

CHAPTER 334.

H. F. No. 613.

An act to authorize and empower all cities in this state, however organized, having a population of 10,000 inhabitants or less to issue bonds and dispose of the same, and to use the same or the proceeds thereof for the purpose of purchasing waterworks or light plants already in existence or for the purpose of constructing, extending, enlarging, improving, or purchasing municipal waterworks or light plants or either or all thereof.

Cities of 10,000 may issue bonds for purchase waterworks or light plants.

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

SECTION 1. Whenever at any general or special election, held in any city in the class hereinafter mentioned, the electors thereof by an affirmative vote of three-fifths of the legal voters, voting thereat, so determine, each city in the State of Minnesota having ten thousand inhabitants or less, whether organized or existing under special or general law, or under and by virtue of the provisions of chapter three hundred and fifty-one (351) of the General Laws of Minnesota for the year eighteen hundred and ninety-nine (1899), as amended, is hereby authorized and empowered, in addition to all its other powers, to issue its bonds, in addition to all other bonds heretofore authorized to be issued by such city, in the aggregate amount hereinafter mentioned, to be determined as hereinafter set forth, and to dispose of the same as hereinafter provided, and to use the proceeds thereof for the purpose of purchasing waterworks or light plants already in existence or for the purpose of constructing, extending, enlarging, improving or purchasing municipal waterworks or light plants or either or all thereof, but in each case the said city may either acquire such existing waterworks system or electric light plant by purchase at such price, not exceeding its fair value, and on such terms as may be agreed on between said city and the owner thereof, or if such arrangement as to price and terms cannot be arrived at, may acquire such system by condemnation thereof. The procedure in the event of condemnation shall be that prescribed by chapter 284, General Laws of 1903, or that prescribed by such city's charter and the purchase price of said plant or system as so fixed by agreement or condemnation may be paid out of the proceeds of the bonds by this act authorized to be issued.

Determined by vote of 3-5 of legal voters.

Condemnation.

City council
by $\frac{3}{4}$ vote
resolve to
purchase.

SEC. 2. Whenever the city council of any such city, at a regular called meeting thereof, determine by resolution, duly adopted by a three-fourths majority vote of all the members thereof, entered upon the minutes of its proceedings, that it is necessary either to purchase water-works or light plants already in existence, or construct, extend, enlarge or improve a municipal water or light plant or either or all thereof, as the case may be, and that the funds in the treasury of said city available therefor, are not sufficient for such purpose, and that it is necessary to issue the bonds of such city in an amount to be determined by such city council in such resolution, not exceeding in the aggregate seven (7%) per cent of the assessed valuation of the taxable property of such city according to the last preceding assessment thereof, such city council may cause the proposition of issuing such bonds, in such an amount, to be submitted to the electors of such city at any general or special election to be held, therein. Such resolution shall fix the time of said voting, if the same be submitted at a special election, which shall be not less than ten (10) days after the date of the adoption of said resolution, and said special election shall be conducted as provided by law for general elections. The notice of such election at which said proposition is to be submitted, whether general or special, shall contain a statement, of the total amount of the principal of said bonds, and the purpose to which it is proposed to put the same.

Submission
to voters.

Ballot.

SEC. 3. In voting upon such proposition, those in favor of issue of bonds, shall have written or printed, or partly written and partly printed on the ballots used, the words, "Issue of Bonds," "Yes," "No," and each elector voting on such proposition shall make a cross mark thus: (X), in one of the two spaces left for the purpose, upon the margin of the ballot used as provided in section twenty-eight (28), chapter four (4), General Laws of Minnesota for 1893. The elector desiring to vote in favor of issuing bonds shall make a cross mark thus: (X) in the place left opposite the word "Yes," and the elector desiring to vote against the issuing of bonds, shall mark a cross mark thus: (X) in the place so left opposite the word "No," and no ballot shall be counted on said proposition except those having said cross mark (X) opposite one (1) only of said words "Yes," "No." The voting shall be conducted in the same manner as pro-

vided by law for the election of city officers and shall be counted, returned and canvassed in the same manner as provided by law for the election of city officers, and if upon such canvass it appears that a three-fifths majority of all the votes cast upon said proposition, shall be in favor of issuing bonds, the same may thereafter be issued in accordance with the provisions of this act, but not otherwise.

