

SEC. 4. Said council shall make provisions, by the levying of sufficient taxes, for the payment of said bonds and interest thereon as the same shall fall due.

SEC. 5. Before it shall be lawful for said council to issue any of said bonds, the question of such issuance shall be submitted to the legal voters of such village, at some general election, or a special election called for that purpose. Such elections shall be held, and the votes thereat canvassed, in the usual manner of holding elections and canvassing votes in said village. Whenever said council shall determine to submit such question to the legal voters of said village, the same shall be done by resolution, and the notice of such election shall state the proposition to issue the bonds herein provided for will be voted on at such election. The ballots used at such election shall have written or printed thereon the words, "For the issue of water works and electric light bonds—Yes," or "For the issue of water works and electric light bonds—No." If it shall be found on a canvass of the votes cast at such election that a majority of the voters present and voting at such election have voted in favor of the issuance of said bonds, it shall then be lawful for said council to issue the same as provided above; *Provided*, the question of the issuance of said bonds may be submitted to the legal voters of said village as often as the said council may deem advisable.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 21, 1891.

CHAPTER 191

[H. F. No. 576.]

AN ACT TO AUTHORIZE THE VILLAGE COUNCIL OF THE VILLAGE OF EXCELSIOR TO ESTABLISH A WATER WORKS DEPARTMENT, TO ERECT, CONSTRUCT, EXTEND, ENLARGE, MAINTAIN AND REGULATE THE USE OF WATER WORKS FOR SAID VILLAGE, AND TO RAISE FUNDS THEREFOR BY THE ISSUE OF VILLAGE BONDS AND THE LEVY AND COLLECTION OF ASSESSMENTS UPON PROPERTY ABUTTING ON STREETS IN WHICH WATER MAINS ARE LAID, AND TO AUTHORIZE TOWNSHIP SUPERVISORS TO GRANT OR SELL TO SAID VILLAGE THE RIGHT TO LAY WATER MAINS IN THE HIGHWAY.

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

SECTION 1. The village council of the village of Excelsior is hereby authorized to establish, maintain and regulate, by ordinance, a system of water works and a water works department, and to appoint officers therefor and prescribe their duties. And such water works, in addition to protection from fire, may be used to furnish water for private use to the inhabitants of said village, and to such other persons and companies as the council shall deem fit and on such terms

and subject to such regulations as the council may from time to time ordain; and such council is hereby authorized to make and enforce all needful rules and regulations for the management and use of said water works system and to levy and collect taxes for the use of water for private use, and to prescribe, inflict and collect fines and penalties for violation of such rules and regulations.

SEC. 2. For the purposes named in section one (1) of this act, said village council may purchase, erect and construct reservoirs, stand pipes, pumps, engines, engine houses, water mains and all other necessary apparatus needful for a complete system of water works suitable for said village; and if it shall be deemed necessary to take private property or use a public highway therefor, either within or without the corporate limits of said village, they shall cause an accurate survey and plat thereof to be made and filed with the recorder; and they may purchase, or take by donation, such grounds or highways as shall be needed for such purpose, by agreement with the owners, and take from them conveyances thereof to the village for such use or in fee. And if the use of a public highway outside of the village limits is needed to lay water mains, the village council may secure such right from the supervisors of the township through which such highway passes; and the supervisors of such township are hereby authorized to grant such privilege to said village upon such terms as they shall deem fit.

SEC. 3. If such village shall not be able to secure such grounds and such rights by agreement with the owners or with such township supervisors, they shall, by resolution, declare their purpose to take the same, and therein describe, by metes and bounds, the location of the proposed improvements and the land proposed to be taken therefor, describing, separately, each parcel and amount thereof owned by each distinct owner, mentioning the names of the owners or occupants so far as known; and if it is proposed to lay water mains in public highways outside of the limits of said village, then such resolution shall describe the highway and designate in what part thereof it is proposed to lay such water mains, and therein fix a day, hour and place when and where they will apply to a justice of the peace for a jury to condemn and appraise the same for the purpose for which the same is to be used. And all proceedings for the condemnation of said land, or to acquire the use of such highway, shall be conducted in the manner prescribed for condemnation of land by villages in the general laws of the state for incorporation of villages.

