

Amendments to the Charter of the City of Duluth adopted at Special Election held October 23rd, 1902.

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CH. I.

Amend Sub-division Seventeenth of Section 284 of the City Charter by striking out the words "one hundred thousand dollars (\$100,000)" where they appear therein, and inserting in lieu thereof the words "one hundred fifty-thousand dollars (\$150,000)", so that said sub-division as amended, shall read as follows:

"Seventeenth. There shall also be a permanent improvement revolving fund, which shall not be supported by taxation. There shall be paid into the permanent improvement revolving fund, moneys received from all special assessments assessed and levied under this charter for local improvements under the provisions of sub-chapter two (2) of chapter twenty-three (23) of said charter, and also such amounts as may be realized by the sale of the one hundred fifty thousand dollars (\$150,000) worth of certificates or bonds authorized herein. In connection with said fund the treasurer shall keep a separate account of each assessment levied, and of each issue of bonds, the proceeds of which go into said fund.

Should there at any time be an accumulation of money in said fund greater than the probable demand upon said fund during the two (2) years next following, then the common council shall report such fact to the Board of Sinking Fund commissioners, who shall, as soon as practicable, invest said accumulation substantially in the same manner that the moneys of said sinking fund are to be ~~XXXXXX~~ invested; or the common council may, by resolution, transfer such accumulation or any part thereof to the sinking fund of the city.

Moneys (1) in the city treasury of the City of Duluth at the time this charter goes into effect, (2) collected or to be collected from any taxes levied before this charter goes into effect, shall so far as

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practicable be divided among the several funds thereby established, and where such subdivision is not practicable, shall be kept in the general fund. The common council by resolution shall provide for such such subdivision in accordance with the directions herein contained.

Where, prior to the time that this charter goes into effect, an assessment has been levied to cover the cost of a local improvement, which improvement has not, at said time, been paid for, the proceeds of such assessment shall be paid into the permanent improvement revolving fund, and the cost of said improvement shall be paid out of said fund.

The aggregate amount levied by the common council, in any one year, for said funds numbered fourth (4th) to sixteenth (16th) inclusive, shall not exceed three hundred and twenty thousand dollars (\$320,000) nor shall it exceed eleven (11) mills of the assessed valuation of all taxable property in said city; a levy in excess of either of these limitations shall be void as to such excess.

From the general fund the common council may in every year and by a resolution, appropriate a sum not to exceed two hundred dollars (\$200) for contingent expenses incurred or to be incurred by the mayor in the detection of crime and prevention thereof, in the city, and also a sum not to exceed one thousand dollars (\$1,000) for the support of any benevolent or charitable object in the City of Duluth.

#### TWO.

Amend Sub-division Fifth of Section 286, so as to provide for the issue of bonds, not exceeding one hundred fifty thousand dollars (\$150,000) in amount for the purpose of a revolving fund, instead of one hundred thousand dollars (\$100,000) as now provided; and so that said sub-division Fifth shall read as follows:

"Fifth--The City of Duluth may by ordinance borrow money and issue bonds, notes and certificates of indebtedness, or other evidences of indebtedness to pay, fund or refund any special improvement certificates, or any bonds, notes, certificates of indebtedness, orders or obligations issued prior to March 10th, 1899, or thereafter at any time

or in any manner by this charter expressly authorized. The City of Duluth may, by ordinance, borrow money and issue notes, certificates or other evidences of indebtedness in anticipation of any taxes or assessments levied upon any portion of the taxable property prior to the time this charter goes into effect, whether or not any proceeding shall have been taken to enforce the payment thereof. The ordinance mentioned in the above mentioned sub-divisions one (1) to five (5) inclusive, shall prescribe the form and term of such bond, notes, certificates and evidences of indebtedness. The City of Duluth shall have authority in such ordinance to provide that the same shall be general obligations of the city, or that they shall not be general obligations of the city, but shall be payable out of any specified taxes, assessments, funds or liens held by the city, property, or may limit the city's liability thereon in any other manner, or may provide that the city shall guarantee payment of the same. Provided, that bonds issued under sub-divisions one (1), two (2) and three (3) above mentioned, shall be always general obligations of the city, and without prejudice to the powers hereinbefore granted; the city of Duluth shall have authority by ordinance, to assign any property acquired by the city under any proceeding to enforce special assessments for local improvements, whether such proceeding has been had prior to the time this charter goes into effect or shall be had hereafter, or any lien or right of action held by the city on account of or arising out of any such assessment as security for the payment of ~~HEREIN~~ any bonds, notes, certificates of indebtedness, or other evidences of indebtedness mentioned in this section, or to provide that such bonds, notes, certificates of indebtedness, or other evidences of indebtedness mentioned herein may be collected out of any such property, liens or rights of action.

