

CHAPTER LIX.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CONSOLIDATING THE CITIES OF ST. ANTHONY AND MINNEAPOLIS, AND INCORPORATING THE SAME INTO ONE CITY BY THE NAME OF MINNEAPOLIS," APPROVED FEBRUARY TWENTY-EIGHTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, AS THE SAME HAS BEEN AMENDED BY SUBSEQUENT ACTS.

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

SECTION 1. That the subdivision of section three of chapter one of said act, which defines the boundaries of the fourth ward of said city, be, and the same is hereby amended, so as to read as follows:

Fourth Ward—All that part of said city lying west of the centre of the main channel of the Mississippi river, and between the third ward and a line commencing at the point where the centre line of First Avenue south if extended thereto, would intersect the centre line of the main channel of said river; thence along such extension to First Avenue south; thence along the centre line of First Avenue south to its intersection with Grant street; thence along the centre line of Grant street to its intersection with Nicollet Avenue; thence along the centre line of Nicollet Avenue, formerly known as the Blaisdell road, to the south boundary of said city, shall constitute the fourth ward of said city.

SEC. 2. That section six of chapter three of said act is hereby amended by adding thereto at the end thereof, the following:

Said treasurer shall also be *ex officio* the treasurer of the board of education of the city of Minneapolis, and shall give such bonds and perform such duties as are or may be required of the treasurer of said board of education.

SEC. 3. That section sixteen of chapter three of said act is hereby amended by adding thereto at the end thereof the following: The city comptroller shall also keep regular books of account of the board of education of the city of Minneapolis, in which he shall enter all indebtedness of said board, and which shall at all times show the precise financial condition of said board, the amount of bonds, orders, or other evidences of indebtedness outstanding, and the redemption of the same when redeemed; and he shall countersign all bonds, orders, or other evidence of indebtedness of said board; and keep an exact account thereof, showing to whom and for what purpose issued, and the amount of each; and of all moneys received or paid out by the board of education or by the city treasurer on account of said board.

SEC. 4. That section twenty of chapter three of said act is hereby amended so as to read as follows:

Sec. 20. All claims and demands against the city, before the same shall be allowed by the city council, and all claims against the board of education of the city of Minneapolis, before the same shall be allowed by said board, shall be audited and allowed by the comptroller; and all orders on the treasury, either on the part of the city or of said board, shall be examined and countersigned by him, and by him be kept until delivered unto the persons entitled thereto, and he shall take and preserve receipts for all orders so delivered. He may keep and use a seal of office, which may be used instead of the seal of the city in the execution of licenses and such other sealed instruments as the comptroller shall be specially directed to issue, and any use of such seal by the comptroller heretofore, is hereby legalized; or he may use the seal of the city, in his discretion. The stated reports of the comptroller shall show the financial operations and condition of the board of education aforesaid, as well as of said city.

SEC. 5. That section twenty-six of chapter three of said act is hereby amended by adding thereto the following words: except that the sealer of weights and measures shall be entitled to retain his fees, to be fixed by the city council, and shall have no other compensation.

SEC. 6. That section twenty-seven of chapter three of said act is hereby amended by striking therefrom the following words, "printed, published, and of general circulation in said city," and inserting in lieu thereof the following "which shall have been printed, published, and of general circulation in said city for at least six months prior to said first meeting."

Said section twenty-seven is further amended by inserting before the first proviso in said section twenty-seven, the following proviso:

Provided, That in determining which is the lowest bidder of the newspapers conforming hereto, regard may be had to the character and value thereof as mediums for advertising, and for placing before the taxpayers of said city the matters herein provided to be advertised.

SEC. 7. That subdivision "fifth" of section three of chapter four of said act is amended so as to read as follows:

Fifth—To direct the location and management of stock yards, slaughter houses, establishments for trying out grease or tallow, soap factories, markets, breweries, distilleries, dye houses, and all other places and kinds of business which may be liable to become offensive or unwholesome; also to prohibit the keeping or use of any stock yard, slaughter house, establishment for trying out grease or tallow, soap factory or dye house within the city, or within any portion of the city which may be designated. Also to license venders of gunpowder, and to regulate the storing, keeping and conveying of gunpowder or other explosive or combustible materials. Also to prohibit the sale, use or keeping for any purpose, within the city, of Chinese crackers, or other explosive preparations designed for amusement.

