

CHAPTER 416

PUBLIC BUILDINGS

Sec.		Sec.	
416.01	Memorial buildings, monuments or parks for soldiers, sailors, marines, and war veterans in cities or villages; submission to voters; ordinance for	416.08	City council
416.02	Tax levy	416.09	Authority to acquire
416.03	Bond issue	416.10	Condemnation proceedings
416.04	Bond issue; tax levy for interest and retirement	416.11	Councils to have charge and control of
416.05	War and historical museum	416.12	Issue and sale of bonds
416.06	Construction	416.13	Bonds in excess of charter or statutory limitations; tax levy; redemption of bonds; bonds issued not included in net indebtedness of city
416.07	Buildings for sewer pumping stations, rest-rooms, and other public purposes	416.14	Auditorium fund
		416.15	Election to determine bond issue
		416.16	Condemnation of land for public buildings

**416.01 MEMORIAL BUILDINGS, MONUMENTS OR PARKS FOR SOLDIERS, SAILORS, MARINES, AND WAR VETERANS IN CITIES OR VILLAGES; SUBMISSION TO VOTERS; ORDINANCE FOR.** The governing body of any city or village of this state, however organized, may, after the approval of a majority of the voters of such city or village, voting on the question at a special election called for the purpose, or at a general election or an annual election, in the notice whereof the proposal to do so has been submitted for approval or rejection, adopt an ordinance providing for the erection, equipment, and maintenance of a building or monument or parks in recognition of the services performed by soldiers, sailors, marines, and war veterans of the United States. The ordinance may also provide for the supervision and control of such building or monument or parks after its erection. The estimated cost, as determined by the governing body, of such monument or parks or building, shall be stated in such notice and in the proposal to be voted upon; provided, that no sum shall be expended for any such purpose more than ten per cent in excess of the amount so stated in such notice. The governing body of such city or village, after such approval, is authorized to acquire a site within such city or village upon which such monument or parks or building may be erected; provided, that before such election the site shall be designated and the cost thereof specified in such election notice.

[1923 c. 325 s. 1] (1933-10)

**416.02 TAX LEVY.** For the purpose of meeting the cost of such building or monument or parks, any such city or village may levy, within the limits permitted by law, amounts sufficient to cover the cost of such building or monument, or parks, but any such sums so levied shall be separately levied, and when collected, shall be paid into a special separate fund and used only for the purpose of paying for the cost of such building or monument or parks.

[1923 c. 325 s. 2] (1933-10½)

**416.03 BOND ISSUE.** The governing body of any city or village of this state, however organized, may, when it shall have resolved that it is expedient to borrow money for the erection of or establishment of such building, monument, or park and a proposal to do so shall have been duly submitted to and approved by a majority of the voters of such city or village, voting on the question, at a special election called for the purpose, or at a general or annual election, in the notice whereof the proposed issue shall have been plainly submitted for approval or rejection, issue and sell bonds of such city or village for such purpose in the manner now provided by law for the issuance of bonds by any such city or village for other purposes. The proposal to erect, equip, and maintain a monument or parks or building, and the proposal to issue bonds to defray the cost of the erection or establishment thereof may be submitted at the same election. The proceeds of such bond issue shall be used only for the erection, or establishment, of the monument or parks or building provided for by the governing body.

[1923 c. 325 s. 3] (1933-11)

**416.04 BOND ISSUE; TAX LEVY FOR INTEREST AND RETIREMENT.** For the purpose of meeting the indebtedness created by such bond issue any such city or village may levy within the limits permitted by law, amounts sufficient to

discharge such bonded indebtedness and interest thereon but any such sums so levied shall be separately levied and when collected shall be paid into a special separate fund and used only for the purpose of paying such bonded indebtedness and interest thereon.

[1923 c. 325 s. 4] (1933-12)

**416.05 WAR AND HISTORICAL MUSEUM.** The governing body of any such city or village may provide in such building for a war and historical museum, and for such other features as it may determine.

[1923 c. 325 s. 5] (1933-13)

**416.06 CONSTRUCTION.** In so far as sections 416.01 to 416.06 affect cities of the third class, they shall be deemed as amendatory of and supplemental to Laws 1921, Chapter 257, but shall not affect any building, monument, or parks or proceedings heretofore commenced thereunder.

[1923 c. 325 s. 6] (1933-14)

**416.07 BUILDINGS FOR SEWER PUMPING STATIONS, RESTROOMS, AND OTHER PUBLIC PURPOSES.** Each city of the second class in the state is hereby authorized to construct and to maintain in the public streets or alleys thereof buildings for use as sewer pumping stations, public restrooms, and other public purposes.