"The City of Duluth shall also have authority, by ordinance, to provide for the issue of bonds not exceeding one hundred and fifty thousand dollars (\$150,000) in amount for the purpose of a revolving fund as mentioned in the chapter of this charter providing for special

assessments for local improvements. No bonds excepting bonds for re-funding indebtedness shall be issued for any purpose, to any amount exceeding one hundred thousand dollars (\$100,000) until the proposition to issue said bonds has been approved by a majority of the legal voters of the city voting at a general or special election.

Whenever the common council passes any ordinance to issue bonds in pursuance of the provisions of this section, such ordinance shall provide for the submission to the legal voters of the city at some general city election or at some special election to be called by the common council for that purpose, the proposition of issuing said bonds to an amount deemed by said common council advisable. Any such election shall be called, if a special election, and whether special or general, shall be conducted in the same manner and with the same formalities as special and general elections are respectively conducted under the terms of the general laws of this state. The ballot to be voted at such election shall read substantially as follows:

\*Shall bonds be issued by the City of Duluth under the provisions of Section 236 of the charter of said city to the amount of (here state amount) for the purpose of (here state purpose.)

The debt of the City of Duluth shall not be increased beyond five (5) per cent of the total value of the taxable property of the city according to the last preceding assessments for the purpose of taxation nor shall any bonds be issued while the debt of the city remains in excess of five (5) per cent of the total value of the taxable property of the city according to the last preceding assessments for the purpose of taxation, except for the purposes mentioned in sub-divisions one (1), two (2) and three (3), above set forth, for the paying of the maturing bonds of the city, or by the issue of bonds for the permanent improvement revolving fund heretofore provided for in this charter.

Bonds, notes, certificates and other evidences of indebtedness and obligations of the City of Duluth authorized by this section shall in no event bear a greater rate of interest than six (6) per cent per annum

And if they run for over five (5) years shall not bear a greater rate of interest than five (5) per cent per annum, and shall in no event be sold for less than the par value thereof, and shall be sold in accordance with the provisions of Chapter 353 of the General Statutes of Minnesota of the year 1897, Sections 1 and 2."

THIRD.

Amend Section 338 of the City Charter so as to read as follows:

"Section 338. The city shall have no power to assess upon any real estate any part of the expense of in anywise improving any street, alley or highway, except sprinkling or sweeping the same, unless twenty five (25) per cent of the owners, owning at least twenty-five (25) per cent of the real estate to be assessed therefor, according to the records in the office of the register of deeds of St. Louis County, at the time the petition is presented, shall first petition the common council for such improvement; nor shall the city have any power to assess upon any real estate for any part of the expense of constructing any sewer or drain pipe for surface water or private drain, unless ten (10) per cent of the owners, owning at least ten (10) per cent of the real estate to be assessed therefor, according to the records in the office of the register of deeds of St. Louis county at the time the petition is presented shall first petition the common council for such improvement.

"All joint or common owners of any piece of property shall be counted as one owner in determining the number.

"If such petition shall require the improvement therein mentioned to be made in any specific manner, or with any specific kind of material; such requirement as to manner or material shall be advisory only, and the common council may itself determine the manner of such improvement and the material to be used.

"The common council may by a two-thirds ( $\frac{2}{3}$ ) vote of all its members authorize the employment of a person or persons to circulate a petition for any improvement which in the judgment of the council is necessary and proper."

FOUR.

Add a section as follows:

"Section 358 a. The common council of the city of Duluth, by a seven-eighths (7/8) vote of all its members, shall have the power to order the construction of sanitary main trunk sewers when the public health and necessity require it, and the city shall have the power to assess upon the real estate to be specially benefited by the same to defray the expense of such construction, or a part thereof, according to special benefits, which will accrue to such real estate, without the petition of property owners, provided for in Section 358 of this Charter; provided, however, that a Sanitary Main Trunk Sewer is hereby defined to be and shall be, the main outlet sewer for the drainage of any sanitary sewer district terminating at the point of final discharge of sewerage into St. Louis Bay or River, or Duluth or Superior Bay or Harbor, or Lake Superior, the whole length of which shall be designed and intended as the outlet for lateral sewers, and shall not include any other main outlet, branch, lateral sewer, or any extension of such main trunk sewer."

