



Request for City Council Committee Action From the City Attorney's Office

Date: August 23, 2006
To: Intergovernmental Relations Committee
Subject: Proposed Amendments of the Minneapolis City Charter Regarding the Creation of a Department of Public Works and a Director of Public Works.

Recommendation: Recommend that proposed changes described herein to the Minneapolis City Charter be referred to the Minneapolis Charter Commission.

Prepared by: Caroline M. Bachun,
Assistant City Attorney Phone: 673-2754

Approved by: _____
Jay Heffern,
City Attorney

Permanent Review Committee (PRC) Approval _____ Not Applicable

Note: To determine if applicable see <http://insite/finance/purchasing/permanent-review-committee-overview.asp>

Policy Review Group (PRG) Approval _____ Date of Approval _____ Not Applicable

Note: The Policy Review Group is a committee co-chaired by the City Clerk and the City Coordinator that must review all requests related to establishing or changing enterprise policies.

Presenter in Committee: Jay Heffern, City Attorney and Caroline Bachun, Assistant City Attorney

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
 Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
 Action provides increased revenue for appropriation increase.
 Action requires use of contingency or reserves.
 Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
 Other financial impact (Explain):
 Request provided to department's finance contact when provided to the Committee Coordinator.

Background/Supporting Information

Although the City created a Public Works Department some years ago, there is no provision in the City's Charter establishing the department. Rather, the City's Charter establishes a City Engineer position. The following proposed charter changes establish a Department of Public Works and create the Director of Public Works position. Many cities and municipalities in Minnesota have already made this change, including the City of St. Paul.

The complete language of the proposed amendments is as follows:

Amending Chapter 3, Section 4 of the Minneapolis City Charter relating to Powers and Duties of Officers, amending the power of the executive committee on appointments and removals.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 3, Section 4 of the Minneapolis City Charter be amended to read as follows:

Section 4. Executive Committee. There is hereby established an executive committee consisting of the Mayor, the President of the City Council, and up to three additional members of the City Council to be chosen by the Council; provided, however, that not all of the members of the executive committee shall be of the same political party, unless the Mayor and all of the members of the City Council shall be members of the same political party. The executive committee shall establish its own rules and procedures. It shall be chaired by the Mayor.

Notwithstanding any other provision of this Charter or special law to the contrary, the executive committee shall have the exclusive power to appoint and remove during their terms of office the Police Chief, Fire Chief, ~~City Engineer~~, Director of Public Works, Commissioner of Health, City Attorney, City Assessor, City Coordinator, Civil Service Commissioner, and any officer in a department or agency who, by statute, Charter or ordinance, is appointed by the Mayor or City Council or by any public board the majority of whose members are members of the City Council. An appointment or removal shall be effective only upon approval by action of the City Council taken in compliance with the requirements of Chapter 2, section 2, and Chapter 3, section 1 of this Charter. When considering an appointment or removal the executive committee shall follow procedures prescribed by ordinance or resolution of the City Council which may include provision for participation by members and committees of the City Council, but in the case of an appointment such procedures may not impose a limitation on the candidates to be considered by the executive committee.

All appointments by the executive committee shall be made from nominations submitted by the Mayor. If after three nominations or if within ninety days after a position becomes vacant, the Mayor has failed to gain an executive committee appointment and Council approval to fill the position, a majority of the executive committee may submit in writing to the Mayor a list of at least three qualified persons from which the Mayor shall nominate a person to fill the position. If that nomination fails of approval, the executive committee may submit a new list of three qualified persons and the Mayor shall again nominate from such list, and these steps shall be repeated until a nomination results in an appointment and in its approval by the Council. If the Mayor fails to nominate from a list within twenty days after receipt thereof, then a majority of the executive committee may appoint from such a list.

A person holding an office or seat filled by appointment by the executive committee who has not been reappointed and approved by the City Council within six months after expiration of his or her term shall vacate the office or seat and shall remain vacant until a new appointment is made and confirmed. The executive committee may designate someone to fill the vacated office on a temporary basis for a period not to exceed ninety days.

The executive committee may suspend without pay any officer appointed by it in the unclassified service for a period not to exceed five (5) working days at one time, and for longer periods with the approval of the City Council.

Further duties of the executive committee shall be only as prescribed by ordinance or resolution of the City Council.

Amending Chapter 3, Section 8 of the Minneapolis City Charter relating to Powers and Duties of Officers, amending the existence of the City Engineer as the head of the Public Works Department by creating a Department of Public Works and a Director of Public Works.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 3, Section 8 of the Minneapolis City Charter be amended to read as follows:

Section 8. ~~City Engineer--Assistant Engineer~~ Department of Public Works – Director of Public Works--Compensation. ~~There shall be appointed by the City Council a City Engineer, who shall be a registered professional engineer. The City Engineer may by and with the consent of the City Council employ such assistants as may be necessary. The City Engineer's office shall be at some convenient place in said city, and the City Council shall prescribe the duties and compensation of the City Engineer and the compensation of all assistants employed by the City Engineer.~~

~~The City Engineer Director of Public Works may appoint an Assistant City Engineer Director of Public Works who shall assist in the duties of the office, and act as City Engineer Director of Public Works in the absence or inability of the City Engineer Director of Public Works to act.~~

There shall be in the City of Minneapolis a department of the City to be known as the "Department of Public Works." The Director of Public Works shall be the head of such department and shall have the control, supervision and direction of all matters of such department. The Director of Public Works shall be appointed and removed by the City Council and Mayor as provided for in Chapter 3, Section 4, of this Charter. The Director of Public Works shall be neither in the classified service nor subject to the provisions of Chapter 19 of this Charter.

If the person appointed to the Director of Public Works is a member of the classified service, such person shall be deemed to be on leave of absence from such classified position while serving in such appointive position and upon termination of such service shall be returned to the permanent civil service classification from which such leave was taken and if no vacancy is available in such civil service classified position, seniority shall prevail and the person most recently certified to such position shall be returned to the civil service classification held by that person prior to such certification.

Amending Chapter 3, Section 9 of the Minneapolis City Charter relating to Powers and Duties of Officers, amending the powers of the City Engineer and providing the duties and powers of the Director of Public Works.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 3, Section 9 of the Minneapolis City Charter be amended to read as follows:

Section 9. ~~The City Engineer~~ Director of Public Works--Duties and Powers. ~~The City Engineer~~ Director of Public Works shall have supervision and general charge of all work done for the Department of Public Works. ~~city and of all work done on any street, highway or alley in the city, may direct the manner of performing such work, and the construction of all sidewalks, street~~

~~crossings, bridges or other structures in or upon such streets, may suspend any such work or construction as shall not conform to the City Engineer's requirements or those of the City Council, and shall take care that the terms of all contracts for any work or construction in behalf of the city are fully complied with.~~

Amending Chapter 3, Section 10 of the Minneapolis City Charter relating to Powers and Duties of Officers, amending the maintenance of surveys, plans and estimates.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 3, Section 10 of the Minneapolis City Charter be amended to read as follows:

Section 10. ~~City Engineer~~ --Plans and Surveys Made by ~~City Engineer~~ --City Property.

