

CHAPTER 41.

[S. F. No. 193.]

AN ACT TO AMEND AN ACT APPROVED FEBRUARY TWENTY-FIRST, (21st), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF RED WING," APPROVED MARCH THIRD(3D), ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR (1864), AND THE SEVERAL ACTS AMENDATORY THEREOF, AND TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF RED WING.

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

SECTION 1. That the act entitled "An act to amend an act entitled an act to amend an act entitled an act to amend an act entitled an act to incorporate the city of Red Wing," approved March third (3d), one thousand eight hundred and sixty-four (1864), and the several acts amendatory thereof, and to amend and consolidate the charter of the city of Red Wing, approved February twenty-first (21st), one thousand eight hundred and eighty-seven (1887), the same being chapter three (3) of the special laws of this state for the year one thousand eight hundred and eighty-seven (1887), be and the same is hereby amended as follows:

That section one (1) of sub-chapter three (3) of said chapter three (3) be and the same is hereby amended by striking out the words "and resolutions," and also by striking out the words "or resolution" wherever the said words occur or are used in said section.

SEC. 2. That section thirty (30) of sub-chapter five (5) of said chapter three (3) be and the same hereby is amended by adding thereto the following: The city treasurer shall at the several times of the making by the county auditor of Goodhue county, of the apportionment of the funds in the treasury of said county, make application to said auditor for duplicate statements of all moneys in such treasury apportioned, or belonging to the city of Red Wing, and thereupon said auditor shall execute such duplicate statements, one (1) of which he shall deliver to said city treasurer, and the other of which he shall within three (3) days thereafter deliver to the city clerk of said city.

The county treasurer of said county shall at the time of the payment by him to said city treasurer of any moneys in said county treasury belonging to said city, take from said city treasurer his duplicate receipts therefor, one (1) of which receipts said county treasurer shall within three (3) days thereafter deliver to said city clerk.

Said city treasurer shall within three (3) days after the receipt by him of any moneys from said county treasurer, or from any other source report the amount so received to the city clerk.

SEC. 3. That sub-chapter eight (8), of said chapter three (3) be and the same hereby is amended by adding to said chapter the following new section to be designated section three (3) to-wit:

Section 3. Each and every applicant for a license authorizing him to sell any of the liquors mentioned in section one (1) of this chapter, shall file with the city clerk a written application for such license, which application shall distinctly specify the place where such business is to be conducted, giving the street, number if there be one, and shall at the same time file with said clerk the bond of said applicant in the sum of two thousand (2,000) dollars, with two (2) or more sureties, who shall be residents and freeholders of said Goodhue county, and shall each justify in an amount not less than the penalty of said bond. He shall also deposit with the city treasurer, and take his duplicate receipts therefor the sum of money required to be paid for such license, one of which duplicate receipts such applicant shall file with said city clerk with his said application. No application for any such license shall be granted or considered by the city council, until such sum is so paid, and such bond approved by the council is filed with said clerk. No such license shall be granted by said council for any fractional part of a year for any less sum than the amount required for such license for the term of one (1) year.

Said council may in its discretion authorize the transfer of any such license from the place therein designated to any other proper place within said city; and it may also authorize the transfer of any such license from the licensee therein named, to any other suitable person. In case of any transfer herein mentioned a new bond, in the sum and with the sureties as above provided shall be executed and approved by said council before any such transfer shall take effect or have any force or authority whatever. In case of the transfer to any other person such new bond shall be so executed by him.

In case any such application for a license be not granted, the bond and money aforesaid shall upon demand therefor be returned to the applicant, the money to be drawn from the treasury upon the usual warrant or order of said city, which order the clerk is authorized to draw without special authority therefor from said council.

SEC. 4. The following new chapter to be designated chapter sixteen (16) is hereby added to said chapter three, to-wit:

CHAPTER XVI.

Section 1. There is hereby established within and for the city of Red Wing, a board which shall be styled "the board of trustees of the city cemeteries of the city of Red Wing." Said board shall consist of six (6) persons who shall be residents and qualified voters of the city of Red Wing. At its regular meeting in April one thousand eight hundred and eighty-nine (1889), the city council of said city shall appoint two members of said board for the term of two (2) years, two (2) such members for the term of four (4) years, and two (2) such members for the term of six (6) years. Said persons so appointed shall hold their respective offices as such trustees for the term for which they are respectively appointed, and until their respective successors are appointed and qualified. Said respective terms shall commence on the first (1st) Monday of May next succeeding such appointment.

At its regular meeting in April in each and every odd numbered year after the year one thousand eight hundred and eighty-nine (1889), said council shall appoint two (2) persons possessing the qualifications aforesaid as members of said board for the term of six (6) years, and such persons shall respectively hold such office for the term of six (6) years from and after the first (1st) Monday of May next succeeding such appointment, and until their successors are appointed and qualified.

In case of any vacancy in any manner arising in said board, the city council shall appoint some person possessing the qualifications aforesaid as a member of said board for the unexpired term of the member whose office shall have become vacant.

Said council may at any time, by the vote of not less than two-thirds ($\frac{2}{3}$) of all the members of said council, such vote in all cases to be taken by ayes and nays, and entered upon its records, remove from office any member of said board. No member of said board shall be interested directly or indirectly in any contract entered into by said board; and any contract entered into by said board in violation of this provision shall be absolutely null and void.