SEC. 4. In order to secure funds for the purposes named in this act, and before the issue of any village bonds therefor, and before taking any other steps towards establishing such system of water works, a special meeting of the electors of said village shall be called to vote upon the issue of bonds in this act provided for, which meeting may be called by order of the village council or by a request in writing addressed to and filed with the village recorder, which request shall be signed by at least five (5) electors of said village; and such order or request, as the case may be, shall state briefly the purpose of such special meeting, and shall name the streets intended to be used and the territory in general proposed to be covered by the proposed water works plant.

SEC. 5. Upon filing the request, or upon order of the village council, provided for in the preceding section, the village recorder shall

immediately cause notice to be posted in three (3) public places in said village, giving at least ten (10) days' notice of such special meeting. Such notice of special meeting shall specify the purpose for which such meeting is to be held, and shall name the streets in which water pipes are proposed to be laid and the territory in general intended to be covered by said water works plant, and no other business shall be transacted at said meeting except to vote upon the issue of bonds.

SEC. 6. The ballots used at the special meeting herein provided for shall have written or printed, or partly written and partly printed, thereon the words, "For bonds for water works," or the words, "Against bonds for water works."

The polls shall be opened at ten (10) o'clock A. M. and closed at four (4) o'clock in the afternoon of the same day. At the close of the polls the votes shall be counted and a true statement thereof proclaimed to the voters by some one of the judges of election. And the recorder shall make a true record thereof, and of all of the proceedings of such special meeting, in the book kept for recording proceedings of village elections. And the same officers shall conduct such special meeting as are required by law to conduct annual village elections.

SEC. 7. If a majority of all the votes cast are against the issue of bonds, then it shall be illegal for said council to issue bonds for said purpose, and no further proceedings shall be had for the establishment of any water works system as herein provided for, or otherwise, any general law of this state to the contrary notwithstanding; *Provided*, that the same question may in like manner be submitted and determined at any other special meeting called in like manner; *Provided further*, that the question shall not be submitted to vote oftener than once in each year.

SEC. 8. If a majority of all the votes cast at any special meeting in this act provided for are in favor of the issue of bonds, the village council shall have power, and shall proceed, to issue and negotiate bonds for not to exceed the sum of twenty thousand dollars (\$20,000), in such denominations as the council shall determine, and payable not less than twenty (20) years from the date of issue, with interest at a rate not to exceed six (6) per cent per annum, payable semi-annually, which bonds shall not be negotiated for less than par; *Provided, however*, that nothing herein shall be construed to prohibit said council from paying a reasonable commission to any person not a member of the council, for negotiating said bonds, not to exceed the sum of three hundred dollars (\$300) in all.

SEC. 9. Upon the issue and negotiation of village bonds as provided in this act, the village council shall proceed to secure plans and specifications, and as complete estimates as may be practicable, of all of the material, apparatus and labor, and the probable cost of the same, necessary to construct and erect a complete plant for a system of water works suitable for said village.

SEC. 10. The village council shall, upon the adoption of plans and securing of estimates, as provided for in the preceding section, appoint a commission of three (3) suitable men, who shall be electors and freeholders of said village, who shall have and take complete control and have exclusive supervision of all of the work of construction and erection of the water works plant, according to the plans and specifications adopted by the council as provided in section nine (9)

of this act, and such commission shall have authority to accept or reject the whole or any part of the material, apparatus and work needed or used in the erection and construction of said plant, and shall determine, on behalf of said village, all questions which may arise in the construction of said plant as to the compliance on the part of contractors or others with the plans and specifications for said plant adopted by said council, and a final acceptance of the plant, or any part thereof, by said commission, shall be binding upon said village, but such commission shall not have authority by virtue of this act to make or execute any contracts for labor or material used in the construction of said water works plant.