~~All surveys, profiles, plans and estimates made by the City Engineer or assistants, for the city, shall be the property of said city and shall be carefully preserved pursuant to records retention law. in the office of the Engineer, open to the inspection of parties interested, and the same, together with all the books and papers pertaining to said office, shall be delivered over to [by] the City Engineer at the expiration of his or her term of office, to the City Engineer's successor or to the City Council.~~

Amending Chapter 8, Section 2 of the Minneapolis City Charter relating to Public Highways and Bridges, amending the way profiles and grades are maintained and the staff who will provide advice to the Commissioners.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 8, Section 2 of the Minneapolis City Charter be amended to read as follows:

Section 2. Street Grades. The City Council shall have power to establish the grade of any street when such grade has not been established, and may by vote of two-thirds of the members of the Council [to] change the grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made and kept in the Department of Public Works ~~office of the City Engineer.~~

Whenever the grade of any street shall be established or changed by the City Council, the owner of abutting property may file with the City Clerk, within twenty days after said City Council shall so vote to establish or change the grade of any such street in front of any such abutting property, notice that the owner will claim damages by reason of such establishment or change of grade in front of the said abutting property, giving the description of the land and the buildings thereon, together with the amount of the value of such land and buildings, in the owner's judgment, and the amount of the alleged damages which such establishment or change of grade will, in the owner's judgment, cause to the said land and buildings, which notice shall be sworn to and shall be accompanied by the certificate of the City Assessor of said city of the value in the City Assessor's judgment of such land and buildings, and of the damages which in the City Assessor's judgment such establishment or change of grade will cause to said land and buildings and said City Assessor shall examine said buildings and land, and said change of grade, as so voted, and make said certificate on the request of the owner of such property. After the expiration of said twenty (20) days and within thirty (30) days after the expiration of said twenty (20) days, if said City Council shall, from the amount of damages claimed by such notices, deem it unwise to establish such grade or to make such change of grade of such street, it may reconsider the vote by which such establishment or change of grade was made, which reconsideration of such vote shall be by a majority of all the members of said City Council. But

if no such reconsideration of such vote shall be had within fifty (50) days after the vote of said City Council so establishing or changing the grade of said street, where damages are so claimed, or if on such reconsideration two-thirds (2/3) of the members of the Council shall again vote for such establishment or change of grade, then after the expiration of six months after the work of grading such street shall have been fully completed, said City Council shall appoint five free-holders of said city, no two of whom shall reside in the same ward, as Commissioners, to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of such abutting property and permanent buildings who have so filed such sworn notices and certificates of such City Assessor, and to assess the amount of such damages and compensation upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel and without regard to a cash valuation. It shall take at least four of said Commissioners to make any award of damages, and they shall be notified of their appointment, and vacancies in their number shall be filled in the same manner, and they shall take the same oath as is provided in the case of Commissioners appointed under Section three (3) of Chapter ten (10) of this Charter.

They shall give notice by two publications in the official paper of said city that they will, on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in said notice on or near the lands and buildings which it is claimed shall have been damaged by such establishment or change in the grade of such street, and view the same, and ascertain and award therefor compensation and damages, and view the premises to be benefited by such improvement, and assess thereon, in proportion to benefits, the amount necessary to pay such compensation and damage, and that they will then and there hear such allegations and proofs as interested persons may offer, and such Commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time after having viewed the premises, and may for the hearing of evidence and the preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of staff of the Department of Public Works ~~the City Engineer~~ and of any other officer of the city. After viewing the premises, and hearing the evidence offered, such Commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose land or buildings shall have been damaged by such establishment or change of grade of such street. But if the remainder of such land or of the property on which said buildings stand, or the remainder of the lot or parcel connected therewith, shall be benefited by such establishment or change of grade of such street, then the Commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property, and award the owner only the excess of the compensation or damages over and above such benefits. The said Commissioners shall then assess the amount of such compensation and damages so awarded upon the land and real property benefit[ed] by such change of grade, and in proportion to such benefits, but in no case shall the amount of said assessment exceed the actual benefit to the lot or parcel of land, or other real property so assessed, deducting therefrom any damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the City Council their appraisal and award, and if, in the judgment of said Commissioners, the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report, and shall state the amount of such excess. Said Commissioners shall also report to the City Council an assessment list containing their assessment of such compensation and damages, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of real property assessed, the name or names of the owner or owners thereof, if known, and the amount assessed thereon and the amount of the excess of such compensation and damages aforesaid, which they shall return unassessed. Said report shall be presented by said Commissioners to the City Clerk of said City, who shall give notice by one publication in the official paper of said City that said report and assessment list will be presented to said City Council for

confirmation at the next meeting or session of said Council occurring at least one week after the publication of such notice, at which meeting or at any subsequent meeting or session of said Council, the City Council may act upon such report and hear any complaint touching any such award or assessment, or it may refer the matter to a committee of the Council to hear such complaints and report thereon. The Council may confirm such award and assessment, or either, or send the same back to the same Commission for further consideration; and the Commissioners may in such case again, upon giving notice, published once in the official paper of said City, meet at any time and place to be designated in said notice, which time shall be at least two weeks after the publication of such notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in such award and assessments and alter and revise the same as they shall deem just and again report the same to the City Council, who may thereupon confirm or annul the same, or said City Council may appoint a new Commission, with like powers, duties and obligations of the first Commission to make such assessment and awards, and to report the same to said City Council in like manner that the first Commission might do, and when the report and assessment lists are finally confirmed by the City Council, such confirmation shall make such award and assessment final and conclusive upon all parties interested. And the City Council shall proceed, at the same time or any subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment list reported by the Commissioners in accordance with the assessment so confirmed, and cause to be made, and adopt, an assessment roll of the same which may be in any form which said City Council may adopt, and from which award and assessment as so confirmed by said City Council the owner of an affected parcel may appeal to district court by serving notice of appeal upon the Mayor or the City Clerk within thirty (30) days after the City Council has adopted the assessments and by filing the notice with the clerk of district court within ten (10) days after its service; and the City Clerk, under the instruction of the City Council, shall make and prepare all forms necessary to carry out the provisions of this Section. Provided, that no award shall be greater than the amount so claimed in the sworn notice so filed by any person with said City Clerk. And provided, further, that the damages and compensation so to be awarded shall be the damages and compensation which shall be apparent at the end of six (6) months after the final completion of the work of the grading of such street.

Repealing Chapter 8, Section 6 of the Minneapolis City Charter relating to Public Highways and Bridges.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 8, Section 6 of the Minneapolis City Charter be and is hereby repealed.

Amending Chapter 8, Section 7 of the Minneapolis City Charter relating to Public Highways and Bridges, amending to provide that the Director of Public Works shall have no interest in contracts.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 8, Section 7 of the Minneapolis City Charter be amended to read as follows:

Section 7. [~~Engineers~~ Director of Public Works to Have No Interest in Contracts.] Neither the ~~City Engineer~~ Director of Public Works nor any assistants or employees in the ~~Engineering~~ Department of Public Works of the City shall be interested in any contract for any work to be done under their charge or for any materials furnished therefor; or shall be allowed or shall receive any

compensation for the use of any vehicle or item of equipment owned by them or in which they shall have any interest, or for any material or labor furnished by them, except the salary and compensation allowed and paid them as officers or employees of the City and for defraying the cost and expenses incurred in the performance of their duties as officers or employees of the City; or shall receive directly or indirectly any commission, gratuity, money or valuable thing from any person doing work or furnishing material for any work or construction ~~under the charge of the City Engineer~~ done by assistants or employees of the Department of Public Works under the City Engineer.