Each such city is authorized to maintain a small parkway around each of such buildings.

No such city shall be liable in damage to anyone suffering injury by reason of the construction or maintenance of such buildings unless such injury was due to a failure on the part of such city to exercise ordinary care in the construction or maintenance of such buildings.

Each such city is hereby authorized to acquire the necessary property rights and easements to construct and maintain such buildings by condemnation proceedings, gifts, devise, or purchase as in other cases of acquiring property for public use.

[1923 c. 9 ss. 1, 2, 3, 4; 1925 c. 70] (1659) (1660) (1661) (1662)

**416.08 CITY COUNCIL.** For the purpose of sections 416.08 to 416.15 the term "city council" shall apply to and include the city council, common council, or other chief governing body of the city.

[1923 c. 21 s. 1; 1927 c. 428] (1593)

**416.09 AUTHORITY TO ACQUIRE.** Each city of the first class in this state, in addition to all other powers now possessed by the city, shall have the power and authority and is hereby empowered and authorized to acquire the land necessary for and to construct, erect, maintain, own, operate, and manage a public auditorium building in the city, or to improve, repair, enlarge, or remodel any existing auditorium so as to make the same suitable for the accommodation of large gatherings of people on public occasions, and for the maintenance of public baths, an athletic floor, ice skating rink, or for the conduct of indoor public games, and for the use, convenience, and benefit of the city and the inhabitants thereof, and to annually levy and collect the necessary taxes therefor, in addition to all other taxes authorized to be levied and collected by the city.

[1923 c. 21 s. 2; 1927 c. 428] (1594)

**416.10 CONDEMNATION PROCEEDINGS.** The city council shall have the power and authority to acquire the land and buildings necessary for such public auditorium building, or any improvement, addition thereto or enlargement thereof, by purchase or by lease or by gift or by condemnation proceedings under the power of eminent domain. When such land and buildings are acquired by the city under the right of eminent domain, the condemnation proceedings for that purpose shall be commenced and conducted by the city council under and pursuant to the provisions of chapter 117.

The city, upon giving the notice required by section 117.09, may enter upon and appropriate the lands so condemned without the giving of any bonds, but in case of such entry and appropriation the city shall be bound absolutely to pay all damages awarded, whether by commissioners acting under such laws or by the court upon appeal from their award, together with all costs and expenses adjudged against it in the proceedings, and the court shall issue a writ to the sheriff of the county to put the city in possession. In case the city shall take an appeal in any such proceedings it shall not be required to give or file any appeal bond.

[1923 c. 21 s. 3; 1927 c. 428] (1595)

**416.11 COUNCILS TO HAVE CHARGE AND CONTROL OF.** The city council of each such city shall have full charge and control of the construction, erection, maintenance, use, operation, and management of such public auditorium building, and shall have power and authority to enter into and make all contracts necessary therefor, and to engage and secure necessary employees in the maintenance, care, operation, and management of such auditorium building and to fix their compensation.

[1923 c. 21 s. 4; 1927 c. 428] (1596)

**416.12 ISSUE AND SALE OF BONDS.** The city council of each such city is hereby further authorized and empowered, in addition to all other powers by it now possessed, from time to time as may be necessary, by resolution duly passed by an affirmative vote of a majority of all the members of the city council, to issue and sell municipal bonds of such city to an aggregate amount not exceeding \$3,000,000 for the purpose of aiding in defraying the cost of acquiring land and buildings for and constructing, improving, repairing, remodeling, enlarging, erecting, and equipping such public auditorium building in the city, these bonds, or any part thereof, may be sold upon two weeks' published notice of the sale thereof.

The bonds issued by any such city under sections 416.08 to 416.15 for the purpose specified therein shall not run for a longer period than 20 years from their date, or bear a higher rate of interest than five per cent per annum, payable semi-annually.

The place of the payment of the principal and interest of such bonds and the denomination in which the same shall be issued and the rate of interest thereon shall be determined by the city council. All such bonds shall be signed by the mayor and countersigned by the city comptroller and attested by the city clerk, and shall be sealed with the seal of the city issuing the same, except that the signatures to the interest coupons attached thereto if any, may be lithographed thereon. None of such coupons shall be sold for less than their par value and accrued interest, and then only to the highest responsible bidder therefor. Nothing contained in sections 416.08 to 416.15 shall authorize the issuance of any bonds in excess of \$3,000,000 in any event.