3-5 majority
required.

SEC. 4. Whenever the electors of any such city at any such election shall declare in favor of issuing the bonds of such city hereunder, such city, and the city council thereof, is hereby authorized and empowered by an affirmative vote of three-fourths of the members of such city council, to issue the bonds of said city, in an amount to be determined by said city council, not exceeding in the aggregate the amount contained in the said proposition, adopted by the electors at said election, and such city council may dispose of the same, as hereinafter provided, and may use the same and the proceeds thereof for any of the purposes which the resolution provided for in section two (2) of this act shall specify, but not otherwise.

City council
by $\frac{3}{4}$ vote
authorized
to issue
bonds.

SEC. 5. Such bonds shall be of such denomination as the city council may determine; shall be payable at such place as the city council may designate; at such times, not less than ten (10) nor more than thirty (30) years from date of issue; shall be made payable to bearer, or to the order of the person or corporation to whom they may be delivered, as such city council may deem best, and shall draw interest payable semi-annually, at such place as the city council may determine, at a rate not exceeding four per cent (4%) per annum, to be represented by coupons attached to said bonds. Said bonds and coupons shall be signed by the mayor and attested by the clerk, or similar officer, or recorder of such city, and the corporate seal of the city shall be imprinted upon said bonds.

Denomina-
tion, term,
etc., of
bonds.

SEC. 6. The city council of any such city shall have authority by a majority vote of all its members to dispose of such bonds in such manner as in the judgment of said city council shall best subserve the interest of the city, but it shall not negotiate the sale, dispose of, nor sell said bonds, nor any of them, at less than their par value and accrued interest, and neither the said bonds or the proceeds of the sale thereof shall be used for any

Council by
majority
vote to
dispose of
bonds, ac-
cording to
resolution
passed by
electors
only.

other purpose than specified in said resolution contemplated by section two (2) hereof, and such purpose shall be again distinctly stated in said resolution of said council authorizing the issuance thereof.

Bonds a
first lien
upon plant.

SEC. 7. The principal and interest of any such bonds so issued is hereby declared to be a first lien upon the municipal water works or light plants respectively constructed or purchased by means of said bonds or the proceeds of the sale thereof, and the faith and credit of such city issuing the same is hereby irrevocably pledged to the payment thereof. any provision of the law of this state, whether general or special, or by virtue of said chapter three hundred and fifty-one (351), as amended, of the General Laws of Minnesota for the year eighteen hundred and ninety-nine (1899), to the contrary notwithstanding.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 19, 1905.

H. F. No. 250.

CHAPTER 335.

Parks and
park boards
in cities of
not more
than 10,000.

An act to provide for the acquisition, improvement and maintenance of public parks and for the appointment of park boards in cities of not more than 10,000 inhabitants.

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

Authorized
to acquire
by gift, or
otherwise.

SECTION 1. That any city of this state, now or hereafter having a population of not more than ten thousand (10,000) inhabitants, is hereby authorized and empowered, in addition to the other powers conferred upon it by law, to acquire by gift, purchase, devise, condemnation or lease, lands within its corporate limits, or lands contiguous to such city, and lying outside of its corporate limits, not exceeding fifty (50) acres in extent of area, for use by the public for a park, and for park purposes, and may provide for the improvement thereof by the planting and preservation of trees and shrubs, by inclosing, ornamenting and protecting the same, and in such other ways as may be necessary to make such lands suitable for the uses of a public park.

Park board,
and its
powers, etc.

SEC. 2. That the city council of every such city may by a majority vote create a park board for such city, to be composed of three members, to be chosen by said council for terms of one, two and three years respectively, all of