Amending Chapter 8, Section 8 of the Minneapolis City Charter relating to Public Highways and Bridges, amending who is prohibited from accepting bribes.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 8, Section 8 of the Minneapolis City Charter be amended to read as follows:

Section 8. Acceptance of Bribes. If any ~~City Engineer or any other~~ officer of the city shall have any interest in any contract work or construction done pursuant to this Chapter, all such contracts shall be void and all such work done, and material furnished or supplied for the use of the city shall be forfeited, and every such ~~City Engineer or other~~ officer who shall accept any gift or gratuity or any commission from any person having contracts with said city, or furnishing material or performing labor under the provisions of this Chapter, which contract, material or labor shall be under the charge or supervision of such ~~Engineer or other~~ officer, or subject to acceptance by such officer, them, or either of them, shall be punished in the same manner as provided by law for the acceptance of bribes by public officers.

Amending Chapter 8, Section 13 of the Minneapolis City Charter relating to Public Highways and Bridges, amending by providing duties of the Director of Public Works regarding the repair of sidewalks.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 8, Section 13 of the Minneapolis City Charter be amended to read as follows:

Section 13. Sidewalk Repairs. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten, or out of repair, it shall be the duty of the ~~City Engineer~~ Director of Public Works to ensure the repair of the same within a reasonable time in a good, substantial and thorough manner, and to report to the City Council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made, and such report shall be carefully filed and preserved by the City Clerk; and the City Council shall once in each year, at or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired the cost of making such repairs. In each case such assessments for all such repairs within the year may be combined in one assessment roll and be collected as provided for in Chapter ten of this Charter. In case any such sidewalk shall become so out of repair as to become dangerous, and cannot be made safe without being rebuilt, and there are no funds to defray the expense of such rebuilding, it shall be the duty of the ~~City Engineer~~ Director of Public Works to ~~remove~~ ensure the removal of the same entirely, and the expense of such removal shall be added to the cost of

rebuilding when the same shall be reconstructed and collected with the assessment for such reconstruction.

Amending Chapter 8, Section 14 of the Minneapolis City Charter relating to Public Highways and Bridges, amending by providing the Department of Public Works is responsible for sidewalk repairs.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 8, Section 14 of the Minneapolis City Charter be amended to read as follows:

Section 14. Funds for Sidewalks. Monies to build or repair sidewalks, when the same shall be done by the ~~City Engineer~~ Department of Public Works or a city contractor under this Chapter may be advanced from the Permanent Improvement fund, to be reimbursed by the special assessment when collected.

Amending Chapter 8, Section 22 of the Minneapolis City Charter relating to Public Highways and Bridges, amending the location of copies of plats.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 8, Section 22 of the Minneapolis City Charter be amended to read as follows:

Section 22. Council to Accept or Reject Plats. Whenever any person shall subdivide any lot or piece of ground within said city district that person shall cause the same to be surveyed and platted in accordance with the provisions of the general statutes of the State of Minnesota, and when the survey and plat are so completed and acknowledged, it shall be presented to the City Council. All plats presented to said City Council for acceptance and approval must be drawn in triplicate on such material and of such size as the City Council may direct by ordinance. Said City Council may accept or reject said plats, or direct them to be changed or modified in such manner as it shall deem expedient. Whenever any plat is accepted and approved by said Council the City Clerk shall so certify upon one (1) of said plats, which shall be the original plat to be recorded, and certify the other two (2) to be copies of the one accepted and approved by the said City Council. The original plat and one (1) of said copies shall be presented to the Register of Deeds of Hennepin County for record and the other copy shall be filed in the Department of Public Works ~~office of the City Engineer~~. Whenever said plats shall be presented to the Register of Deeds for record, as provided by the general statutes, the original plat so certified by the City Clerk as accepted and approved by the City Council shall be filed of record as the original plat; the other shall be certified by said Register of Deeds as a true and correct copy of the original plat. The plat filed as the original shall only be open to inspection in the presence of the Register of Deeds or one (1) of the Register of Deeds' deputies. The certified copy shall always be open to the inspection of the public during business hours. All the provisions of the general statutes, in respect to the manner of filing town plats, shall be applicable to said city or city districts, but said Register of Deeds shall exhibit to any person, free of cost, such original plat on request of any person.

Amending Chapter 9, Section 5 of the Minneapolis City Charter relating to Water Works, amending the location for the preservation of records and the certification of the cost of construction.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 9, Section 5 of the Minneapolis City Charter be amended to read as follows:

Section 5. Branch Pipes and Sewers. The City Council may at all times regulate and control the time and manner of laying and constructing, by private parties, branch pipes and sewers leading from main lines of water mains and sewers, and of making connections with main lines and with branch lines both public and private.

The City Council may, too, whenever it shall deem it necessary to lay or construct branch pipes or sewers in order to prevent future tearing up of streets or for any other reason, determine in the case of each main line, or of any specified portion of a main line, the location, number and manner of construction of such branch lines, providing in its discretion one (1) or more for each distinct lot or parcel of land, or one (1) for two (2) or more adjacent lots or parcels of land may require the proper officer to make surveys, plats and profiles showing the same, which when approved and adopted, shall thereafter be preserved in the office of the ~~City Engineer~~ Department of Public Works, and may thereupon whether such main line has already been constructed, or is in process of construction, forthwith lay and construct all such branch pipes and sewers not already constructed by the private parties interested, from a connection with the main line to the line of the street. Whenever the City Council constructs one or more such branch pipes or sewers it shall assess the whole cost of each upon the lot or parcel of land to which it runs without regard to the valuation or frontage of such lot or parcel of land, but in case one (1) branch is to serve two (2) or more lots or parcels of land, it shall assess the whole cost of the same upon all the lots or parcels of land to be served by it, an equal sum per front foot without regard to valuation. The cost of such branches may be assessed and collected in advance of their construction as in case of other improvements, in which case the cost shall be estimated and fixed in manner substantially like the way pointed out by Section eight (8), Chapter ten (10) of this Charter, for the improvements therein specified, with such variances in the matters to be reported, and in the other details as shall be suggested by the different character of the improvement; or such branches may be determined upon and forthwith constructed without prior estimate or other proceedings, in which case the actual cost of construction, ~~certified to by the City Engineer and~~ approved by the City Council shall be assessed, after the completion of the same, against the private property as above specified. In either case the assessment shall be made and collected substantially as provided in case of other improvements. The City Council may, however, in case it constructs any branch at the time it constructs the main line, assess in the manner above named the whole cost thereof, and add the same to and include it with the assessment for the main line.

The City Council may, subject to such terms, and under such regulations as it may fix, require all persons using an area or any space within the lines of any street, to permit to be laid within such area or space all necessary branch pipes, both water and gas, and branch sewers to a connection with other branches, and also to be laid therein inclosed in tubes or otherwise sufficiently protected, any and all electric and other wires it may at any time require laid beneath the surface of the street. And in the future no permits for the excavation or use of any area or space within the lines of a street shall be given except upon condition that it may be used by others in the manner and for the purposes above named; and to place therein any hydrant or other part of the water works of said city.