FIVE.

Amend Section 372 so as to read as follows:

"Section 372--When said Board shall be ordered by the common council to make any improvements described in Section 356 of this charter, it shall cause an estimate of the cost of such improvement to be made by the city engineer, and shall thereupon proceed at once to assess eighty (80) per cent of such portion of the estimated cost of such improvement as is assessable, including ten per cent (10%) upon such amount, which shall be added to the assessment to defray the necessary expenses of making survey, plans, specifications and superintendence, on the property to be benefited by said improvement, in proportion as nearly as may be to the benefits resulting thereto, but in no case in excess of such benefits. In making such assessment roll the Board shall describe each parcel of property assessed, and the amount assessed against the same, and shall state the name of the owner there-

of, so far as known to said Board. No mistake in, or omission of such owner's name shall in anywise affect such assessment.

"If the work shall have been completed before any assessment is made, or if the amount so assessed shall be insufficient to complete the work, said Board shall, after the completion of said work, make a final assessment in the same manner to pay the same.

"All assessments paid on account of any improvement ordered to be done by contract, before the contract therefor is let, shall be kept separate in the permanent improvement revolving fund for such improvement until the amount of said fund, available for said improvement, equals that portion of the estimated cost of said improvement that shall be paid from said fund."

SIX.

Add a section as follows:

"Section 364 a--The same penalties and interest shall attach and be collected by the county treasurer on assessments as upon general taxes, which penalties and interest shall belong to the city and be turned over by said treasurer to the city with the assessments."

SEVEN.

Amend Section 386 so as to read as follows:

"Section 386--A penalty of ten (10) per cent shall be added to all assessments not paid on or before ten (10) days after the time for appeal, hereinbefore provided for, has expired."

EIGHT.

Amend Section 477 of the charter by striking out the words "Board of Fire Commissioners two hundred dollars (\$200) each", so that said section as amended will read as follows: This amendment shall not affect the present members of the Board of Fire Commissioners during their present term of office:

"Section 477--The following officers of the city shall receive each year salaries as follows:

The mayor, two thousand five hundred dollars (\$2500); comptroller two thousand dollars (\$2000); treasurer, two thousand four hundred dollars (\$2400); aldermen three hundred dollars (\$300) each; city clerk

one thousand eight hundred dollars (\$1800); city attorney, three thousand dollars (\$3000) and the fees provided in the municipal court act; assistant city attorney, one thousand five hundred dollars (\$1500); city engineer, two thousand seven hundred dollars (\$2700); board of public works one thousand dollars (\$1000) each; commissioner of health, one thousand two hundred dollars (\$1200); city assessor, one thousand eight hundred dollars (\$1800); building inspector, one thousand four hundred dollars (\$1400); secretary of board of civil service commissioners (who shall be ex-officio secretary of the health commissioner) one thousand two hundred dollars (\$1200); mayor's private secretary, six hundred dollars (\$600); secretary of the board of fire commissioners, six hundred dollars (\$600). The secretary of the board of park commissioners will receive a compensation to be annually fixed by the Board on April first (1st) and not to exceed the sum of six hundred dollars (\$600).

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State of Minnesota, :  
:ss.  
County of St. Louis.:

CITY OF DULUTH.

I, T. W. Hugo, Mayor of the City of Duluth in St. Louis County, Minnesota, do hereby certify that the annexed and foregoing amendments to the Charter of the City of Duluth were returned to the Mayor of the City of Duluth by the Charter Commission duly appointed by the Judges of the District Court for the Eleventh Judicial District in the State of Minnesota, under authority of Chapter 351 of the laws of Minnesota for 1899, as proposed amendments to the Charter of the City of Duluth, to be submitted to the qualified voters of said city of Duluth at the next election thereof. That said amendments were under the provisions of said Chapter 351 of the General Laws of 1899, duly submitted to the qualified voters of said city at the next election thereof, which was held on October 23rd, A. D. 1902, and was duly ratified and accepted by more than three-fifths of the qualified voters of said city voting at such election.

In Witness Whereof, I have signed this certificate and caused it to be authenticated by the corporate seal of the City of Duluth, in triplicate, this 11th day of February, A. D. 1903.

*T. W. Hugo*  
Mayor of the City of Duluth.

