

CHAPTER 2.

AN ACT AMENDING PARTS OF THE CHARTER OF THE CITY OF SAINT PAUL AND ACTS AMENDATORY THEREOF.

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

SECTION 1. That section forty-six (46) of title one (1) of chapter seven (7) of an act entitled "An act to reduce the laws incorporating the city of Saint Paul, in the county of Ramsey and state of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one act, and to amend the same," approved March fifth (5th), eighteen hundred and seventy-four (1874), is hereby amended so as to read as follows:

SEC. 46. The city treasurer shall enter and extend upon the certified copy of judgment and order of sale issued to him by the clerk of the district court, the interest, costs and expenses to be charged against each lot or description as provided by law, the amount of sale, to whom sold, or if struck off to the city, to whom transferred afterwards, with the amount of transfer, thereto a copy of the advertisement pertaining to the sale.

The city treasurer shall keep this record on file in his office; certified copies thereof may be furnished when desired.

SEC. 2. That subdivision thirty-three (33) of section three (3) of chapter four (4) of an act entitled "An act to reduce the law incorporating the city of St Paul, in the county of Ramsey, and state of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one act, and to amend the same," approved March fifth (5th), eighteen hundred and seventy-four (1874), is hereby amended by striking out all after the words "jurisdiction of said city," in the twelfth (12th) line of said subdivision and insert in lieu thereof the words "shall extend for a circuit of one (1) mile beyond the present or of any future limits of said city."

SEC. 3. That section two (2) of chapter seven (7), title one (1) of said act aforesaid, be and the same is hereby amended by inserting between the words "laid out" and the word "also," in the seventh (7th) line, the words "also for planting and protecting shade and ornamental trees and."

SEC. 4. That section thirty-one (31) of said act as aforesaid, is hereby amended by striking out all of said section after the words "exceed the first" in the twentieth (20th) line thereof, and inserting in lieu thereof the following words, viz: "The Board of Public Works shall make a new assessment upon the property to be benefited to pay the difference which may have been awarded appellant together with the costs and expenses of such new assessments"

SEC. 5. That section fifteen (15) of the aforesaid is hereby amended by striking out all of said section fifteen (15) down to the words "all objections" in the twelfth (12th) line of said section, and inserting in lieu thereof the following, viz:

SEC. 15. When completed said board of public works shall cause to be given ten (10) days notice by three (3) publications in the official

paper of the city, to the effect that such assessment has been completed, and that at a time and place therein specified the said board will meet for the purpose of hearing objections, and that all such objections must be filed in writing with the clerk of said board, at least one (1) day prior to said meeting, and that unless sufficient cause is shown to the contrary, the same will be confirmed, and when so confirmed shall be entered in a book kept for that purpose.

SEC. 6. That section sixty-six (66) as amended by section eighteen (18) of an act to amend an act entitled "An act to reduce the law incorporating the city of St. Paul, in the county of Ramsey and state of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one (1) act, and to amend the same," approved March fourth (4th), eighteen hundred and seventy-five (1875), is hereby amended by striking out all after the word "intended," in the thirty-second (32nd) line of said section to the word "Provided" in the thirty-sixth (36th) line, and insert in lieu thereof the following words, viz: And if by reason of such error, omission or mistake the assessment shall be reduced below the amount of money required to pay the costs and expenses of said improvement, the board of public works shall make a new assessment upon the property benefited to make up the deficiency together with the costs and expenses of such new assessment.

SEC. 7. That section sixty-eight (68) of the act referred to in the foregoing section, as amended by section nineteen (19) of an act to amend an act entitled "An act to reduce the law incorporating the city of St. Paul, in the county of Ramsey and state of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one (1) act, and to amend the same," approved March fourth (4th), eighteen hundred and seventy-five (1875), is hereby amended so as to read as follows, viz:

SEC. 68. The proceeds of all local improvement bonds heretofore or hereafter to be issued, and all moneys collected upon local improvements, and property condemned for public use, shall constitute a fund to be known as the local improvement fund of said city. All contracts heretofore or to be hereafter made for local improvements which are to be paid for by special assessments under the provisions of this chapter shall be paid for out of said local improvement fund, and said fund shall be kept inviolate except as otherwise provided for the payment of such contracts.