Amending Chapter 10, Section 1 of the Minneapolis City Charter relating to Local Improvements - - Assessments, amending the process for proposing suitable land for public improvements.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 10, Section 1 of the Minneapolis City Charter be amended to read as follows:

Section 1. Grounds for Public Improvements. Whenever the City Council shall consider it necessary to procure grounds for any public grounds, engine houses, markets, or public buildings, or for water works, or any water-power for water works, or the right to take from any dam or pond, reservoir or other part or portion of the waters of the Mississippi River, whether the same be private or public property or rights, any and all water necessary or convenient for the purpose of being forced through the conduits, aqueducts, mains, pipes or branch pipes in the City of Minneapolis, or through any part thereof, for the benefit and use of the inhabitants and people residing at or being in the City of Minneapolis, and for the use of said City; or the right to lay intake pipes from any pump station in the City of Minneapolis belonging to said water works, through any mill dam, mill pond, whether above, through or below water, or through the bed or bottom of any such mill dam or mill pond, or through any private real estate, whether same be water or land, or interests in any water power or water reservoir, and to lay and maintain said intake pipe or pipes, and to construct the necessary cribs and other protections of every kind necessary to lay or to protect any such intake pipe or pipes, anywhere in the Mississippi River, or the islands therein or land adjoining thereto; and the right to construct dams and reservoirs, and wing dams, anywhere in said river, whether within or above other dams, ponds or reservoirs, the City Council shall appoint a committee of not less than three of its members, who, together with the ~~City Engineer~~ Department of Public Works, shall make examination and propose to the City Council a location and description of land suitable for such public grounds, engine houses, market, or other public building, or for water works as the case may be, and if for water works, the amount of water power deemed necessary to be taken and appropriated, and the most convenient manner of taking and using the same, and present to the City Council a plat of the land proposed to be taken, and in their report shall show, so far as the committee shall deem necessary, what canals, tunnels, buildings or structures can be used in the appropriation, and any other matter which the committee shall deem proper for the information of the Council, and such committee may present for the consideration of the Council more than one location and plat.

Amending Chapter 10, Section 5 of the Minneapolis City Charter relating to Local Improvements - - Assessments, amending the street improvement process by having the Department of Public Works provide advice and assistance instead of the Engineer.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 10, Section 5 of the Minneapolis City Charter be amended to read as follows:

Section 5. Street Improvements. Whenever the City Council shall vote to lay out or open any new street or alley, or to straighten, widen or extend any that now or hereafter exist, or to lower, raise, change the course of, or divert any stream of water, or any ditch or drain, which shall make it necessary to take, injure or interfere with private property, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the proposed improvement, and thereupon it shall be the duty of the ~~City Engineer~~ Department of Public Works to make and present to the Council a plat and survey of such proposed improvement, showing the character, course and extent of the same and the property necessary to be taken or interfered with thereby, with the name of the owner of each parcel of such property so far as the ~~Engineer~~ Department of Public Works can readily ascertain the same, and such statement as may in the opinion of the ~~Engineer~~ Department of Public Works be proper to explain such plat and survey and the character and extent of the proposed improvement, and the ~~Engineer's~~ Department of Public Works' estimate of the cost of such improvement, if it consists in lowering, raising, changing the course of or diverting any stream

of water, ditch or drain, and the City Council may cause such plat and survey to be modified, amended or changed as it may deem proper, and shall estimate and fix upon the cost of making such improvement, if it consists in lowering, raising, changing the course of or diverting any stream of water, ditch or drain.

When such plat and survey shall be finally adopted by the City Council, it shall be filed with the City Clerk, and it shall be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the City Council.

Said plat shall also show the amount of land taken from each owner, so far as the owners may be known, and the lands contiguous to such improvement.

The City Council shall then or afterwards appoint five freeholders of said city, no two of whom shall reside in the same ward, as Commissioners, to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of property which is to be taken or injured by such improvement, and to assess the amount of such damages and compensation and the expense of the improvement, where it consists in lowering, raising, changing the course of or diverting any stream of water, ditch or drain, upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel and without regard to a cash valuation.

Three or more of such Commissioners shall constitute a quorum and be competent to perform any duty required of such Commissioners; and they shall be notified of their appointment, and vacancies in their number be filled in the same manner, and they shall take the same oath and be subject to the same penalty for refusal or neglect to attend, to be collected in the same way as is provided in the case of Commissioners appointed under section three of this Chapter. They shall give notice by two publications in the official paper of said city that such survey and plat is on file in the office of the City Clerk, for the examination of all persons interested, and that they will on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in said notice on or near the proposed improvement, and view the property proposed to be taken or interfered with for the purposes of such improvements, and ascertain and award therefor compensation and damages and view the premises to be benefited by such improvement, and assess thereon in proportion to benefits, the amount necessary to pay such compensation and damage and the cost of making the improvement, where it consists in lowering, raising, changing the course of or diverting any stream of water, ditch or drain, and that they will then and there hear such allegations and proof as interested persons may offer. And such Commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time, and, after having viewed the premises, may, for the hearing of evidence and preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of ~~the City Engineer~~ an officer of the Department of Public Works and of any other officer of the city. After viewing the premises, and hearing the evidence offered, such Commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvement; but if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefited by such improvement, then the Commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner, in respect to the remainder of the same property, and award the owner only the excess of the compensation or damages over and above such benefits.

The said Commissioners shall then assess the amount of such compensation and damages so awarded, upon the land and property benefited by such proposed improvements, together with the expense and cost of making the improvements as fixed upon by the City Council, if such

improvements consist in so lowering, raising, changing the course of or diverting any stream of water, ditch, or drain in said city, and in proportion to such benefits, but in no case shall the amount of said assessment exceed the actual benefit to the lot or parcel of land so assessed, deducting therefrom any damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the City Council their appraisal and award, and if in the judgment of said Commissioners the whole amount of such compensation and damages, together with the cost of making such improvements, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report, and shall state the amount of such excess. Said Commissioners shall also report to the City Council an assessment list containing their assessment of such compensation, damages and costs, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of property assessed, the name or names of the owners thereof, if known, and the amount assessed against each parcel of property and the amount of the excess of such compensation, damages and costs as aforesaid, which they shall return unassessed.

Said Commissioners shall, upon the completion of their said report, file the same with the City Clerk for presentation to the City Council, and thereupon it shall be the duty of said City Clerk to give notice to all interested parties by one (1) publication in the official paper of said city that the City Clerk will at the next meeting of the City Council, or as soon thereafter as practicable, present such report to said Council for their consideration and action, which said notice shall be published at least five (5) days before the presentation of such report to said City Council; such published notice shall contain descriptions of the several lots and parcels of land taken for such proposed improvements, and the amount awarded for the taking of each such lot or parcel, together with the names of the owner or owners of the same, so nearly as they can be readily ascertained. It shall also contain descriptions of the several lots or parcels of land upon which benefits have been assessed and the amount assessed against each such lot or parcel, together with the names of the owner or owners of the same, as nearly as the same can be readily ascertained.

Such report after its presentation to the Council shall lie over until the next regular meeting of the Council, which shall occur at least one week after the reception thereof, at which time, or at any meeting the City Council may act upon such report and hear any complaint touching such award or assessment, or it may refer the matter to a committee of the Council to hear such complaints and report thereon. The Council may confirm such award and assessment, or either, or annul the same, or send the same back to the same Commission for further consideration; and the Commissioners may in such case again, upon giving notice published once in the official paper of said city, meet at a time and place to be designated in said notice, which time shall be at least two weeks after the publication of said notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in such award and assessment and alter and revise the same as they shall deem just, and again report the same to the City Council, who may thereupon confirm or annul the same. Whenever the City Council shall confirm any such award and assessment such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as is hereinafter provided, and the City Council shall proceed, at the same or any subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment list reported by the Commissioners, in accordance with the assessment so confirmed, and cause to be made and adopted an assessment roll of the same, which may be in the following form, or in any other form the Council may adopt:

The City Council of the City of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is made to defray the compensation and damages awarded for the taking of and injury to private property, and estimated cost of improvement, and in and about the _____ as shown on the plat and survey of the same on file in the

office of the City Clerk of said city. This levy is made conformably to the report and assessment of Commissioners duly appointed to make such assessment, and in proportion to benefits from such improvements to accrue to the parcels and not exceeding the benefits to the parcels so assessed.

