

So. St. Paul, Minn., July 17th, 1923.

STATE OF MINNESOTA )  
COUNTY OF DAKOTA ) SS.

I, J. R. Stevenson, City Recorder of the City of South St. Paul, Dakota County, Minnesota, and custodian of the records thereof, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted and passed by the City Council on the 5th day of April, 1923.

J. R. Stevenson  
City Recorder.  
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STATE OF MINNESOTA  
DEPARTMENT OF STATE

**FILED**

JUL 18 1923

*Wm. H. Allen*

Secretary of State

COPY.  
RESOLUTION.

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By Alderman O'Donnell.

Seconded by Alderman Forsythe.

WHEREAS: A Special Election was duly held in the City of South St. Paul, Minnesota, on the 3rd day of April, 1911, to vote upon a Proposed Amendment to the City Charter of the City of So. St. Paul, Minnesota. "Proposed Amendment to Section Twenty-two (22), Chapter Ten (10), relating to the construction, repairing or relaying of sidewalks, be amended as proposed by the Board of Freeholders", to wit:-

PROPOSED AMENDMENT TO THE CITY CHARTER OF THE CITY OF SOUTH ST. PAUL, MINN. 1911. per cent per annum, payable annually or for which no evidence is shown to the contrary.

There are eight election districts in the City of South St. Paul as follows:-

There were cast in the First Precinct of the First Ward of said city a total of 84 votes of which 54 voted Yes and 20 voted No and that there were ten (10) blank ballots.

There were cast in the Second Precinct of the First Ward of said City a total of 284 votes of which 232 voted Yes and 52 voted No.

There were cast in the First Precinct of the Second Ward of said City a total of 328 votes of which 240 voted Yes and 88 voted No.

There were cast in the Second Precinct of the Second Ward of said city a total of 265 votes of which 224 voted Yes and 41 voted No.

There were cast in the Third Precinct of the Second Ward of said City a total of 301 votes of which 224 voted Yes and 77 voted No.

There were cast in the Fourth Precinct of the Second Ward of said City a total of 363 votes of which 263 voted Yes and 100 voted No.

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PROPOSED AMENDMENT  
22. CHAPTER X.  
SECTION

Whenever the City Council shall determine to construct, repair, or relay any sidewalks, it shall cause plans and specifications therefor to be made and filed with the City Recorder and shall advertise for such construction, repair, or relaying in the official paper and such other paper or papers and for such length of time as it may deem advisable. Such advertisement shall specify the work to be done, shall call for bids on the basis of cash payment for such work and shall state the time when the bids will be considered by the council, and that no bids will be considered unless sealed and filed with the City Recorder and accompanied by a cash deposit or certified check payable to the City Recorder, for such percentage of the amount of such bids as the council may specify.

In letting contracts for any such work, it shall be the duty of the council to require the execution of a written contract and a bond in such sum as it may require, conditioned for the faithful performance of the contract, and for saving the municipality harmless from any and all liability in the prosecution and completion of the work, and conditioned further for the payment for all materials used and labor performed thereon. The council, if a contract is awarded, may award the same to the lowest responsible bidder. If any bidder to whom such contract is awarded shall fail to enter promptly into such written contract and to furnish such bond, then such defaulting bidder shall forfeit to the city the amount of his cash deposit or certified check, and the council may thereupon award the contract to the next lowest responsible bidder; provided, the council shall have the right to reject any and all bids. The council may have the work supervised by the city engineer or any other person, and in case of improper construction or unreasonable delay in the prosecution of the work by the contractor, it may order and cause the suspension of the work at any time and place and the contract therefor, or order a reconstruction of any portion of the work.

No action shall be taken for the making of any such improvement except upon the adoption of a resolution to that effect by an affirmative vote of two-thirds of all of the members of the city council after a meeting at which all property owners whose property is liable to be assessed therefor have been notified to be present by a notice of such meeting published for two weeks in the official paper.

Before a contract is let as hereinbefore provided the city recorder shall first calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece, or parcel of land fronting on said improvement; provided however that such amount shall in no event exceed forty per cent of the assessed value of any such lot, piece or parcel of land, and the proposed assessment so made shall be filed in the office of the city recorder and be open to public inspection.

The city recorder shall thereupon under the council's direction cause notice of the time and place when and where the council will meet to pass upon such proposed assessment to be published in the official paper at least ten days prior to such meeting of the council.