In the case of property condemned for public use, if after the expiration of six (6) months after the whole assessment for benefits of the improvement shall have been finally confirmed and determined, the said assessment shall not have been fully paid in, the common council of said city may, in its discretion, advance out of said local improvement fund sufficient to make up the deficit occasioned by such failure. *Provided*, That said advance shall, in no case, exceed twenty-five (25) per cent. of the damages to be paid upon such condemnation. Such advance shall be replaced in said improvement fund out of the assessments for such improvements which may be thereafter collected. No money shall be paid from the treasury upon the condemnation or appropriation of any property until there is sufficient funds in the treasury properly applicable thereto, to pay the total damages awarded, and if such damages shall remain unpaid or unprovided for for nine (9)

months after the assessment for damages and benefits shall be finally determined as to all the property involved, the proceedings shall lapse and all moneys paid into the treasury upon such condemnation shall be returned to the parties entitled thereto.

SEC. 8. That it is hereby made the duty of the board of public works, at their first meeting after the approval by the common council of any contract let by the board of public works for any public improvement for which an assessment is to be made, to proceed without any unnecessary delay to the completion and confirmation of the assessment for the benefits, damages, costs and expenses for said improvement, and that no contract shall ever be let while there are as many as five (5) public improvements pending before said board of public works for which a contract has been let, and for the payment of which improvement an assessment is to be made to pay the damages, costs and expenses incurred thereby, and for which no assessment has been made by said board of public works. And no contract for any public improvement for which an assessment is to be made shall ever be let by the board of public works after the first (1st) day of August in any year, until all the assessments upon contracts previously made during that year for any public improvement for which an assessment is to be made, shall have been made and completed, and to enable the said board of public works to carry out the provisions of this section, the said board of public works are authorized, whenever in their opinion it may be necessary, to employ such additional clerical force as may be proper in the office of the board of public works.

SEC. 9. That section one (1) of an act to amend the charter of the city of Saint Paul and the several acts amendatory thereof, approved November fourteenth (14th), eighteen hundred and eighty-one (1881), is hereby amended so as to read as follows:

SECTION 1. Whenever the owners or occupants of the majority of the amount of frontage, and of assessed value of lots or parcels of land, and the buildings and improvements thereon fronting on the continuous portion of any street, avenue or public square, within said city, and not less than one (1) full block, shall petition the common council to provide for sprinkling such portion of said street, avenue or public square, the common council shall, if they deem it advisable, refer said petition to the board of public works, with instructions, after having given ten (10) days notice by at least five (5) publications in the official paper of said city, to cause a contract to be let, which shall expire on the first (1st) day of November next succeeding, for the sprinkling of so much of any street, avenue or public square as may have been petitioned for by a majority of the owners and occupants as aforesaid.

SEC. 10. That section one (1) of an act amending parts of the charter of the city of Saint Paul and acts amendatory thereof, approved March seventh (7th), A. D. eighteen hundred and eighty-one (1881), is hereby amended by striking out all after the words "common council" in the seventh (7th) line of said section, to the words "general plans" in the ninth (9th) line of said section, and by inserting in lieu thereof the words "between the first (1st) day of April and the first (1st) day of November in each year.

SEC. 11. That section four (4) of an act amending parts of the charter of the city of St. Paul, and acts amendatory thereof, approved

February twenty-eighth (28th), eighteen hundred and seventy-nine (1879), is hereby amended so as to read as follows:

Section 4. The police department of the city of St. Paul shall consist of the mayor, who shall be the chief executive officer and head of the department; a chief of police, a captain of police, two (2) sergeants, two (2) detectives, and as many policemen, patrolmen and police officers as may be authorized by the common council of said city, with the approval of the mayor.

The mayor shall appoint the chief of police, the captain, the detectives, the sergeants, and all policemen, patrolmen and police officers at any time appertaining to the police department of said city, and by whatever name designated, with the advice and consent of the common council; but no person shall be eligible to an appointment as captain, sergeant, detective, policeman, patrolman or other police officer who is not a citizen of the United States, able to read and write the English language, a resident of the city of St Paul for at least two (2) years preceding his appointment, and who is not of good health and physique, the standard of admission in the army of the United States as established by examination to govern in this particular, and any officer or member of the police department who may be appointed by the mayor may be by him removed from office whenever in his opinion the welfare of the city demands such removal. *Provided*, That such removal shall not take effect until notice thereof is given to the common council, and the action of the mayor is concurred in by a majority vote of the entire number of the members elect of said council, and such removal may be made without charges having been made by the mayor of said city by a two-thirds ($\frac{2}{3}$) vote of all the members elect of said common council; and provided also, that the mayor may remove any officer or member of said police department at any time within six (6) months from the date when such officer or member shall be appointed, as in this section provided. In case of riots or other disturbance, the mayor may appoint as many special or temporary policemen as he may deem necessary for the preservation of the public peace. All officers and members of the police force appointed as in this section provided, severally hold their offices until vacated by death, resignation or until they shall be removed as provided above. All officers, policemen and patrolmen shall perform all the duties, and be subject to all the rules and regulations which now are or may hereafter be prescribed by the common council.