TABLE INSET:

Name of Owner If Known of Land Dollars	Description Lot Block _____ Amount Cents
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Done at a meeting of the City Council this _____ day of _____ A.D. 19_____.
_____ President of the Council.

Attest:
_____ City Clerk.

Amending Chapter 10, Section 8 of the Minneapolis City Charter relating to Local Improvements - - Assessments, amending the local improvement process by having the Department of Public Works provide assistance instead of the Engineer.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 10, Section 8 of the Minneapolis City Charter be amended to read as follows:

Section 8. Pavements, Water Mains, Sewers, Etc. Whenever the City Council shall determine to cause to be paved or repaved any street, lane or alley in said City, or any gutter or gutters along any such street, lane or alley or to lay, re-lay or extend any water mains or sewer pipes in or through such streets, lanes or alleys or any portion thereof, or to construct improvements in the public right-of-way in commercially zoned areas or to install street lighting, it shall determine and designate in a general way as nearly as may be convenient, the character and extent of the improvements, and the materials to be used therein, and thereupon it shall be the duty of the ~~City Engineer~~ Department of Public Works to make and present to the City Council an estimate of the cost of such improvements, a list of the several lots and parcels of land which will be benefited by such proposed improvements, and the names of the owners of the several parcels as nearly as the ~~City Engineer~~ Department of Public Works can readily ascertain the same; a brief minute of the reception of such report shall be made and published in a record of the proceedings of the City Council, which, except as otherwise provided in this section, shall be held to be sufficient notice to all persons concerned; and such report shall lie over without any assessment being made until the next regular meeting of the City Council which shall occur at least one week after the reception of such report; but the City Council in its discretion may direct the ~~City Engineer~~ Department of Public Works to advertise for and receive in the meantime bids for doing the work and furnishing the material required to construct and complete such improvement; and report the same to the Council at the meeting of the City Council to which such report is laid over, or at any subsequent meeting; the City Council may consider such estimate and list, and any further communications from the ~~City Engineer~~ Department of Public Works respecting the matter, and shall hold a public hearing, after giving notice by mail to the owners of the properties to be assessed and prior to contracting for or commencing with construction. The City Council may adhere to its resolution for making such improvements or may modify the character of the same, or abandon it. If the City Council shall determine to go on with such improvements, whether modified or

not, it shall determine what portion of the cost of such improvements is to be paid from city funds and what portion of the cost is to be levied as assessments against properties benefited by such improvements, and it may, either before or after having contracted for or commenced with the construction of such improvements, estimate and fix upon the cost of such improvements, may assess and levy the portion of such cost which is to be paid through assessments upon the same lots and parcels of land in the City as the Council shall deem benefited, in proportion to such benefits, irrespective of whether or not the property abuts on the improvement; the City Council by ordinance shall adopt a procedure providing for a public hearing to be held prior to the adoption of the assessments for any improvements. A notice of such hearing, including a statement of the amount of the proposed assessment, shall be required to be mailed to the owners of the property to be assessed. Included with the notice shall be a statement that if after the City Council adopts the assessments, the owner of the property is dissatisfied with the assessment against the property the owner may appeal to district court by serving a notice upon the Mayor or the City Clerk within thirty days after the City Council has adopted the assessments and by filing the notice with the clerk of district court within ten days after its service and the City Council shall cause to be made, and shall adopt an assessment roll thereof which shall be in any form which the City Council may deem proper.

The City Council may increase assessments to correct omissions, mistakes or erroneous estimates relating to the total cost of the improvement or any other particular, using the same procedure as required for holding a public hearing and notification of affected property owners as for the original assessment.

Amending Chapter 10, Section 10 of the Minneapolis City Charter relating to Local Improvements - - Assessments, amending the sidewalk building process by having the Department of Public Works provide a description of property and cost estimate instead of the Engineer.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 10, Section 10 of the Minneapolis City Charter be amended to read as follows:

Section 10. Neglect to Build Sidewalks. Whenever the City Council shall have ordered the construction of any sidewalk, and the owners of the land along which such sidewalk is to be built shall refuse, or for the space of two weeks neglect to construct the same according to the order of the City Council, the ~~City Engineer~~ Department of Public Works shall report to the City Council a description of each lot or parcel of land along which such sidewalk has not been built, and estimate the cost of building such sidewalk along each of such lots and parcels. Such estimates shall not be binding upon the City Council, but advisory merely, and the Council may obtain any other information as to such cost, and the Council shall fix upon and designate the cost of building such sidewalk in front of each lot and parcel of land and thereupon the City Council shall assess and levy upon and against such lot and parcel of land so reported (after correcting mistakes, if any) along which such sidewalk has not been built, such sum as will cover the cost of building such sidewalk along and fronting upon the same lots and parcels of land respectively, and cause to be made an assessment roll of the same, which shall be in the following form, or any other form which the City Council may adopt:

The City Council of the City of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of _____ a sidewalk along the _____ side of _____ from _____ to _____ in accordance with the resolution of the City Council, passed the _____ day of _____ A.D. 19_____, and duly published in the official paper of said city on the _____ day of _____ A.D.

19_____. The amount assessed against and levied against each lot or parcel being the amount necessary to build such sidewalk along and fronting upon the same parcel of land.

TABLE INSET:

Name of Owner If Known of Land Dollars	Description Lot Block _____ Cents	Amount
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Done at a meeting of the City Council this _____ day of _____ A.D. 19_____.
_____ President of the Council.

Attest:
_____ City Clerk.

Amending Chapter 10, Section 15 of the Minneapolis City Charter relating to Local Improvements - - Assessments, amending who certifies that an improvement has been made by the owner of a property.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 10, Section 15 of the Minneapolis City Charter be amended to read as follows:

Section 15. Assessment Rolls. The City Clerk shall record all assessment rolls of special assessments in books to be kept by the City Clerk for that purpose, and shall, on or before the tenth day of October of every year, deliver to the County Auditor of said County of Hennepin all such assessments rolls not theretofore delivered, and the said County Auditor shall extend the assessments in proper column against the property assessed, and such assessment shall be collected and the payment thereof enforced with and in like manner as state, county and other taxes are collected and the payments thereof enforced, and such assessments when collected shall be paid over by the County Treasurer to the City Finance Officer of said city, together with all costs, penalties and interest collected thereon, at the time of making payment of city taxes to the City Finance Officer.

The City Council may, by resolution, direct the County Auditor of Hennepin County, to cancel, on any record, where the same appears, any special assessments theretofore assessed and levied by said City Council, whether because the same be irregular or erroneous, or because the improvement, for the cost of which said special assessment shall have been assessed and levied, shall have been constructed by the owner of the property against which said special assessment shall have been assessed and levied, and in any such case of the cancellation of any such special assessment the Auditor shall make the necessary credits of the amounts of such special assessment so canceled on the proper books and to the proper officers. The City Council may provide by ordinance or resolution that the certificate of ~~the City Engineer~~ an officer of the Department of Public Works or other proper officer, that any improvement, for which any such special assessment shall have been made, has so been constructed by the owner of the property against which any such special assessment shall have been made, presented to the said County Auditor, shall be sufficient authority for said Auditor to cancel the special assessment so assessed and levied for the cost of such improvement against the property named in said certificate, and for authority in that case for the said Auditor to make said proper credits. The City Council may also direct, by resolution or motion, the said County Auditor to

divide any special assessment and place parts thereof on any part of the real estate against which the same is assessed and levied, and to make the necessary corrections and records thereof.