[1923 c. 21 s. 5; 1927 c. 428]. (1597)

**416.13 BONDS IN EXCESS OF CHARTER OR STATUTORY LIMITATIONS; TAX LEVY; REDEMPTION OF BONDS; BONDS ISSUED NOT INCLUDED IN NET INDEBTEDNESS OF CITY.** The bonds hereby authorized, or any part thereof, may be issued and sold by each city notwithstanding any limitations contained in the charter of the city or in any law of this state prescribing or fixing any limit upon the bonded indebtedness of the city, but the full faith and credit of such city shall, at all times, be pledged for the payment of any such bonds issued under sections 416.08 to 416.15 and for the payment of the current interest thereon, and the city council of such city shall without fail, annually levy a tax upon the assessable property in such city, in addition to all other taxes, sufficient in amount to provide for the payment of the interest on these bonds as it accrues and for the accumulation of a fund for the redemption of such bonds at their maturity. Such funds may be invested under the direction and with the approval of the city council in the bonds of the city issuing the same, or such bonds as are permitted for the investment of the permanent school fund of the State of Minnesota, or in the bonds of any city in the State of Minnesota, having a population of 5,000 or more, or in such county or school bonds in the State of Minnesota as may be approved by the city council. In case of the investment of these funds in the bonds of the city issuing the same, such bonds shall not be canceled but shall be held by the city, and the interest paid over and applied to the increase of the fund.

When the principal of any of the bonds issued by the city hereunder shall become due, the city council shall dispose of as many of the bonds belonging to such fund as, with the money on hand belonging to the fund, shall be necessary to pay such bonds becoming due, as aforesaid. The moneys, bonds, and securities belonging to such fund shall not be used or diverted to any other purpose than for the payment of the bonds issued by the city under sections 416.08 to 416.15 and the interest thereon, unless and until all bonds issued hereunder shall be fully paid and satisfied. Upon the full payment of all bonds issued under sections 416.08 to 416.15 any funds or securities remaining in the fund may be used by the city in payment of the bonded indebtedness of the city or for such public purposes as shall be determined by the city council. The amount of all such bonds issued by

# MINNESOTA STATUTES 1941

2811

PUBLIC BUILDINGS 416.16

any such city under sections 416.08 to 416.15 shall be exempt from and shall not be counted or included in the net indebtedness of the city or in any computation of the city's outstanding indebtedness for the purpose of determining the limit of the net bonded indebtedness of the city.

[1923 c. 21 s. 6; 1927 c. 428] (1598)

**416.14 AUDITORIUM FUND.** The proceeds of all such bonds and the taxes levied and collected by the city council under sections 416.08 to 416.15, other than the taxes levied for the payment of the principal of these bonds and the interest thereon, and all moneys and revenues derived from such auditorium building and premises, shall be placed in the city treasury and credited to a fund to be known as the auditorium fund, and shall be used by the city only for the purposes, specified in sections 416.08 to 416.15.

[1923 c. 21 s. 7; 1927 c. 428] (1599)

**416.15 ELECTION TO DETERMINE BOND ISSUE.** Before any such city shall issue or sell any bonds of the city under the provisions of sections 416.08 to 416.15, the proposition, to issue and sell such bonds shall first be submitted by the city council to the qualified electors of the city at a general or primary election or at a special election called by the city council for that purpose, and approved by a majority of the votes cast upon such proposition by the qualified voters of the city present and voting upon such proposition at such election. The city council may call such special election at any time and shall make provisions for the submission of such proposition, upon a separate ballot, to the electors of the city at any general, primary, or special election in the city and cause at least 15 days' posted notice to be given of such submission and election in each election district of the city.

[1923 c. 21 s. 8; 1927 c. 428] (1600)

**416.16 CONDEMNATION OF LAND FOR PUBLIC BUILDINGS.** Any city in this state now or hereafter having a population of over 50,000 shall have the right, power, and authority to condemn lands under the right of eminent domain for sites and grounds for public school buildings, and for all other municipal or public buildings for such cities, or for any of the departments of its government, and such power and authority shall be exercised under and pursuant to the terms and provisions of chapter 117; provided that any such city shall have the right, upon the filing of the award of the commissioners provided for in chapter 117 and upon giving the notice therein required of the filing of such award, to enter upon and appropriate the lands so condemned, without the giving of any bond, but in case of such entry and appropriation, such city shall be bound absolutely to pay all damages awarded, either by the commissioners or by the court upon appeal therefrom, together with all costs and expenses adjudged against it therein, within the time specified in chapter 117. In case any such city shall appeal from the award of commissioners appointed pursuant to any such condemnation proceedings, such city shall not be required to give or file any appeal bond therein.

[1907 c. 291 s. 1] (1492)