SEC. 12. That section five (5) of an act to amend certain sections of the act entitled "An act to reduce the law incorporating the city of St. Paul, in the county of Ramsey and state of Minnesota, and the several acts amendatory thereof, and certain other acts relating to said city, into one act, and to amend the same," approved March fifth (5th), one thousand eight hundred and seventy-four (1874), and to amend an act relating to said city approved March fourth (4th) one thousand eight hundred and seventy-five (1875). Approved March first (1st), one thousand eight hundred and seventy-six (1876), is hereby amended so as to read as follows:

Section 5. That all money received by the city treasurer of the city of St. Paul, by virtue of his office as such treasurer (except the money belonging to the board of education, which shall be deposited as now provided by law), shall be deposited daily by the said city treasurer in one

(1) or more designated national banks, or state banks, or private bank or banks, in the name of the city of St. Paul. Such bank or banks or bankers shall be designated by the common council of the city of St. Paul, after advertising in one (1) or more daily newspapers published in the city of Saint Paul for at least ten (10) days, for proposals and receiving proposals, stating what security should be given to said city of Saint Paul for such funds so deposited, and what interest would be paid on the monthly balances of the amount so deposited, upon condition that said funds with accrued interest, shall be held subject to draft and payment at all times on demand. *Provided*, That the amount deposited in any bank or banking house, shall not exceed the assessed capital stock of said banks or banking house as shall appear on the duplicate tax list. Before any national, state or private bank or banker shall be designated as such depository, such bank or bankers shall deposit with such treasurer a bond payable to said city of Saint Paul, and signed by not less than five (5) freeholders of the city of Saint Paul as sureties, which bond shall be approved by the city of Saint Paul, and shall be in such amount as said city shall direct, which amount shall be at least double the amount of funds to be deposited with said bank or bankers.

Whenever any portion of the funds of said city of Saint Paul shall be deposited by the treasurer of said city in the manner provided in this act, such treasurer and the sureties on his bond, shall be exempt from all liability thereon by reason of the loss of any such deposited funds from the failure, bankruptcy or any other act of such bank or banker, at the time of such failure or bankruptcy. *Provided*, That if no bank or banker shall be designated as aforesaid, the [said] city treasurer shall keep said funds, and be responsible therefor; and *Provided further*, That this section shall not invalidate any bonds heretofore given by any bank or bankers to secure said city for any deposit, but that they, as well as the law under which they were executed, shall be continued in full force and effect until other bonds shall have been executed and approved as hereinabove provided.

SEC. 13. That section eighteen (18) of an act amending parts of the city charter of the city of Saint Paul and acts amendatory thereof, approved March fifth (5th), one thousand eight hundred and eighty-one (1881), be and the same is hereby amended so as to read as follows:

Section 18. The salary of the city comptroller shall be twenty-five hundred dollars (\$2500) per annum.

The salary of the city engineer shall be twenty-five hundred dollars (\$2500) per annum.

The salary of the first assistant engineer shall be two thousand dollars (\$2000) per annum.

The salary of the city treasurer shall be twenty-nine hundred dollars (\$2900) per annum and fees.

The salary of the city attorney shall be twenty-five hundred dollars (\$2500) besides clerk hire, which shall not exceed nine hundred dollars (\$900) per annum, and such legal assistants as may be approved by the committee on ways and means of the common council.

The salary of the clerk of the board of public works shall be eight-hundred dollars (\$800) per annum.

The salary of the market master shall be one thousand dollars (\$1000) per annum, which shall be in full of all services.

The salary of the janitor of the public buildings shall be such sum as may be fixed by the common council, not to exceed seventy dollars (\$70) per month, however.

SEC. 14. The city of St. Paul, whenever the common council of said city may deem it necessary to construct any sewer across private property to secure a proper line for sewerage to cross any private property with any sewer, the common council and the board of public works of said city, may with like proceedings, as are now had by law for the taking of property for the opening, extention, widening, contracting, altering and straightening any street may possess, have and hold an easement over and across said private property for the purpose of constructing, altering, protecting and keeping in repair such sewer, and that the amount of the assessment for the damages accruing to the owner or owners of said land, for such easement shall be paid out of the sewerage fund.