SEC. 8. That chapter five of said act be and the same is hereby amended by adding thereto the following additional sections:

Sec. 9. Any bank in Hennepin with a capital stock equal to or exceeding fifty thousand dollars which desires to receive on deposit as provided in this act, a portion of the funds in the hands of the city treasurer of said city shall prior to the first Monday in April A. D. one thousand eight hundred and seventy-nine, file with the city comptroller of said city an application for such deposits stating that they will furnish good and sufficient bonds payable to the city of Minneapolis for double the amount of money likely to be received, and conditioned for the safe keeping and payment of the funds so deposited and interest thereon; and that they will pay interest on such deposits as provided in this act. The applications so filed shall be presented to the city council, who shall determine upon the amount of bonds which will be required of each bank, and the city clerk shall notify the banks thereof. The banks shall then execute such bonds with three or more sureties, and present them to the city council for approval; and all of such banks which shall furnish bonds which shall be approved by the city council shall be designated by the city council as depositories for funds in the city treasury.

Sec. 10. After such designation shall have been made all the funds then in the hands of the city treasurer, or thereafter received by him, shall be deposited in the banks designated, in the name of the city of Minneapolis, and subject to the order of the city treasurer; and the funds so deposited shall be distributed as near as may be in proportion to the paid up capital stock of the banks receiving such deposits.

Sec. 11. The banks receiving such funds on deposit shall pay interest on the same at the rate of three per cent. per annum on daily balances, which interest shall be computed at the end of each calendar month, and placed to the credit of said city at that time; *provided*, That if the city treasurer shall at any time receive, or have in bank, funds which will probably remain on deposit three months or longer, instead of leaving such funds deposited in open account he shall take therefor certificates of deposit, payable to his order on demand, and bearing interest from date at a rate not less than four per cent. per annum, and at such higher rate as he may be able to negotiate for; *provided further*, That the total amount deposited in any bank (both on open account, and on certificates of deposit,) shall not at any time exceed one-half the amount of the bonds of said bank to the city.

Sec. 12. On the first day of May, A. D. one thousand eight hundred and seventy-nine, and monthly thereafter, the city treasurer shall make a statement of the amount of money deposited as hereinbefore provided, giving the amount deposited in open account, and in interest bearing certificates, in each bank separately, and file such statement with the city clerk, who shall present the same to the city council at its next regular meeting thereafter; and the city clerk shall furnish a copy thereof to any local newspaper applying therefor for publication, free of charge.

Sec. 13. When the funds in the hands of the city treasurer shall be deposited as hereinbefore provided, such treasurer and his bondsmen shall be exempt from all liability therefor by reason of

the loss of any such deposited funds from the failure, bankruptcy, or any other acts of any such bank or bankers, to extent and amount of such funds in the hands of such bank or bankers at the time of such failure or bankruptcy.

Sec. 14. If all the banks of Hennepin county shall decline to give bonds and receive deposits as provided in this act, or if the bonds offered shall not be of sufficient amount to cover and make secure the deposits to be made, then the city treasurer, with a committee of the city council, may negotiate for such deposit or such part thereof as they may deem necessary, with any bank or banker outside of Hennepin county, which will give bonds, with sureties to be approved by the city council; and in case such negotiation be made and bonds accepted then the city treasurer is hereby authorized to deposit the funds of said city in such bank, in the same manner as in banks mentioned in section ten of this chapter. *Provided*, that no bank outside of Hennepin county shall be [so] selected unless it have a paid up capital of not less than fifty thousand dollars.

Sec. 15. It is hereby made the duty of the city treasurer to make every endeavor to secure interest on the public funds, consistent with their safe keeping, as herein provided; and to manage such funds in the interest of the city. But he shall in no case postpone or defer any payments after the same shall become due, in order to secure additional interest on such funds. At the close of each official year, the city treasurer shall make a statement of the total amount of interest on public funds received by him during the year, and such interest shall be placed to the credit of the fund for the payment of interest and principal of the city indebtedness.