When the total cost of any improvement, for which special assessments have been assessed and levied, shall be less than the total special assessments assessed, levied and collected for the same, said City Council may except as in this Charter otherwise provided, refund out of the permanent improvement fund to the owners of the real estate against which said special assessments have been made, who have paid the same, their proportionate share of the excess of such special assessments so collected over the total cost of such improvements. After any improvement has been ordered and the special assessments for the cost thereof have been assessed and levied, if any person or persons desirous of having such improvement constructed before the collection of such special assessment shall advance the cost of such improvement and pay the same to the City Finance Officer for the credit of the permanent improvement fund, such money so advanced to construct such improvement shall not be used or appropriated for any other purpose; that said City Council may then cause the immediate construction of such improvement and shall, when said special assessments assessed and levied to pay for the same are collected, cause the same to be paid to such person or persons advancing the money for the cost of such improvement.

Amending Chapter 10, Section 29 of the Minneapolis City Charter relating to Local Improvements - - Assessments, amending who must work with the Auditor regarding improvements.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 10, Section 29 of the Minneapolis City Charter be amended to read as follows:

Section 29. ~~City Engineer~~ Department of Public Works To Request Descriptions. When the City Council shall order any improvements or work which is to be paid for by special assessments on the abutting property, the ~~City Engineer~~ Department of Public Works of the City of Minneapolis shall make a written request of the County Auditor of Hennepin County for a list of the descriptions of lots or other parcels and blocks or other divisions of real estate or land lying upon or along the streets, lanes, alleys, avenues or other public grounds on which said improvements are to be made, together with the names of the respective owners of each of said lots or parcels of land or real estate so far as they can be ascertained by said Auditor from the records of the Auditor's office, and said ~~City Engineer~~ Department of Public Works may accompany such request with such plats or other information as may be necessary to enable such Auditor readily and accurately to make such list. Upon the receipt of such request said County Auditor shall promptly make and return to said ~~Engineer~~ Department of Public Works such list of descriptions and owner's names called for. For making such list and for keeping all of the books which may be required of said Auditor under the various special assessment plans which have now or may thereafter be adopted by the City Council of the City of Minneapolis, which shall include every kind of entry whether ordered or requested by said City Council or any Court, said city shall pay said County Auditor the sum of five (5) cents for each entry of a special assessment entered by the Auditor upon the tax list of the county, the same to be payable upon the completion of the tax list for each year.

Amending Chapter 16, Section 2 of the Minneapolis City Charter relating to Parks and Parkways, amending the location for the filing of plats of the Park and Recreation Board.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 16, Section 2 of the Minneapolis City Charter be amended to read as follows:

Section 2. Parks and Parkways. The Park and Recreation Board of the City of Minneapolis and its successors shall have the power and it shall be its duty to devise, adopt and maintain parks and parkways in and adjacent to the City of Minneapolis, and from time to time to add thereto; to designate lands and grounds to be used and appropriated for such purpose; to cause the same to be platted, surveyed, and plats thereof filed in the office of the Secretary of said Board, and in the office of the ~~City Engineer~~ Department of Public Works of the City of Minneapolis; and the right to take possession upon obtaining title to the same or any part thereof, to hold, improve, govern and administer the same for such purposes.

The said Park and Recreation Board, and their successors, shall have power, and it is hereby authorized, to obtain title for and in the name of the City of Minneapolis, to any lands so designated by it for the purpose of this Chapter, by gift, devise, purchase or lease.

And said Board may enter into any contract in the name of said city, for the purchase of any lands to be paid for in such time, or times, and in such manner as the Board may agree to; and said Board may accept title to lands and give back a mortgage or mortgages in the name of said city, with or without bonds to secure the unpaid purchase price. Provided, that no personal or general liability on the part of said city shall be created by any such contract, or mortgage, or bond beyond the means at the time available therefor, except the liability to pay such amount as may be realized from benefits assessed on benefited property on account of the lands included in such contract or mortgage. And it is hereby made the duty of said Board to pay on each such contract or mortgage an amount equal to the sum or sums so realized from such assessments; and said Board shall have power to accept and receive donations of money, property or lands, for the use of the said city for the purposes contemplated in this Chapter.

Amending Chapter 16, Section 3 of the Minneapolis City Charter relating to Parks and Parkways, amending the location for the filing of plats for land condemned by the Park and Recreation Board.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 16, Section 3 of the Minneapolis City Charter be amended to read as follows:

Section 3. Authority to Condemn Land--Appraisers. The Park and Recreation Board shall have power, and it is hereby authorized to condemn for the use of said city, any tract or tracts, parcel or parcels of land, or any interest therein, which it may have designated as hereinbefore provided in the second (2) section of this Chapter; and when such condemnation shall have been completed and the land paid for as herein provided, the title to such land shall pass, and be vested in fee simple in the said city. For the purpose of making and perfecting such condemnation, the said Park and Recreation Board shall proceed in the manner following:

1st. The Park and Recreation Board shall appoint five (5) appraisers who shall be disinterested freeholders and qualified voters of said city, and none of whom shall be residents of the ward or wards in which the property so designated is situated, to view the premises and appraise the damages which may be occasioned by the taking of private property or otherwise in making said improvements; said appraisers shall be notified as soon as practicable by the Secretary of said Board at a time to be fixed by the Secretary for the purpose of qualifying and

entering upon their duties; and in case any such appraiser, upon being so notified, shall neglect or refuse to attend as aforesaid, said appraiser shall forfeit and pay a fine to said city, not exceeding fifty dollars (\$50.00) and shall be liable to be prosecuted therefor before the Municipal Court of Hennepin County, as in case of a violation of an ordinance of said city. Whenever a vacancy may occur among said appraisers by neglect or refusal of any of them to act or otherwise, such vacancy shall be filled by the Park and Recreation Board.

2nd. The appraisers shall be sworn to discharge their duty as appraisers in the matter with impartiality and fidelity; and to make due return of their acts to the Park and Recreation Board.

3rd. The said appraisers shall with all reasonable speed give notice by publication in the official newspaper of said city once a week for two (2) consecutive weeks; which last publication shall be at least ten (10) days before the day of such meeting; which notice shall contain a general description of the lands designated by the Park and Recreation Board, and give notice that a plat of the same has been filed, and the said appraisers will meet at a place and time designated in said notices and thence proceed to view the premises and appraise the damages for property to be taken, or which may be damaged by such improvement.

4th. At the time and place according to said notice, the said appraisers shall view the premises and may hear any evidence or proof offered by the parties interested, and adjourn from time to time for the purpose aforesaid. When their view and hearing shall be concluded, they shall determine and appraise the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by such improvement.

5th. If there should be any building standing, in whole or in part, upon any parcel of the land to be taken, the said appraisers shall in each case determine the amount of damages which should be paid to the owner or owners thereof in case such building, or so much thereof as may be necessary, should be taken, and shall also appraise and determine the amount of damages to be paid such owner or owners, in case said owner or owners should elect to remove such building.

6th. If the lands and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, the injury or damage done to such persons or interests respectively may be awarded to them by the appraisers. Provided, that neither such award of the appraisers nor the confirmation [confirmation] thereof by the Park and Recreation Board shall be deemed to require payment of such damages to the person or persons named in said award, in case it shall transpire that such person or persons are not entitled to receive the same.

7th. The said appraisers having ascertained and appraised the damage aforesaid, shall make and file with the Secretary of said Park and Recreation Board a written report of said Park and Recreation Board of their action in the premises, embracing a schedule and appraisal of the damages in each case with a description of the lands and names of the owners, if known to them, and also a statement of the costs of the proceedings.

