the amount of said sum of four hundred thousand (400,000) dollars, and in such case the entire amount of such assessments so to be advanced by the abutting property owners, shall be so prepaid into said city treasury, to the credit of said permanent improvement revolving fund.

There shall be paid each year out of said permanent improvement revolving fund, only the whole cost of all that portion of all such sewer, paving and curb and gutter improvements as are named in the next preceding section, the payment of which has been provided for by such special assessments against such abutting property and said fund shall be diverted to no other purpose except as in the last paragraph of section twenty-seven (27) provided. There shall be credited each year to said permanent improvement revolving fund sufficient sums of money received from the sales of the bonds in the next section provided for, which with the installments of such special assessments received into such fund each year shall be sufficient to pay for all of such improvements of sewers, paving and curb and gutters as are named in the next preceding section, and as are constructed during such year.

SEC. 29. For the purpose of providing sufficient funds in said permanent improvement revolving fund at all times to defray the expenses of improvements provided for in two (2) sections next preceding, the special assessments for which are to be paid in five (5) equal installments, with interest as herein provided, such special assessments being for sewers, paving and curb and gutter stones only, the city council of the city of Minneapolis is hereby authorized and required, in the manner, under the restrictions and for the purposes herein designated, to issue from time to time as needed, not to exceed the sum of three hundred and twenty thousand (320,000) dollars in any one (1) year, of the bonds of said city in such denominations, at such time of payment, not exceeding thirty (30) years, and such place of payment as may be deemed best by said city council, such bonds to have semi-annual interest coupons at such rate of interest not exceeding four and one-half ($4\frac{1}{2}$) per cent. per annum, payable at such place or places as said city council may deem best. Said city council is further authorized to negotiate and sell such bonds from time to time upon the best terms for said city that may be obtained, provided that the same shall not be sold for less than par. All proceedings as to the issuing of said bonds shall be by resolution of said city council to be approved by the mayor, and published as provided by the charter of said city. The proceeds of said bonds shall be paid into the treasury of said city and credited to said permanent improvement revolving fund. Nothing herein contained shall authorize the issue at any time of bonds to such an amount that the whole amount of the principal of all bonds actually issued by said city at the time, together with the proposed issue, shall exceed five (5) per centum of the aggregate value of the taxable property of said city as assessed and determined

for the purposes of taxation. This act shall not be considered as in any manner prohibiting or interfering with the issue of any and all bonds, the issue of which has heretofore been authorized. The signing or counter-signing of any bonds purporting to be issued under authority of this act by the city comptroller of said city, in respect to all such bonds held by *bona fide* owners shall be deemed conclusive evidence that the limitations of this section have been observed and complied with. The proceeds of said bonds shall never be used for any other purpose than for the purpose of advancing the money to pay for sewers, pavements (not including sidewalks proper), and curb and gutter stones, the special assessments for which have been made and the same are to be paid on yearly installments as named in the two (2) next preceding sections of this chapter.

Not to exceed one million dollars (\$1,000,000) of bonds shall be issued under this act.

SEC. 3. All acts and parts of acts, and all parts of said charter of said city of Minneapolis, in conflict with this amendment to said charter are hereby modified to comply with the terms of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 22d, 1887.

C. 12 87-M 324
92-NW 224

CHAPTER 12.

[H. F. 789]

AN ACT TO AMEND THE CHARTER OF THE CITY OF MINNEAPOLIS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That that certain act entitled "An Act to amend and consolidate the charter of the city of Minneapolis", approved March eighth, (8th), one thousand eight hundred and eighty-one (1881), the same being chapter seventy-six (76) of the special laws of one thousand eight hundred and eighty-one (1881), as amended by an act entitled "An act to amend the charter of the city of Minneapolis", approved February twenty-seventh (27th), one thousand eight hundred and eighty-three (1883), the same being chapter three (3) of the special laws of one thousand eight hundred and eighty-three (1883), and amended by an act entitled "An act to further amend the charter of the city of Minneapolis", approved February twenty-second (22nd) one thousand eight hundred and eighty-three (1883), the same being chapter seven (7) of the special laws of one thousand eight hundred and eighty-three (1883), and further amended by an act entitled "An act to amend the charter of the city of Minneapolis", approved March fifth (5th) one thousand eight hundred and eighty-five (1885), the