*Com. & Sec.*



AMEND THE CHARTER BY ADDING AFTER SECTION 362 THE FOLLOWING:

Section 362 a. The Cost of grading, paving, and otherwise improving the intersections of streets, avenues, and alleys with other streets, avenues and alleys shall be paid by general taxation and no assessments for benefits for any such improvements shall ever be made. Whenever a street, avenue or alley is improved the cost of improving the intersections thereof with other streets, avenues and alleys shall be paid out of the "Street Intersection and Storm Sewer Fund" established at the time of the adoption of this amendment.

AMEND THE CHARTER BY ADDING AT THE END OF SECTION 64

THE FOLLOWING SECTION:

Section 64 a. In addition to the other powers granted it by this charter, the Common Council shall have the power, by a two-thirds vote of all its members whenever funds are available for the purpose, to cause to be constructed in any of the streets, avenues, alleys and public places of the city, storm sewers for the purpose of carrying off the surplus water upon and draining such streets, avenues, alleys and public places and the territory adjacent thereto, and preventing damage to persons and property by floods and washouts. Before causing any such storm sewer to be constructed and before deciding upon the location, size or character thereof, the common council shall cause a careful survey of the territory proposed to be drained to be made by the engineering department of the city and shall secure the approval in writing of the city engineer or the officer in charge of the engineering department, to the location and plans of the sewer so proposed to be constructed.

The work of constructing any such storm sewer may be done in connection with the work of improving the street in which

the same is located or independent thereof. The cost of constructing and maintaining all such storm sewers shall be paid out of the Street Intersection and Storm Sewer Fund established at the time of the adoption of this amendment and no assessment for benefits for any such improvement shall ever be made.

That Section 284 of the Charter be amended by adding to the end thereof the following:

Eighteenth: There shall also be a Street Intersection and Storm Sewer Fund out of which shall be paid the cost of improving the intersections of streets, avenues and alleys with other streets, avenues and alleys and out of which shall also be paid the cost of constructing and maintaining all such storm sewers as shall be constructed pursuant to the provisions of Section 362 a, adopted with this amendment. The common council shall annually levy for the support of this fund a tax of not to exceed two (2) mills on the dollar on the assessed valuation of all taxable property of the city. No money shall be paid out of this fund for any purpose except for the improvement of street intersections and the construction and maintenance of storm sewers as herein provided.

That Section 64 of the Charter of the City of Duluth be amended by adding at the end thereof the following:

"Eighty-Seventh.- To regulate the use of streets, avenues and alleys by vehicles, and to impose upon vehicles a tax or fee for the privilege of using the streets, avenues and alleys of the city, the proceeds of which tax or fee shall be used solely for the maintenance and repair of streets, avenues and alleys."

That Section 284 of the Charter of the City of Duluth  
be amended,

(1) By striking out from paragraph numbered Seventh the  
word "Streets" wherever the same occurs in said section, and by  
adding to the end thereof the following: "and for cleaning streets,  
avenues and alleys."

(2) By adding to the end thereof the following:

"Nineteenth.- There shall also be a street maintenance  
and repair fund to provide solely for the maintenance and repair  
of streets, avenues and alleys. Into this fund shall be paid  
all taxes or fees imposed upon vehicles by the Common Council under  
the provisions of Section 64 of this Charter. The Common Council  
shall levy a tax of not to exceed one (1) mill on the dollar  
annually on the assessed valuation of all the taxable property,  
to be paid into the City treasury to the account of this fund,  
such tax to be levied and collected in like manner with other  
general taxes of the City."

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State of Minnesota, ss.  
County of St. Louis.

City of Duluth.

I, M.B. Cullum, Mayor of the City of Duluth, of St. Louis  
County, Minnesota, do hereby certify that the foregoing amendments to  
the Charter of the City of Duluth were submitted to the qualified voters  
of the city of Duluth for adoption and ratification, at the General  
City Election in the city of Duluth, which was held on the first day  
of February, A.D. 1910; and that said amendments and each of them  
were duly ratified by a threefifths vote of all the qualified voters  
voting at said election.

IN WITNESS WHEREOF, I have signed this certificate and caused it  
to be authenticated by the corporate seal of the City of Duluth, in  
duplicate, this 10th day of March, A.D. 1910.

M. B. Cullum  
Mayor of the City of Duluth.

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MAY 12 1921

STATE OF MINNESOTA,  
DEPT OF STATE

Filed in the office of Secretary  
of State this \_\_\_\_\_ day  
of \_\_\_\_\_ MAR 11 1910 1

*Julius A. Schomahl*  
Secretary of State