

CHAPTER 454

PROVISIONS RELATING TO PUBLIC ENTERPRISES

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454.01 GAS, ELECTRIC, AND POWER PLANTS IN CITIES OF THE FIRST CLASS OR THE FOURTH CLASS. Any city of the first class in this state, excepting cities operating under home rule charters framed pursuant to the Constitution of the State of Minnesota, Article 4, Section 36, and all cities of the fourth class, whether operating under such a home rule charter or not, are hereby authorized to acquire plants for furnishing gas, electricity, water, or either, any, or all thereof, for municipal purposes, as well as for the use of the inhabitants of the city, and for that purpose may exercise the power of eminent domain in pursuance of chapter 117, and thereby may take any and all property necessary or convenient for acquiring and establishing these plants and for adding thereto, from time to time, including lands, manufacturing plants, pumping stations, power stations, pipe lines, conduits, pole and wire lines, reservoirs, filter and purification plants, storage plants, transforming and converting plants, and any and all property necessary or convenient, wherever situate, within or without the corporate limits, or of whatever character, and whether devoted to public use or not.

[1909 c. 372 s. 1; 1913 c. 158 s. 1] (1922)

454.02 CONDEMNATION. The proceedings provided by chapter 117 shall be instituted and conducted under the direction and control of the council, which shall be authorized by resolution or ordinance passed by a vote of two-thirds of all the members elect of the council. Judgment shall be entered upon the report or award of the commissioners or in case of appeal, upon the verdict, but only after the direction by the council by a two-thirds vote of the council of the city to move for the judgment. The motion may be made at any time within four months of the filing of the award of commissioners, or in case of appeal, at any time within four months after verdict, or such additional time as the court may, by order after notice, allow for the purpose. The judgment shall not be entered nor shall any of the bonds provided for in sections 454.01 to 454.04 be issued until such bonds shall have been authorized by a vote of four-sevenths of all the legal voters of the city registered and voting at a special election of the voters, duly called for that purpose, and the council is hereby empowered and directed to call and hold this special election. The judgment shall fix and determine the amount to be paid, and shall vest in the city all the right, title, and estate of the parties to the action in and to all the property taken. The faith and credit of the city shall be pledged to the payment of the judgment and interest, and the city may immediately enter upon and take the property, and the court may issue and enforce execution or any other writ, process, or order necessary to put the city into complete possession and enjoyment of the property. This judgment and pledge of payment shall be deemed a complete and effectual taking and a complete security for payment.

[1909 c. 372 s. 2] (1923)

454.03 BONDS AUTHORIZED. The city, through its council, may, 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, issue and sell the negotiable bonds of the city for the payment of the judgment, bearing interest at a rate not exceeding five per cent per annum and maturing in 30 years after date, and sell the bonds to the highest bidder, after a publication of notice once each week for three successive weeks in some newspaper of the city. The bonds shall be issued in such denominations as the council may determine, and

shall not be sold for less than par, shall bear the seal of the city, and shall be executed by the mayor, clerk, and comptroller in the name of the city. The comptroller shall keep an accurate register of the bonds. The bonds may be either in the ordinary coupon form, or may be issued as registered bonds, transferable in the usual manner. The faith and credit of the city shall be pledged for the payment of the principal and interest of the bonds. The city may discontinue the proceedings at any time before entry of judgment. The council may, after acquiring the property, operate the same for these purposes, and may issue and sell bonds of the city in the manner and on the terms prescribed in this section and upon the same conditions, to the par value of \$100,000, or less, as a working capital for the operation of the plant.

[1909 c. 372 s. 3] (1324)

454.04 SERVICE RATES. Any such city is hereby authorized and required, in event of the operation of any such plant, to establish and collect rates for service sufficient to pay the interest upon the bonds, maintain the plant in perfect condition, and to operate the same at a high standard of efficiency. The substantial performance of the requirements of this section is hereby declared to be part of the contract with the holder of any bonds of the city, that may hereafter be issued hereunder and shall be kept inviolate.

[1909 c. 372 s. 4] (1325)

454.05 WATER COMMISSIONERS IN CITIES OF FIRST CLASS MAY SUPPLY ICE. In any city of the first class in this state, the board of water commissioners, in addition to all the powers now possessed by it under any general or special law or under the charter of the city, shall have and possess the power to engage in the manufacture, gathering, and purchase of ice, and the sale and distribution thereof to the city, to the several boards and departments thereof, and to the inhabitants of the city, and to acquire the necessary land, buildings, machinery, and equipment for that purpose.

[1913 c. 305 s. 1] (1585)

454.06 EMINENT DOMAIN. For the purpose of acquiring land, storage plants, side-tracks, spur-tracks, and other rights in real property, necessary or convenient for the manufacture, gathering, storage, or distribution of ice, any such city may exercise the power of eminent domain under and in pursuance of chapter 117, either within or without the corporate limits of the city.

[1913 c. 305 s. 2] 1586)

454.07 BONDS. To provide a fund for the establishment and maintenance of the ice plant, any city of the first class is hereby authorized and empowered, acting by and through its council, upon request of the board of water commissioners of the city, to issue the bonds of the city, from time to time, in such sums as may be deemed necessary, not exceeding in the aggregate \$250,000 par value. These bonds may be issued and sold by the city notwithstanding any limitation contained in the charter of the city or in the laws of this state prescribing or fixing any limit upon the bonded indebtedness of the city, but the full faith and credit of the city shall, at all times, be pledged for the payment of any bonds issued under sections 454.05 to 454.08, and for the current interest thereof, and the council of the city shall each year include in the tax levy for the city a sufficient amount to provide for the payment of interest and for the accumulation of a suitable sinking fund for the redemption of the bonds at their maturity, in case the revenues derived from the sale of ice prove insufficient for that purpose. No bonds shall be issued hereunder by any city of the first class for the purpose herein authorized, to run for a longer period than 30 years or bearing a higher rate of interest than five per cent per annum, but the place of payment of the principal and interest thereon and the denominations in which the same shall be issued shall be such as may be prescribed by the council and may be in the form of coupon bonds or registered certificates, so-called. All these bonds shall be signed by the mayor, attested by the city clerk, and countersigned by the comptroller, and shall be sealed with the seal of the city; provided, that the signatures to the coupons attached to these bonds, if any, may be lithographed thereon, and none of these bonds shall be sold at less than their par value and accrued interest, and then only to the highest responsible bidder therefor. When these bonds, or any of them, are issued and sold it shall be the duty of the board of water commissioners to make suitable provision from the revenues of the

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ice plant for the prompt payment of all current interest on the bonds as the same accrues and for the redemption of the bonds at their maturity.

[1913 c. 305 s. 3] (1587)

454.08 PRICES FOR ICE; DUTIES OF COMMISSIONERS. The board of water commissioners shall establish such prices for ice as will, at all times, insure a sufficient income to pay the interest and to provide a fund to pay the principal upon all the bonds to be issued under sections 454.05 to 454.08, as well as to pay all the expenses and cost of the maintenance and repairs of the ice plant and other expenses of operation and equipment.

[1913 c. 305 s. 4] (1588)