Sec. 16. Any bank in Hennepin county, newly organized, or which has not before received any of the city funds on deposit, having a paid up capital of not less than fifty thousand dollars, may at any time make application to the city council for the deposit of a portion of the city funds, and if they shall give bonds which shall be approved by the city council, and comply with the conditions of this act, the city council may designate any such bank as a depository of such funds, as provided in section nine of this chapter.

Sec. 17. Whenever, from the change in the financial ability of sureties, or from other causes, the city council shall deem the bonds of any bank insufficient security for the funds therein deposited or liable to be deposited by the city treasurer, the city council shall require a new bond, with sureties to be approved by the city council, to be given by such bank, and if such bank shall fail to promptly execute and present such new bond, the city treasurer shall at once withdraw all deposits from such bank, and such bank shall cease to be a depository of city funds; until it shall be reinstated as such by vote of the city council upon the execution of bonds, which shall be approved by the city council.

Sec. 18. All bonds given by banks as provided in this chapter shall continue in force so long as funds of the city or of which the city treasurer is the custodian in any way, deposited in such bank, shall be unpaid by the banks giving such bonds. And the city council at its second regular session in the month of March in each

year shall examine all the bonds in the hands of the city treasurer, and if any are deemed insufficient, they shall require new bonds to be executed; and the council may make such examination and orders at any other time. All of such bonds given by banks under the provisions of this chapter shall, upon being approved by the city council, be recorded by the city comptroller, and then deposited with the city treasurer for safe keeping; and the record of such bonds so kept by the city comptroller, or copies thereof certified by that officer, shall be competent and *prima facie* evidence of the contents and tenor of such bonds.

Sec. 19. The city council of the city of Minneapolis is hereby authorized and empowered to cause to be issued within three years from the first day of March, A. D. one thousand eight hundred and seventy-nine, the bonds of the city of Minneapolis to an amount not exceeding in the aggregate ninety thousand dollars, running not less than twenty years nor more than thirty years from their dates, respectively, and bearing interest at a rate not exceeding six per centum per annum payable yearly or half yearly, as the council may determine, with interest coupons attached; the principal and interest being made payable at such place or places as the city council shall determine. Of the proceeds of such bonds the sum of forty thousand dollars, or so much thereof as may be necessary, shall be applied to the payment of maturing indebtedness of the board of education of the city of Minneapolis, and the balance of the proceeds of said bonds, or so much thereof as may be necessary, shall be used for the payment of bonds of the city of Minneapolis, issued during the year eighteen hundred and seventy-eight, under the provisions of section five of chapter six of this charter.

Sec. 9. That section nineteen of chapter eight of said act be amended by striking therefrom the words, "after notice of defective condition" where those words appear in the last line of page two hundred and twenty-one and first line of page two hundred and twenty-two of the special laws of Minnesota for the year one thousand eight hundred and seventy-eight, and also by adding at the end of said section the following words:

But no action shall be maintained against the city of Minneapolis on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless such action shall be commenced within one year after the happening of the injury. *Provided*, that where the right of action has accrued before the passage of this act, the action may be brought within one year after the passage of this act, unless otherwise barred, but not after.

Sec. 10. That section seven of chapter ten of said act is hereby amended so as to read as follows:

Sec. 7. The city council is also authorized, in its discretion, to lay, relay or extend water mains in or through any of the streets, lanes or alleys of said city, or portion of either, of such size, dimension and material, and in such manner as it may designate, and to levy and collect the cost and expense of the same, not exceeding, however, the cost of laying a six-inch pipe, where the pipe laid

shall exceed that size, by special assessment, upon the property fronting on such improvements of an equal sum per front foot, without regard to a cash valuation.

