

CHAPTER 15.

[H. F. No. 811.]

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 (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 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 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 section nine (9) of chapter three (3) of said charter the following words, to-wit: "The city engineer may appoint an assistant city engineer who shall assist him in the duties of his office, and act as city engineer in the absence or inability of the city engineer to act."

SEC. 3. By adding to the end of section fourteen (14) of chapter four (4) of said charter the following words and figures, to wit:

"Except that the city council of said city is hereby authorized to authorize the proper city officers, by a vote of a majority of all the members of said city council to execute proper deeds of conveyance to the Minneapolis industrial exposition for any lands upon which the exposition building, built by said Minneapolis industrial exposition during the year one thousand eight hundred and eighty-six (1886) stands, and the land pertaining to the same, described as follows, to wit:

"Lots one (1), two (2), three (3), four (4), five (5), six (6), and seven (7), in block three (3), and lots one (1), two (2), three (3), four (4), five (5), six (6) and the southeasterly eleven and fifty-two one hundredths (11.52) feet front and rear of lot seven (7) of block two (2), all in the subdivision of block thirty-nine (39) Saint Anthony Falls, according to the plat thereof on file and of record in the office of register of deeds in and for said Hennepin county; and also block

five (5) and lots one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12) thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26) twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35), thirty-six (36) thirty-seven (37), thirty-eight (38), thirty-nine (39), forty (40), forty-one (41), and forty-two (42), in block two (2), all in the subdivision of grounds between Pine, Bay, Main and Second streets, Saint Anthony Falls, as re-surveyed by R. and F. Cook, according to the plat thereof on file and of record in the office of register of deeds in and for Hennepin county, Minnesota; also all such part of Second street, Prince street and Cross street, and an alley between said blocks two (2) and three (3) of subdivision of block thirty-nine (39) of Saint Anthony Falls as was vacated by a resolution of the city council of the city of Minneapolis, passed July ninth (9th), one thousand eight hundred and eighty-six (1886), and approved July thirteenth (13th), one thousand eight hundred and eighty-six (1886), which may belong to the city of Minneapolis; but such conveyance or deed shall provide that said real estate shall revert to the city of Minneapolis in case of default in the agreement which said the Minneapolis industrial exposition shall make with said city of Minneapolis in reference to carrying on and maintaining an exposition in the buildings on said grounds for such term of years as said the Minneapolis industrial exposition and said city shall agree upon, not to be less than twenty-two (22) expositions in the next twenty-four (24) years; and all the real estate either now belonging to or which may be hereafter conveyed to said the Minneapolis industrial exposition, and used for industrial exposition purposes, shall be exempted from taxation (but not from special assessment for public improvements) for a term not to exceed thirty years, and as long as said city shall have any possible reversionary or other interest in said property. Said city council is hereby authorized to expend thirty-five hundred dollars or less to perfect the title to any of said real estate."

SEC. 4. By striking out of the last line of section ten (10) of chapter five (5) of said charter the words "one half ($\frac{1}{2}$)," and inserting in place thereof the following words and figures, to wit: "six-tenths ($\frac{6}{10}$) of one (1)", and by adding to said section ten (10) of said chapter five (5), the following words, to wit: "Prior to the levying such tax to defray the current expenses of the city for the next fiscal year, said city council shall by resolution appropriate a certain sum of money for the expenses of each department of the city government which is to be paid out of said current expenses fund, and no more money than thus appropriated shall be expended for any fiscal year for any such department of the city government. And by striking out of the next to the last line of section sixteen (16) of said chapter five (5) the words "one fourth ($\frac{1}{4}$)" and inserting in place thereof the words and figures as follows, to wit: "two-tenths ($\frac{2}{10}$)."

SEC. 5. By adding to the end of chapter eight (8) of said charter the following words and figures, to wit:

"Section 25. Neither the city council nor any officer or board of said city shall entertain any bid from or let any contract to any person, firm or corporation who is in default to the city of Minneapolis or any department thereof, on any contract or bond, or in any other way, whether said bid or contract be for doing anything or furnishing any material, under this chapter or any other provision of said charter."