SEC. 11. For the purpose of securing funds for construction and establishment of the plant herein provided for, and extensions and enlargement thereof, in addition to the fund derived by sale of village bonds, and for the further purpose of establishing a sinking fund for the payment of the bonds herein provided for, the village council is hereby authorized to levy assessments upon the property fronting on the streets in which water mains are laid, not to exceed in all the sum of fifty (50) cents per front foot on each side of such streets, which assessments shall be divided into five (5) equal parts; and not to exceed one-fifth ($\frac{1}{5}$) of the total amount assessed against any lot or parcel of land shall be levied or assessed in any one (1) year.

Provided, that the first (1st) of such assessments shall not be made until two (2) years after the completion of said plant, or extension or enlargement as the case may be, according to the plans adopted as provided in this act.

SEC. 12. The village council shall, by resolution, as soon as may be after two (2) years from the completion of said water works plant, or any extension or enlargement thereof, levy the assessments provided for in the preceding section, describing in such resolution each and every lot or parcel of land so assessed, and stating the amount assessed thereon and the owner thereof, if known. Such resolution, signed by the president of the council and village recorder, shall forthwith be published once in each week for two (2) successive weeks, in a newspaper regularly published in said village; or if there be no such newspaper, the village recorder shall cause three (3) copies thereof to be posted in three (3) public places in said village; and the recorder shall file a statement of such assessment with the village treasurer, which statement shall be designated "Water Tax Assessment Roll."

SEC. 13. At any time after the filing of the assessment roll with the village treasurer, and before the first (1st) day of September following, any party liable to pay such assessment may pay the same to the village treasurer, who shall give a numbered receipt therefor, and mark the same paid upon the assessment roll, and write the number of the receipt opposite such assessment. And all assessments not paid before the first (1st) day of such September shall be delinquent. On the first (1st) day of such September the village treasurer shall return the assessment roll to the village recorder, who shall forward to the county auditor a delinquent assessment roll, which shall contain all the items of the assessment roll in his office relating to delinquent assessments; and the county auditor shall add a penalty of ten (10) per cent thereto and put the same upon the tax roll, in addition to, and as a part of, all the village taxes therein levied on such land to be collected therewith.

SEC. 14. The proceeds of assessments provided in section eleven (11) of this act, which are not needed for the construction of said plant or its extension or enlargement, and all rents, fines, revenue, taxes and income received from said plant or for the use of water, which are not needed for the maintenance of said plant, shall be set apart in the treasury of said village for the exclusive purpose of paying said bonds and the interest thereon; and the council shall cause such excess to be invested in the bonds of said village or in other unquestioned securities, and all interest and principal on said bonds not herein otherwise provided for shall be paid by a general tax to be levied by said village council.

SEC. 15. If at any time the village council shall deem it for the best interests of said village to enlarge or extend the water works plant herein provided for, they are hereby authorized so to do by ordinance, and in such enlargement or extension the council shall be governed in all things by the provisions of this act, except as provided in this section.

Provided, no bonds shall be issued for such enlargement or extension, and no vote of the electors of said village shall be required upon the question of such enlargement or extension.

Provided further, that nothing in this act shall be construed to prohibit the village council from levying a general tax to pay a portion of the expense of establishing, extending or enlarging the water works system of said village.

SEC. 16. That part of section fifty-one (51) of Chapter one hundred and forty-five (145) of the General Laws of this state, approved March tenth (10th), eighteen hundred and eighty-five (1885), which requires all contracts for village improvements, except expenditures of road and poll tax, to be let to the lowest responsible bidder, after public notice of time and place for receiving bids therefor, shall not be obligatory upon the village council of the village of Excelsior in making the improvements in this act provided for; but it shall be optional with such council to do all or any part of said work in the manner in said section fifty-one (51) provided, or in such other manner as it shall deem fit so far as the letting of contracts and employment of labor is concerned.

SEC. 17. The village council of the village of Excelsior shall not grant a franchise to any person or company to establish or operate in said village the system of water works herein provided for, nor shall said council grant to any person or company any exclusive water works franchise for any system of water works.

Approved March 21, 1891.