SEC. 11. That section eight of said chapter ten of said act is hereby amended so as to read as follows:

Sec. 8. Whenever the city council shall vote to cause to be made such improvement as is mentioned in the last preceding section, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of such improvement and material to be used therein; and it shall thereupon be the duty of the city engineer to make and present to the city council an estimate of the cost of such improvement, stating therein the amount of such estimated cost which will be required to construct such improvement, not exceeding the cost of a six-inch pipe where a larger pipe shall be laid in front of abutting lands; also a list of the several lots and parcels of lands fronting upon such proposed improvements, with the number of feet front of each, extending along such improvements, and the names of the owners of the several lots and parcels, as nearly as the city engineer can readily ascertain the same. A brief minute of the reception of such report shall be made and published in the record of the proceedings of the city council, which shall be held to be sufficient notice to all persons concerned; and such report shall lie over without any assessment being made, until the next regular meeting of the city council which shall occur at least one week after the reception of such report. but the city council in its discretion may direct the city engineer to advertise for and receive in the meantime, bids for doing the work and furnishing the material required to construct and complete such improvement, and report the same to the city council, or may in any other manner obtain information respecting the probable cost of such improvement. At the meeting to which such report is laid over, or at any subsequent meeting, the city council may consider such estimate and list, and any further communication from the city engineer, or other information respecting the matter, and under such rules as it shall make, shall hear all persons interested in the matter of such improvements, who may desire to be heard, and the council may adhere to its resolution of making such improvements, or modify the character of the same, or abandon it. If the city council shall determine to go on with such improvements, whether modified or not, it may either before or after having contracted for the construction of such improvements, estimate and fix upon the cost of such improvements, and the proportion or amount of such cost which is required to construct such improvement, not exceeding the cost of laying a six-inch pipe where a larger pipe shall be laid, opposite to, or in front of the lots and parcels of land described in the list so made by said city engineer, and may assess and levy such proportion or amount of such cost upon the same lots and parcels of land upon the basis of an equal sum per front foot of each lot or parcel, measuring along the line of such improvements; and the city council shall cause to be made, and shall adopt an assessment roll thereof, which may be in the following, or any other from which the city council may deem proper:—

The city council of the city of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set opposite each lot or parcel. This assessment is levied to defray the expense of water mains in the city of Minneapolis along and said lots and parcels of land are assessed upon the basis of an equal sum per front foot along the line of such improvement.

Name of owner if known.	Description of land.	Lot.	Block.	Amount.	
				Dol.	Cts

Done at a meeting of the city council this day of
..... A. D. 18:...

Attest,

.....
President of the Council.

.....
City Clerk.

SEC. 12. That section fourteen of said chapter ten of said act, is hereby amended so as to read as follows:

Sec. 14. If any special assessment heretofore made by the city council, or under its direction, to defray the expense of any local improvement has been or shall be, either in whole or in part, annulled, vacated or set aside by the judgment of any court, or if the city council shall be satisfied that any such assessment is so irregular or defective, that the same cannot be enforced and collected, or if the city council shall have omitted to make such assessment at or before the making of such improvement when it might have done so, the city council shall anew, or hereafter compute and determine upon the cost of making such improvement in a gross amount, upon such data as to it shall seem sufficient, not exceeding, in the case of water mains, the cost of laying a six-inch pipe when a larger pipe was used; and the city council may then proceed to cause a new assessment of the cost of such local improvements to be made, either on the property fronting upon such improvements, or on the property benefited by such improvements according to the character of such improvements, following as near as may be the provisions of chapter ten of this act, as the same was amended by the act of March ninth, one thousand eight hundred and seventy-eight, in determining the property to be assessed, and the forms and manner of proceeding subsequent to the determination of the cost of the improvement.

After the assessment roll shall have been completed the city clerk shall note thereon against any piece of land upon which a former assessment for the same improvement has been paid, the words "paid on former assessment," which shall cancel such assessment on that parcel. And all provisions of said amendatory act

of March ninth, one thousand eight hundred and seventy-eight, are hereby continued in force so far as may be necessary to sustain such new assessments, and for the collection of all special assessments heretofore levied under its provisions.