SEC. 6. By adding to section two (2) of chapter nine (9) of said charter, the following words and figures, to wit: *Provided, however,* that in case of the purchase or condemnation of private property for laying sewers or water mains, where said city council may deem it best only to obtain the right to lay and maintain said sewers or water mains over, across or through private property, said city council may either purchase or condemn the right simply to lay, construct and maintain said water mains and sewers and the necessary appendages thereto, over, across or through any private property, giving to the owner thereof the right to the use of the surface of said land, except at such times and such places as said city council, or the proper board, officer or department of the city government of the city of Minneapolis may find necessary to enter upon, dig into or disturb said surface, for the purpose of laying, relaying, constructing, or reconstructing or repairing any such water mains or sewer pipe; and the deed of purchase in such case, or the judgment of the court in the case of condemnation, shall define the rights of said city, and its proper boards, officers, agents, or said city council, as well as the land owner therein."

SEC. 7. By adding to the end of the twenty-fourth (24th) line of section four (4) of chapter ten (10) of said charter, the following words and figures, to wit: "*Provided,* That whenever the city attorney shall certify in writing to the city council, that in his opinion he is in doubt to whom the said awards shall be paid, said city council may order a warrant to be drawn for the same payable to the clerk of the district court of Hennepin county, and the city clerk shall deliver the same to said clerk of the court, and take his receipt for the same; which deposit with said clerk of the court shall have the same effect as if set aside in the city treasury, as hereinbefore provided, and in which case the parties entitled to the same shall establish their right to the same by a petition to the said district court, setting up the facts entitling them thereto, and by proving the same to the satisfaction of the court, and when so established the court shall make an order directing to whom the same shall be paid."

By adding to the end of said chapter ten (10) the following words and figures to-wit: "Section 27. Whenever the City of Minneapolis shall have made or caused to be made, erected, constructed or laid on, across, through, in or upon any land or real estate to which said city council has not the title or the right to enter upon the same for the purpose of so making, erecting, constructing or laying any water main, sewer, building, structure, intake pipe, dam, improvement, pavement, sidewalk, curbstone, gutter or other public work, improve-

ment structure or street grade, the city council shall have the right at any time in any suit in which the title to said real estate or land, or the right of said city to so be thereon for such purpose is called in question, said city may by answer admit and allege the taking of the claimant's land or other real estate, for public purposes, and that no compensation has been made for such taking and that said city of Minneapolis is ready and willing to pay such compensation on having the same assessed and ascertained in the manner in this chapter provided, *provided*, the claimant on the trial shall establish his right to recover the land or other real estate in question, and in such case the *court shall first determine whether the claimant is entitled to recover the land or other real estate in controversy; provided*, that when it shall appear that the land or other real estate was so taken or appropriated by and with the consent or acquiescence of the owner, such owner shall not be entitled to recover any rents or profits which accrued prior to demand for compensation for such land or other real estate, and he shall be limited to a recovery in such case; to compensation for the land taken and damages; and the court shall have power to make all necessary orders and render all necessary judgments to carry out the provision of this section.

Section 28. Whenever the city council shall order any improvement or-work which are to be paid for by special assessments on the abutting property, the city engineer of the city of Minneapolis shall make a written request of the county auditor of Hennepin county for a list of the descriptions of lots, or other parcels and blocks or other divisions of real estate or land lying upon or along the streets, lanes, alleys, avenues or other public grounds on which said improvements are to be made, together with the names of the respective owners of each of said lot or parcel of land or real estate so far as they can be ascertained by said auditor from the records of his office, and said city engineer may accompany such request with such plats or other information as may be necessary to enable such auditor readily and accurately to make such list. Upon the receipt of such request said county auditor shall promptly make and return to said engineer such list of descriptions and owners names called for. For making such list and for keeping all of the books which may be required of said auditor under the various special assessment plans which have now or may hereafter be adopted by the city council of the city of Minneapolis, which shall include every kind of entry whether ordered or requested by said city council or any court, and which shall include all records of cancellations, re-assessments and re-entering on the tax list the balance of the assessments made in the year eighteen hundred and eighty-six (1886) and not paid in the year eighteen hundred and eighty-seven (1887), said city shall pay said county auditor the sum of five (5) cents for each entry of a special assessment entered by him upon the tax list of the county, the same to be payable upon the completion of the tax list for each year.