SEC. 15. The city of St. Paul under its corporate seal by its mayor and city clerk, shall have full power and authority to issue certificates of indebtedness to the amount of seventeen thousand (\$17,000) dollars, or so much thereof as may be necessary to reimburse D. R. Noyes jr., for money advanced to the city of St. Paul, to purchase lots three (3) and part of four (4), block thirty-one (31), St. Paul proper.

Said certificates shall be countersigned by the comptroller, and be payable in eighteen months after their date, with interest at a rate not to exceed seven (7) per cent. per annum.

SEC. 16. The term of office of the city clerk of the city of Saint Paul, from and after the next election shall be four (4) years.

SEC. 17. The common council shall have full power, and authority by a two third vote of all the members elect, to sell or exchange Smith Park, in the first ward, upon a satisfactory arrangement having been made with all persons interested in said Park, for such price or sum, and upon such conditions as said common council may deem for the best interest of the city, the proceeds to be paid into the city treasury, and used for no other purpose than the purchase of other Parks.

SEC. 18. The common council of the city of St. Paul, shall at their first meeting in June next, and every two (2) years thereafter elect one (1) health officer. He shall be a competent physician of regular practice, and shall perform such duties as may be prescribed by ordinance and shall receive such compensation as the common council may determine not to exceed one thousand (\$1,000) dollars per annum, however; any law contravening the provisions of this section is hereby repealed.

Provided, however, that so much of an act relating to the board of control of Ramsey county, approved November seventeenth (17th,) one thousand eight hundred and eighty-one (1881), as authorizes the board of control to establish a limit of compensation for the services of a city and county physician at twenty-five hundred (\$2,500) dollars per annum, is hereby amended, so as to make said limit eighteen hundred dollars (\$1800) per annum.

SEC. 19. That section five (5) of chapter two hundred and eleven (211) of the special laws of the extra session of one thousand eight hundred and eighty-one (1881), is hereby amended by striking out the

words "the city council of St. Paul" where they occur in the first line of said section, and insert in lieu thereof the words "city clerk."

SEC. 20. The chief of police of the city of St. Paul shall, from time to time, whenever requested by the county attorney of Ramsey county, detail any one of the detectives of said city named by said county attorney, for such aid and services as may be necessary and required by said attorney in any criminal case, and such person so detailed shall be paid by the board of county commissioners of said county only the fees of a constable for such services and mileage.

SEC. 21. That section one (1) of an act authorizing the city of St. Paul to make an appropriation for the improvement of Fort street, approved November fourth (4th), one thousand eight hundred and eighty-one (1881), is hereby amended by striking out the word four (4) where it occurs in the seventh (7th) line of said section and inserting in lieu thereof the word five (5).

SEC. 22. That for one (1) year after the passage of this act, for the purpose of settlement of any and all estimates for work done that have been or may hereafter be allowed to any contractor or contractors by the board of public works and common council of the city of Saint Paul, and approved by the city comptroller as correct, upon any and all local improvement contracts made and entered into by the city of Saint Paul, after the first (1st) day of January, A. D. one thousand eight hundred and eighty-three (1883), and where there is to be an assessment made to cover the amount of such contract, costs and expenses in full, except for that portion of the sewer contracts payable out of the proceeds of any city bonds authorized to be issued for sewer purposes, then the city of Saint Paul by its mayor and city clerk shall have full power and authority to issue certificates, which shall be known and designated as "Local Improvement Certificates," with the corporate seal of the city affixed thereto, and be countersigned by the city comptroller of said city. All such certificates shall be payable at a time not exceeding six (6) months from the date of issue, with interest thereon at the rate of seven (7) per cent. per annum until paid. At no time shall there be certificates outstanding exceeding in amount the sum of one hundred thousand dollars (\$100,000), and if at any time the said sum is reached as outstanding, the city of Saint Paul, by its mayor, city clerk and city comptroller, is hereby prohibited from issuing any more certificates until the said limit authorized to be issued, is reduced in amount sufficient to cover any certificate that may be required to be issued.

All estimates of the engineer of the board of public works for work done under any and all contracts, shall be made out monthly, and so allowed by the board of public works, and in no case shall semi-monthly estimates for such work be given or allowed except final estimates, which may be given and allowed at any time after the allowance of the preceding estimate.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved March 2, 1883.