8th. Upon such report being filed, the Secretary of the Park and Recreation Board shall give notice that such appraisal has been returned, and that the same will be considered by the Park and Recreation Board at a meeting thereof to be named in the notice; which notice shall be published in the official newspaper of said city once a week for two (2) successive weeks; and the last publication shall be at least ten (10) days before such meeting.

Any person interested in any building, standing in whole or in part upon any land required to be taken by such improvement who elects to remove such building, shall on or before the time specified for said meeting, in such notice, notify the said Park and Recreation Board in writing of said person's election to remove such buildings.

The Park and Recreation Board, upon the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand over to be referred, shall have power in their discretion to confirm, revise or annul the appraisalment, in whole or in part; giving due consideration to any objections interposed by parties interested in manner hereinafter specified, provided, that said Board shall not have the power to reduce the amount of any award.

In case the appraisalment is annulled, in whole or in part, the Board may thereupon appoint new appraisers, who shall proceed in like manner, as in case of the first appraisalment, as to any lands as to which the former appraisalment was annulled; and upon the coming in of their report the Board shall proceed in like manner and with the same powers as in case of the first appraisalment, and may order reappraisalment so often as it shall deem proper.

9th. The damages shall be paid out of the parks and recreation fund, and shall be so paid, or be deposited and set apart in the treasury of said city to and for the use of the parties entitled thereto, within six (6) months after the confirmation of such appraisalment and report; but in case any appeal or appeals shall be taken from the order confirming said appraisalment, then the amount of such damage shall not in any case be required to be paid or deposited and set apart as aforesaid, until sixty (60) days after the determination of all appeals which shall have been so taken.

And in case of any re-appraisalment or re-appraisalments, the amount of such damage shall not in any case be required to be paid or deposited or set apart, as aforesaid, until sixty (60) days after final action and determination, including determination, upon appeals of such re-appraisalments, it being the intention that said Board shall be enabled to ascertain the entire cost of any improvement before paying for any part of such improvement.

The land and property required to be taken for the purposes aforesaid shall not be appropriated until the damages awarded therefor to the owner thereof shall have been paid to such owner or the owner's agent, or deposited and set apart for the owner's use as aforesaid. And in case the said Park and Recreation Board shall be unable to determine to whom damages so awarded should in any particular case be paid, or in case of disputed claims in relation thereto, or in case of the legal disability of any person interested, the amount of damage in any such case may be deposited by order of the Park and Recreation Board in the District Court of Hennepin County, in the same manner as moneys are paid into court as provided by law, and in every case such deposit of the money in court shall satisfy all requirements of this act; and said court upon the proper application of any person claiming the award or any part thereof, shall determine to whom the same shall be paid.

10th. In case any owner or owners of buildings as aforesaid shall have elected in manner aforesaid to remove said buildings, they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the Park and Recreation Board may allow for the purpose, and shall thenceforth be entitled to payment from said parks and recreation fund of the amount of damages awarded in such case in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected) to remove the same within the time prescribed, such buildings

or so much thereof as may be necessary, upon payment or depositing the damages awarded for such taking, in manner aforesaid, may be taken and appropriated, sold or disposed of as the said Park and Recreation Board shall direct, and the same or the proceeds thereof shall belong to the said parks and recreation fund.

11th. Any person whose property is proposed to be taken or interfered with, under any provisions of this Chapter, and who deems that there is any irregularity in the proceedings of the said Park and Recreation Board, or action of the appraisers, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied with the amount of damages awarded for taking of or interference with such person's property, may at any time before the time specified for the consideration of the award by the Park and Recreation Board, file with the Secretary of said Board, in writing, the objections to such confirmation setting forth therein specifically the particular irregularities complained of, and containing a description of the property affected by such proceedings, and said person's interest therein, and if, notwithstanding such objections, the said Board shall confirm the award, such person so objecting shall have the right to appeal from such order of confirmation of the Board to the District Court of the County of Hennepin, within ten (10) days after such order; such appeal shall be made by serving a written notice of such appeal upon the Secretary of said Board, which shall specify the property of the appellant affected by such award and refer to the objection filed as aforesaid, and by also delivering to said Secretary a bond to the City of Minneapolis, executed by the appellant, or by some person on behalf of the appellant, with two (2) sureties who shall justify in the penal sum of fifty dollars (\$50), conditioned to pay all costs that may be awarded against the appellant. Thereupon the said Secretary shall make out and transmit to the Clerk of the said District Court a copy of the award of said Commissioners as confirmed by the Board and of the order of the Board confirming the same, and of the objection filed by the appellant as aforesaid, all certified by said Secretary to be true copies, within ten (10) days after the taking of such appeal. But if more than one appeal be taken from any award, it shall not be necessary that the Secretary, in appeal subsequent to the first, shall send up anything except a certified copy of the appellant's objection. There shall be no pleading on such appeal, but the court shall determine in the first instance whether there was in the proceeding any such irregularity or omission of duty prejudicial to the appellant and specified in said written objection that as to the appellant the award or appraisement or (of) the appraisers ought not to stand, and whether said appraisers had jurisdiction to take action in the premises. The case may be brought on for hearing on eight (8) days' notice, at any general or special term of the court, and shall have precedence of other civil cases, and the judgment of the court shall be either to confirm or annul the proceedings, only so far as the said proceedings affect the property of the appellant proposed to be taken or damaged, and described in said written objection. In case the amount of damages awarded is complained of by such appellant, the court shall, if the proceedings shall be confirmed in other respects, upon such confirmation, appoint three (3) disinterested freeholders, residents of said city, appraisers, to re-appraise such damages. The parties to such appeal shall be heard by said court upon the appointment of such appraisers, and the court shall fix the time and place of meeting of such appraisers; they shall be sworn to the faithful discharge of their duties of such appraisers, and shall proceed to view the premises and to hear the parties interested with their allegations and proofs pertinent to the question of the amount of such damages; such appraisers shall be governed by the same provisions in respect to the method of arriving at the amount of damages, and in all other material respects as are in this Chapter made for the government of appraisers appointed by said Board. They shall, after such hearing and view of the premises, make a report to said court of their appraisal of damages in respect to the property of such appellant. The award of such appraisers shall be final, unless set aside by the court for good cause shown. In case such report is set aside the court may in its discretion recommit the same to the same appraisers or appoint new appraisers, as it shall deem best; said court shall

allow a reasonable compensation for their services, and make such award of costs on such appeal, including the compensation of such appraisers, as it shall deem just in the premises. In case the court shall be of opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant. The Park and Recreation Board shall have the right at any time during the pendency of any proceedings for the acquisition of lands for any improvement authorized by this Chapter, or at any time within sixty (60) days after the final order by the court, of all appeals taken in such proceedings to abandon all such proceedings in respect to the whole improvement or any part thereof, whenever they shall deem it for the best interest of the city so to do.

12th. As soon as said proceedings for acquiring the title to such lands shall have been completed, it shall be the duty of said Commissioners to make, or cause to be made, an accurate description of all such lands as shall have been so acquired, with a statement of the amount of damages awarded and paid to each former owner for the land so acquired, which shall be certified by the President and Secretary of said Board, under the official seal of said Board, and be filed in the office of the Secretary of the Park and Recreation Board, and for record in the office of the Register of Deeds of said County of Hennepin; and it is hereby made the duty of said Register of Deeds to record the same among the records of transfers of real estate in said county, which records shall be prima facie evidence of title to such land, and of the transfer of all the interests of such former owner in the same to said City of Minneapolis.