SEC. 8. By adding to the end of section seven (7) of chapter nine (9) of said charter the following words and figures, to-wit: "If at any regular, adjourned or special meeting of said board where there is not

a quorum of the members of said board present, a less number of said members than a quorum shall have the power to adjourn from time to time; but when they shall so adjourn they shall cause the secretary or other officer to give notice to the other members of said board of such adjourned meeting."

SEC. 9. By adding after the word "city" and before the word "for" in the eighteenth (18th) line of section seven (7) of chapter four (4) of said charter, the following words, to wit: "or outside thereof."

SEC. 10. By adding to the end of the twenty-seventh (27th) subdivision of section five (5) of chapter four (4) of said charter the words "and milk."

SEC. 11. By striking out of the first (1st) and second (2nd) lines of the thirty-fifth (35th) subdivision of section five (5) of chapter four (4) of said charter the following words where they occur therein, to wit: "of more than two (2) stories in height"; and by striking out in said second (2d) line of said subdivision where they occur therein the words, "The fire limits of" and by adding the words, "shingle or lath" after the word "lumber" wherever it occurs in the forty-sixth (46th) subdivision of said section five (5) of said chapter four (4) of said charter.

SEC. 12. By striking out the word and figure "two (2)" where they occur in the one hundredth (100th) line of section five (5) of chapter ten (10) of said charter, and inserting in place thereof the word and figure "one (1)."

SEC. 13. By adding the words "and library board" after the words "board of education" wherever they occur in sections twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18) and nineteen (19), in chapter three (3) of said charter.

SEC. 14. By adding to section five (5) of chapter three (3) of said charter, the following words and figures, to wit: "The city attorney of the city of Minneapolis shall have the right to decide whether or not in any case in which the city of Minneapolis is a party, in any court, to take an appeal from any order, judgment or other determination of the court; and in case of any such appeal, or in case of suing out any writ of error, certiorari, mandamus, attachment or other writ from any court, said city of Minneapolis shall not be obliged to give any bond either for costs, supersedeas bond, or other bond whatever.

SEC. 15. That section five [5] of chapter eight [8] of said charter is hereby amended so as to read as follows:

"All work done or constructions made of any kind by the said city of Minneapolis, may be done by contract awarded in such manner as the city council of said city may deem advisable, or said city council may, in its discretion, direct any such work or construction or any part thereof which it shall deem necessary to be made, to be done by days' work under the direction of the said city council, or any officers of said city whom the said city council may designate.

Whenever said city council shall determine to do any of said work or constructions by contract, if the amount of expenditure involved in said contract shall exceed the sum of one hundred dollars [\$100], public notice shall be given and proposals invited for the same, in such manner as the said city council shall direct.

SEC. 16. By adding to the end of section five (5) of chapter four (4) of said charter the following:

"And to regulate and determine the manner in which bodies which have been buried or placed in a vault or tomb, or other place for the purpose of burial may be removed."

SEC. 17. By adding to the end of section five (5) of chapter four (4) of said charter the following:

"Forty-seventh:" To regulate the construction of buildings, chimneys and stacks within the limits of said city, also the emission of dense smoke; it shall also have authority to prohibit and prevent the erection or maintenance of any insecure or unsafe buildings, stacks, walls or chimneys and the emission of dense smoke in said city, and to declare them to be nuisances, and to provide for their summary abatement.

It shall also have authority to enact ordinances imposing penalties upon persons or parties who may create, continue or suffer nuisances to exist, such penalties not to exceed, however, in any case, a fine of one hundred (100) dollars or ninety days' imprisonment.

SEC. 18. By amending section seven (7) of chapter five (5) of said charter by adding at the end thereof the following:

Provided, That the fiscal year shall begin on the first (1st) day of each and every year, beginning with the first (1st) day of January, 1889.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved March 5th, 1887.

CHAPTER 16.

[S. F. No. 197.]

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 the same has been amended and now reads; be and hereby is further amended by adding to the end of section thirty-five (35) of chapter six (6) of said charter the following words and figures, to wit: "or said city council may appropriate out of the current expense fund of said city, sometimes called the general fund, a sum of money sufficient to defray the expenses of any institution in said city established for the care and reformation