



PROPOSED AMENDMENT TO THE  
CITY CHARTER OF THE CITY OF  
ALEXANDRIA, MINNESOTA.

Section 158 (a)

Relating to Street Improvements and  
to the Payment of the Cost Thereof.

Sec. 1. The City Council shall have power to improve any street or streets or any alley or alleys by laying and maintaining pavements, gutters and curbs thereon of any material which it may deem suitable or by grading or graveling the same. The cost of any such improvement may be assessed upon the abutting property based upon the number of feet fronting upon such street or alley proposed to be so improved, or upon the basis of benefits, but the council may pay the cost of a pavement across intersecting streets and alleys and one-half (½) of the cost of pavement opposite any public park or municipal property, and the entire cost of gutters out of the general fund. The improvement of two or more connecting streets may be included in one proceeding and conducted as one improvement.

Sec. 2. No action shall be taken for the making of any such improvement except upon the adoption of a resolution to that effect by a majority vote of the council after a meeting at which all property owners whose property is liable to be assessed therefor, has been notified to be present, by notice of such meeting published for two weeks in the official newspaper.

Sec. 3. Before making any such improvement the council may by resolution require the owners of the abutting property to lay branch sewers and water pipes from the mains to the curb or lot lines of each lot, and in case any property owner neglects to lay such sewer or waterpipe, within sixty (60) days after having been served with copy of said resolution, the council may cause the same to be put in and may assess the cost of the same against the property and collect the same as taxes are collected. All such waterpipe connections shall be of such material as the council may prescribe.

Sec. 4. Whenever the council shall determine to make such improvement, it may cause plans and specifications thereof to be made and filed with the City Clerk and may advertise for bids for such improvement in the official newspaper 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 such bids on the basis of cash payment for such work and shall state the time when the bids will be opened and considered by the council, and that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit or certified check payable to the clerk, for such percentage of the amount of such bid 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 material 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 municipality 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 all bids; and provided further, that whenever it shall appear to the council that the cost of the entire work projected shall be less than five hundred dollars, then the council may directly purchase the materials therefor and cause the work to be done by day labor. The council may have the work supervised by the municipality's engineer or 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 resist the contract therefor, or order a reconstruction of any portion of the work improperly done, and where the work to be done shall call for an expenditure of less than five hundred dollars to complete the work or the reconstruction necessary, the council may do it by the employment of day labor.

Sec. 5. In case the contractor shall properly perform the work, the council may, from time to time, before the completion of the work, in its discretion, pay any such contractor seventy-five (75) per cent of the amount already earned thereunder, upon the estimate of the engineer or other competent person selected by the council.

Sec. 6. After a contract is let, or after the work is ordered done by day labor as hereinbefore provided, the clerk, with the assistance of the engineer or other person selected by the council to perform the duties of engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, in accordance with the provisions of section 2 of this act, and the proposed assessment so made up shall be filed with the clerk and be open to public inspection. The clerk shall thereupon under the council's direction cause notice of the time and place when a special assessment will meet to be passed upon such proposed assessment, to be published in the official paper at least one week 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 it just, amend such proposed assessment as to any lot or lots, and upon the adoption by resolution of such assessment, the same shall constitute the special assessments against the lands named therein. Such assessment, with the accruing interest thereon, shall be a lien upon the property included therein, concurrent with general taxes, and shall be payable in equal annual installments extending over such period not exceeding twenty (20) years as the council may by resolution determine, the first of said installments to be payable on or before the first day of June following the adoption of the assessment, and any deferred payments to bear interest at the rate of six per cent per annum from the first day of June following the adoption of the assessment.

It shall then be the duty of the clerk immediately thereafter to transmit a certified duplicate of such assessment to the county auditor of the county, to be extended on the proper tax lists of the 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 any time, pay the whole of such assessment, or any annual installment thereof with interest, as to any lot, piece or parcel of land affected thereby; provided further that when a special assessment levied against the property of the school district of Alexandria or against property which is exempt from taxation by reason of belonging to any church or other benevolent association, or for any other reason, the amount of assessment which is unpaid when due may be collected, by proceedings brought by the city in the District Court of Douglas County.

Sec. 7. In case of omissions, errors or mistakes, in making such assessments, in respect to the total 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.

Sec. 8. After a contract or contracts for the making of any such improvement shall have been entered into by the city council, it may issue certificates of indebtedness of the said city in such amounts 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 the rate not to exceed six (6) per cent, payable annually, or semi-annually, which interest may be evidenced by appropriate coupons 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 clerk. A separate special assessment fund shall be provided for each improvement and the proceeds from the sale of any certificates issued on its account shall be placed in such fund. The council shall provide moneys for the payment of the principal and interest of said certificates, as they severally mature, which moneys

shall be placed in such fund and into such fund shall also be paid all moneys received from the payment of any liens created under the provisions of this amendment. 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 matures, 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 any such municipality's net indebtedness under the provisions of any applicable law.

Sec. 9. In any case where any assessment or any part thereof as to any lot, lots or parcels of land assessed under any of the provisions of this act, for any reason whatsoever, is set aside, the council may cause a re-assessment or a new assessment to defray the expenses of such improvement to be made.

Sec. 10. Any party desiring to object to the assessment, or his duly authorized agent or attorney, shall on or before the date of hearing upon such assessment, file with the clerk a written statement of the objections and all objections not specified therein shall be deemed waived.

Sec. 11. Within ten (10) days after the adoption of the assessment, any person aggrieved who appeared and filed objection thereto, may appeal to the District Court by serving a notice upon the mayor, which notice shall be filed with the clerk of the district court within ten days after service thereof. The clerk shall furnish appellant a certified copy of his objections filed therein, and the assessment roll or part complained of, and all papers necessary to present the appeal. The appeal shall be placed upon the calendar of the next general term commencing more than five days after the date of serving the notice and shall be tried as other appeals in such cases. If appellant does not prevail upon the appeal the cost incurred, if not paid, shall be included in the special assessment.

Respectfully submitted this 23rd day of June, 1920.

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4058