It shall also be the duty of said Park and Recreation Board to have correct plats of all such lands as they may acquire for the purposes of this Chapter, prepared and filed in the office of the Secretary of said Park and Recreation Board, in the office of the ~~City Engineer~~ Department of Public Works of the City of Minneapolis, and in the office of the Register of Deeds of Hennepin County; which said plat shall be kept on file and of record in the office of said Register of Deeds in like manner as plats of additions to the City of Minneapolis.

Amending Chapter 16, Section 15 of the Minneapolis City Charter relating to Parks and Parkways, amending reference to the process used by the City in building sidewalks and assessing for the construction.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 16, Section 15 of the Minneapolis City Charter be amended to read as follows:

Section 15. Opening, Improving and Vacation of Streets. The said Park and Recreation Board shall have and exercise all such powers and jurisdiction over and in relation to parkways as now is, or hereafter may be, conferred upon the City Council in respect to the laying out, opening, widening and improving, vacating and discontinuance of streets; the grading, paving and curbing thereof; the construction of sidewalks; and the cost of all lands acquired, and of all improvements made by said Board pursuant to this section shall be levied upon and collected from the property specially benefited thereby. And the proceedings for the condemnation of land and for assessing benefits for improvements shall be conducted in the manner hereinbefore in this Chapter provided for condemning lands and assessing benefits.

The City Council of said City of Minneapolis shall have the same power and jurisdiction in respect to laying water mains and sewers along parkways in the said City as it now has in respect to laying the same along the public streets; and the same proceedings for levying and collecting special assessments for water mains and sewers along such streets shall apply to levying and collecting the same for water main laid along the parkways.

The Park and Recreation Board is hereby authorized in its discretion to cause curb and gutter or either to be built along any side of any parkway or any portion thereof, and to cause to be constructed and built any sidewalk along any parkway or any portion thereof, such curb, gutter and sidewalk to be built in such manner and of such materials as it may direct, and to collect the expense and the cost of the same by special assessment upon the property fronting upon such improvements on the same side of the street; but the expense of so improving any part of such parkways as shall be in front of property exempt from such assessment, or property belonging to the City shall be paid from the general fund of said Board.

It is hereby made the duty of all owners of land adjoining or abutting upon any parkway of the City to construct, reconstruct and maintain in good repair sidewalks along the side of the parkway contiguous to the lands of such owner, whether such sidewalks were heretofore or shall here after be constructed, the same to be built of such material and width and upon such place or grade as the said Board may prescribe by ordinance or otherwise. Whenever said Board shall deem it necessary that any sidewalk shall be constructed or reconstructed along a parkway in said City, it shall by resolution direct such construction or reconstruction specifying the width thereof and the material of which the same is to be constructed. The publication of such resolution once in the official paper of the City shall be sufficient notice to the owners of the land along which such sidewalk is to be built, to construct the same, and unless such owner shall each on his respective land, construct and fully complete such sidewalk within two weeks after the publication of such resolution as aforesaid, the said Board shall forthwith proceed to ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which said sidewalks shall front. Such assessment shall be made and collected in the same way so far as may be, except as herein otherwise provided for the collection of special assessments made by the City Council for the construction of sidewalks upon streets and alleys under its control, and the duties to be performed by the City, the ~~City Engineer~~ City's Department of Public Works and the City Clerk respectively, shall appertain to and be performed by the said Board, its Engineer and Superintendent, and its Secretary, respectively. And the said Board may either before or after making such assessment, cause the portion of sidewalks on such parkways as have not been built by the owners of such lands fronting on the same, to be built upon contract or by its own labor or by any other person as the said Board may determine.

If the owner of any lot or parcel of land fronting on any such parkway shall suffer any sidewalk along the same to become broken or out of repair, the said Board may repair the same in a good and substantial manner, and assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired, the cost and expense of making such repairs. In each case the assessment of all such repairs within the year may be combined in one assessment roll and be collected in the same manner and time as the City Council collects similar assessments for repairs upon streets and alleys under its control, except as herein otherwise provided. In case any such sidewalk shall become so out of repair as to become dangerous and cannot be made safe without being rebuilt, the said Board may cause the same to be entirely removed and replaced by a new sidewalk, and the expense of removal and cost of rebuilding shall be assessed upon the abutting property and collected in the manner hereinbefore provided for constructing sidewalks.

The said Board before ordering the construction of any new sidewalk or curb or gutter shall cause the ground or parkway along which they are to be built to be properly graded.

It shall require a majority vote of the members elected to said Board to determine in the first instance to make any improvement of curb or gutter or sidewalk along any such parkways for which a special assessment may be levied.

Any curb, gutter or sidewalk which said Board determines to make on any such parkway, the means to make or construct which are to be raised by special assessment, may be performed by contract let in the ordinary way or may be constructed directly by said Board by the employment of labor or purchase of material, or in any other manner in which said Board may deem proper in any particular case. The said Board may in its discretion in any case, instead of causing the special assessment to be made entirely upon estimates, wait until the letting of the contract for such improvement, or until such improvement shall be made, before determining and fixing the cost and expense of such improvement. And the said Board may at the time of ordering any such improvement for which any assessment is to be made, determine whether to proceed at once with such improvement or wait the collection of the assessments made therefor, or said Board may if the owner or owners of the property abutting on such improvements do not within the space of two weeks construct the sidewalks as ordered in front of their respective properties, and in all cases where the improvement is a curb or gutter or both, may proceed to build or cause to be built said sidewalks or said curb or gutter, and thereafter when the cost and expense of such improvements are ascertained, proceed to assess the same upon the respective property fronting upon such improvements.

All special assessments for curb and gutter or sidewalks made by said Board under this Chapter, shall be assessed and made payable in five (5) equal annual installments plus interest and collected with the taxes for the year in which the installment is due; anything herein, or in the method or manner of collection of similar assessments by the City Council to the contrary notwithstanding.

All parkways which have been or which may be acquired in or adjacent to the City of Minneapolis shall be subject to the control and government of the Park and Recreation Board of said city, in respect to the construction, maintenance, regulation and government thereof; and to the use, travel and traffic over and upon the same; provided, that no street, alley or public place, or any part thereof shall be taken for a parkway without the consent of the City Council of said city.

The said Park and Recreation Board may acquire by gift, lands without the corporate limits of said city for the purpose of continuing or completing any system of parkways within said limits, and shall possess the same powers and jurisdiction over said parkways as if they were wholly within the city limits.

Amending Chapter 19, Section 4 of the Minneapolis City Charter relating to Civil Service, amending the unclassified service to include the Director of Public Works and eliminate the City Engineer.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 19, Section 4 of the Minneapolis City Charter be amended to read as follows:

Section 4. Powers of Commission To Extend Only To Classified Service. The powers of the commission shall extend only to the classified service which shall embrace the entire service of the City except the following officers, and employees, which shall be known as the "unclassified service", namely: Officers who are elected by the people; members of boards and commissions; the city clerk; secretaries of the several boards and commissions serving without pay; the City Engineer, Director of Public Works; the chief health officer; the Chief of police; the City assessor; superintendents, principals, supervisors of teachers and teachers in the public schools; the city attorney; the attorney of the park board; the director and librarians of the public library; the superintendent of parks; a landscape architect; a chief of park police; and the Mayor's private secretary. None of the unclassified service shall be subject to examination or affected as to their selection, appointment, discharge or removal by the provisions of this Chapter.