Said board subject to the control of the city council shall have the care, custody, management, supervision and control of all cemetery grounds and places of burial that now or hereafter may be in any manner owned, held or controlled by said city, and also of all property real, personal, and mixed, which is or in any manner may be used, occupied or possessed in connection with any such cemetery grounds or place of burial, and also of all books, plats, records and papers to any of such property in any manner appertaining or used in connection therewith.

Said board shall have power to make, subject to the approval of said council such rules and regulations for the care, management, preservation and improvement of such cemeteries and cemetery property, and places of burial as they may deem proper, and the same to enforce.

No member of said board shall receive any compensation for his services.

SEC. 2. The said board of trustees shall on the first (1st) Monday of May in each year meet and elect one of their own members as president of said board, and some suitable person who shall be a resident and qualified elector of said city as secretary of said board. The treasurer of the city of Red Wing is hereby declared to be *ex-officio* the treasurer of said board. Said board shall also have the right to appoint a city sexton and such other officers as they may deem necessary, and to prescribe their duties, and to remove at pleasure any officer by them appointed; and also to employ such other persons as they may deem necessary, and to designate and fix, subject to the approval of said council, the compensation of all officers and persons so appointed or employed.

SEC. 3. It shall be the duty of the secretary under the direction of the board to keep a set of books in which shall be made a full and complete record of all proceedings of said board, and of all moneys received and paid out by them, showing fully and in detail, from what sources the same were received, and for what purposes paid out. He

shall also perform such other duties as may be required of him by the board.

SEC. 4. The treasurer of said board shall annually execute and deliver to the city of Red Wing a bond in such sum and with such sureties as the council may direct and approve, conditioned that he will faithfully perform the duties of his said office, and well and truly account for and pay over all moneys which may come into his hands as such treasurer. He shall receive all moneys which may be appropriated to, or in any manner come into the control or possession of said board. He shall pay all orders drawn on him by said board, and all such orders shall be signed by the president and countersigned by the secretary of said board.

SEC. 5. The books and papers of said board, and of the secretary and treasurer thereof shall at all times be open to the examination of the city council or any of its committees, or any person for that purpose appointed by said council.

SEC. 6. The said board shall on the first (1st) day of March and September, in each year, make and deliver to said council a semi-annual financial statement, and shall also on the first (1st) day of April in each year, make report to said council of the proceedings of said board for the preceding year, and of the condition of all cemeteries and cemetery property in charge of said board, and shall also make, and at any time may make such recommendations as they may deem proper.

SEC. 7. Said board shall on the first (1st) day of April in each year, report to the city council an estimate of the amount of money required by said board for use in and about the care and management of the city cemeteries and cemetery property for the then next ensuing year.

Said council shall at its regular meeting in April of each year, and at such other times as may be necessary, appropriate such sum of money as it may deem necessary for the purposes aforesaid. The city clerk shall within three (3) days after any appropriation made by the council for the use of said board, notify the city treasurer, and also the secretary of said board, of the amount thereof; and thereupon said treasurer shall transfer from the current or general fund of said city to said board, the amount so appropriated.

SEC. 8. All moneys appropriated by the city council to the use of said board, and all moneys received from the sale of lots in any city cemetery, or from any source in any manner connected with any such cemetery or any city property, shall be paid over to the treasurer of said board, and shall constitute a fund to be known as the city cemetery fund. And the said fund shall not, nor shall any part thereof be loaned to any other fund of said city, nor used or appropriated to any purpose whatever other than in and about the care, management and improvement of the cemeteries and cemetery property of said city.

SEC. 9. Said board shall hold stated meetings at such times as it shall by by-law, resolution or otherwise, appoint. Special meetings may be called by the president, and shall be called by him upon the written request of three (3) or more members of said board. Notice of all special meetings must be served personally upon each and every member of said board, or by written notice signed by the president or

secretary, directed to each member, and deposited in the post office in the city of Red Wing, at least twenty-four (24) hours previous to any such special meeting. Any special meeting of said board, organized, when all of the members are present and participate in the business transacted, shall be a legal meeting of said board, though no notice of such meeting was given. Said board may adopt such rules to govern its deliberations and the manner of transacting its business as it shall determine upon, and the same may amend, change or repeal, in such manner as it may determine.

SEC. 10. Said board shall not enter into any contract involving the expenditure of any sum of money greater than the amount then in the treasury of said board, or subject to its order, without first having submitted such proposed contract to the city council and obtained its approval thereof, and the appropriation of such sum as with the funds in the treasury of said board and applicable to the purposes of such contract, will be sufficient to defray the cost and expenses of carrying out the same.

SEC. 11. Any person may deposit with the treasurer of said board any sum not less than ten (10) dollars, for the purpose of being used and expended by said board in and about the care, repair and ornamentation, or either, of any lot in any such cemetery, by such depositor in writing designated; and all such moneys shall be by said board expended for the purpose and in the manner by the depositor designated.

Any person desiring to provide for the perpetual care of any such lot, may so deposit such sum, not less than twenty-five (25) dollars, as may be determined by said board. All moneys so deposited shall constitute a fund to be known as the "Perpetual Care Fund," and shall be invested by said board in good, safe interest paying securities; the net income arising from each and every such deposit shall be by said board applied and expended by said board in and about the care, repair and ornamentation, or either, in the manner and at the lot by such depositor in writing designated.

Any such depositor in this section mentioned, may at any time withdraw the unexpended part of the principal of such deposit, reserving therefrom twenty-five (25) per centum thereof; which sum, so reserved, shall be retained by said board, and shall be transferred from said "Perpetual Care Fund" to the general fund of said board, and shall become and be the property of said board.

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

Approved February 18th, 1889