"And the said city council is hereby authorized and empowered to ascertain the necessary cost of completing the laying of the water mains or pipes heretofore purchased by the water commission created by chapter six of the city charter, as amended in the year one thousand eight hundred and seventy-eight, and of purchasing and laying sufficient additional six inch pipe so that such water mains shall be laid and extended from Third avenue south east along University avenue to Fourteenth avenue south east; and also along Fifth street south east from the end of the present main on said street to Fourteenth avenue south east; and also along Second street north east from Central avenue to Second avenue north east, and to levy and assess the cost of the same by a special assessment upon all property fronting on the entire line of water main heretofore laid by said water commission, and on the lines of pipe herein provided to be laid, of an equal sum per front foot along the line of such mains, without regard to a cash valuation, and conforming as nearly as may be convenient, to the proceedings for special assessments in the case of water mains ordered to be laid by the city council of said city under the provisions of this charter, and the said assessments, when collected shall be devoted to the purchase and laying of the pipes herein provided for. The said pipes shall be laid and the moneys collected by assessment therefor shall be expended under supervision of the said water commission.

SEC. 13. That section fifteen of said chapter ten of said act is hereby amended by striking therefrom the word "September" and inserting instead thereof the word "October."

SEC. 14. That section sixteen of said chapter ten of said act is hereby amended so as to read as follows:

Sec. 16. No omission, informality or irregularity in proceedings in or preliminary to the making of any special assessment shall affect the validity of the same, where the assessment roll has been adopted by the city council. And the assessment roll, and the record thereof kept by the city clerk, shall be competent and sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted, and that all other proceedings antecedent to the adoption of such assessment roll were duly had, taken and performed, as required by this charter. And no failure of the city clerk to record the assessment roll, or to deliver the same to the county auditor on or before the time prescribed for such delivery, or to do any other act or thing of him required, shall in any way invalidate any assessment; and no variance from the directions herein contained, as to the form or manner of any of the proceedings, shall be held material, unless it be clearly shown that the party objecting was materially injured thereby.

SEC. 15. That section seventeen of chapter ten of said act be, and the same is hereby, amended so as to read as follows:

Sec. 17. In case any special assessment shall in any suit where its validity shall be questioned, be adjudged invalid, the city council may, in its discretion, notify the county auditors to cease the collection of the same, if it shall have been transmitted to him for collection, and may proceed anew by proceedings either as in case of an original special assessment for the same purpose, or by taking up the previous proceedings at any point, and may make and levy a new assessment in the place and stead of the assessment which shall have been adjudged invalid; and the city clerk before delivering such new assessment to the county auditor for collection, shall ascertain and note thereon payments which have been made on such invalid assessment for the same purpose, which notation shall cancel the assessments as to the parcels and lots on which such payments were made to the extent of the payments. Such new assessments shall be collected in the same manner as original special assessments.

SEC. 16. That section twenty of said chapter ten of said act is hereby amended by striking therefrom the words "and appointing commissioners to make the assessment" and also by adding thereto the following words:

After any special assessment roll shall have been adopted by the city council and before the same shall be delivered to the county auditor for collection, any assessment thereon may be paid direct to the city treasurer of said city; and upon the production of the city treasurer's receipt therefor to the city clerk he shall enter upon such assessment roll opposite the assessment so paid the words, "paid to city treasurer," which entry shall cancel the assessment so paid.

SEC. 17. That section five on page two hundred and twelve of the special laws of one thousand eight hundred and seventy-eight, be and the same is hereby amended by striking out the words "costs" "and penalties" from the eighth line of said section.

SEC. 18. That section one of chapter eleven of said act is hereby amended so as to read as follows:

Sec. 1. The city council shall have the right, and it is hereby authorized to enter upon, take, use and appropriate any lands within the limits of said city which it shall deem necessary for the purposes of public grounds, engine houses, markets or other public buildings, or for water works, sewers or other public purpose, and may also take, use and appropriate in connection with any water works of said city, or land taken for water works, water power to any amount which the city council may deem necessary, together with the use of all flumes, canals, tunnels and other structures and contrivances for the use of water power, which may be convenient, in and about the application and use of the water power so taken and appropriated. But it shall require a two-thirds vote of the members elect of the city council to determine in the first instance that any such property shall be taken and appropriated; but this restriction shall not apply to any subsequent act relating to the matter.

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

Approved March 7, 1879.