At such meeting the council shall hear and pass upon all objections thereto, if any, and may, if it deems just, amend such proposed assessment as to any lot or lots, and upon the adoption of the resolution of such assessment, the same shall constitute the special assessments against the lands therein. Such assessment, with the amount of interest thereon, shall be a lien upon the property included therein, and shall be payable in installments extending over a period not exceeding twenty years, and the council may by resolution determine that such installment to be payable to the city. Such assessment when so confirmed shall be final and conclusive and no appeal shall be therefrom, and the same and all deferred payments thereof shall bear interest at the rate of six per cent per annum after the expiration of sixty days after the adoption of said assessment. It shall be the duty of the city recorder, immediately after the expiration of sixty days after said assessment shall have been so confirmed, to transmit a certified copy of such assessment to the county auditor of Dakota county, to be extended on the proper tax lists of said county, and such assessments shall be collected and paid over in the same manner as other municipal taxes provided, that the owner of any property so assessed may, at his election, pay the whole of such assessment, or any annual installment thereof with interest as to any lot, piece or parcel of land affected thereby; and also provided that nothing in this section shall be construed to prevent any property owner from constructing his or her own sidewalk under the authority and direction of the city engineer, provided said sidewalk shall have been constructed within ten days from the date the same is ordered.

Any party desiring to object to the assessment as hereinbefore provided, or his duly authorized agent or attorney, shall on or before the date of hearing upon such assessment, file with the city recorder a written statement of the objections and all objections not specified therein shall be deemed waived. In case of omission, errors or mistakes, in making such assessment, in respect to the cost of such improvement, or otherwise, it shall be competent for the council to provide for and make supplemental assessments to correct such omissions, errors or mistakes. If at any time after any assessment of any part thereof as to any lot, lots or parcels of land assessed under this section for any reason whatever, is set aside, the council may cause a reassessment or a new assessment to be made, and the expenses of such improvement to be made.

After a contract or contracts for the construction, repair, or relaying of any sidewalks have been entered into by the city as hereinbefore provided, the city council may issue certificates of indebtedness in such amount as may be necessary to defray in whole or in part the expense incurred or to be incurred in making such improvement. The word "expense" shall be construed to mean and cover every item of cost of such improvement from its inception to its completion, and all fees and expenses incurred or to be incurred in pursuance thereof. Such certificates shall be payable in annual installments as near equal in amount as conveniently may be, over a period not exceeding twenty (20) years from their date, shall bear interest at a rate not to exceed six

per cent, and shall be in such form and denominations, all as the council shall by resolution determine, and shall be signed by the mayor and countersigned by the city recorder. A separate special assessment fund shall be provided for each improvement and the proceeds from the sale of any certificate issued on its account shall be placed in such fund. The council shall provide money for the payment of the principal and interest of said certificates, as they severally mature, which shall be placed in such fund and into such funds shall also be paid all moneys received from the payment of liens created under the provisions of this section. And the council shall pay the principal and interest of any such certificates out of any funds in the treasury when the moneys on hand in the appropriate special assessment fund are insufficient to meet the payment of the principal or interest when the same becomes due, but the fund from which such moneys have been taken or used for the payment of such principal or interest shall be replenished with interest at the rate of six per cent per annum from the collection of unpaid assessments on account of such improvements.

The amount of any such certificates at any time outstanding shall not be included in determining the net indebtedness of said city under any other provisions of this charter. All provisions of said City Charter inconsistent herewith are hereby expressly repealed.

STATE OF MINNESOTA, COUNTY OF DAKOTA, CITY OF SOUTH ST. PAUL.

I hereby certify the foregoing proposed amendment number One (1) was duly submitted and presented to the mayor by the Charter Commission of the City of South St. Paul at a regular meeting of the City Council, held on the 5th day of February, 1928, and said City Council did then and there according to law, order a special election to vote on said proposed amendment to be held at the usual voting places in said city on the 3rd day of

Dated March 1st, 1928.  
(SEAL) J. R. STEVENSON,  
City Recorder

April, 1928.

There were cast in the First Precinct of the Third Ward of said city a total of 95 votes of which 84 voted Yes and 5 voted No and that there were 5 blank ballots.

There were cast in the Second Precinct of the Third Ward of said City a total of 206 votes of which 164 voted Yes and 42 voted No and Whereas pursuant to law and the City Charter it is required that three-fifths ( $3/5$ ) of all the votes cast at said election shall be in favor of a Proposed Amendment before it is adopted.

Now, Therefore, we find that the total of number of votes cast were 1926, of which 1485 voted Yes and of which 426 voted No and that there were 15 blank ballots.

And Whereas from said returns and the canvass of the City Council, it appears that the amendment was duly carried by more than a three-fifths ( $3/5$ ) vote. Now, Therefore Be It Resolved and the City Council of the City of South St. Paul, has so declared that said proposed amendment did duly carry at said election and was adopted by the people of said City of South St. Paul.

Resolved further that the proper officers be required to cause said proposed amendment to be recorded in the Register of Deeds Office, Dakota County, Minnesota, and placed in the archives of said City and a Certified copy thereof be filed in the Secretary of State's Office of Minnesota, and perform such other duties in the premises as may be required by law.

Adopted by the City Council of the City of South St. Paul, Minnesota, April 5th, 1923. Yeas 5.

Approved April 6th, 1923.

Attest: J. R. Stevenson, City Recorder. G. F. Kramer, Mayor