

## CHAPTER 328—S. F. No. 878

*An act relating to municipal merit system, amending Minnesota Statutes 1953, Section 44.04, Subdivision 4.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1953, Section 44.04, Subdivision 4, is amended to read:

Subd. 4. **Meetings.** The board shall hold regular and special meetings as provided by its rules. All meetings and hearings shall be open to the public. Two members of the board shall constitute a quorum. Members shall be paid all necessary expenses. The board shall select a secretary to serve at the pleasure of the board. The secretary may be a member of the board or an employee of the municipality. The council may authorize the payment of compensation for his services, not exceeding \$100 a year *and may authorize the payment of compensation for the members of the board not exceeding \$150 per year.*

Approved April 8, 1957.

## CHAPTER 329—S. F. 979

*An act relating to the repair of public drainage ditches; amending Minnesota Statutes 1953, Section 106.471, Subdivision 2, as amended, and Subdivisions 5 and 6, as amended by Laws 1955, Chapter 800, Section 2.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1953, Section 106.471, Subdivision 2, as amended by Laws 1955, Chapter 800, Section 2, is amended to read:

Subd. 2. **Authority of board; repairs.** (a) After the construction of a state, county or judicial drainage system has been completed, the county board shall maintain the same or such part thereof as lies within the county and provide the repairs required to render it efficient to answer its purpose. The board shall cause such drainage system to be annually inspected, either by a committee thereof, or a ditch inspector appointed by the board, and, if the committee or inspector shall report in writing to the board that repairs are necessary on any ditch system and such report is approved by the board, it shall cause such repairs to be made within the limits hereinafter set forth. The ditch inspector may be the county highway engineer.

(b) If the board finds that the estimated cost of such repairs will be less than \$2,000, it may have such work done by day labor without advertising for bids or entering into a contract therefor. The county board is limited in the expenditure of money therefor as herein provided. In one calendar year the board shall not spend or contract to be spent for repairs or maintenance on one ditch system a sum greater than 20 percent of the cost of construction thereof in that county, except as provided in subdivision 4. In case there are sufficient funds to the credit of the drainage system to make such repairs, such funds may be expended by the county board for such purpose without further assessment.

(c) Before ordering the levy of an assessment for repairs, the county board, in its discretion, may give such notice of hearing thereon as it may deem necessary.

Sec. 2. Minnesota Statutes 1953, Section 106.471, Subdivision 5, is amended to read:

Subd. 5. **Assessment; bonds.** (a) If there are not sufficient funds to the credit of the drainage system so to be repaired, the county board shall apportion and assess the cost of the repairs pro rata upon all lands, corporations and municipalities which have participated in the total benefits as theretofore determined. Such assessment may not exceed the total benefits theretofore determined. Such assessments may be made payable in annual instalments to be specified in the order for assessment. If the assessments do not exceed 50 percent of the original cost of the ditch, such instalments shall not exceed five. But, if such assessments exceed 50 percent of the original cost of the ditch, the county board may order such assessments to be paid in instalments not to exceed ten. If such order shall provide for payment in instalments, interest from the date of the order for assessments shall be fixed by the county board in the order, at a rate not to exceed five percent per annum, on the unpaid assessments, and shall be collected with each instalment.

(b) If the assessment be not payable in instalments, no lien need be filed, and the assessment, plus interest from the date of the order to August 15 of the succeeding calendar year, shall be entered on the tax lists for the year and be due and payable with and as a part of the real estate taxes for such year. When any such assessment is levied and made payable in instalments, the county auditor shall file for record in the office of the register of deeds, an additional tabular statement in substance as provided in section 106.341, and all the provisions of sections 106.351, 106.371, and 106.381 relating to collection and payment shall apply thereto. Upon the

filing of the tabular statement, the county board may issue and sell bonds, as provided by section 106.411 and in such event the rate of interest on the lien shall be the same as the interest rate on the bonds, and the instalments and interest shall be due and payable and shall be entered on the tax lists and collected the same as the original lien.

(c) *In the case of the repair of a state drainage system established wherein no assessment of benefits to lands was made when such system was established, the board or court shall observe the requirements of Minnesota Statutes 1953, Chapter 106, and appoint viewers to determine the benefits resulting from such repair and otherwise observe all requirements of this chapter in the procedure for the collection of such assessments as shall thereafter be made.*

Sec. 3. Minnesota Statutes 1953, Section 106.471, Subdivision 6, is amended to read:

Subd. 6. **Creation of fund.** For the purpose of creating a fund to the credit of any drainage system to be used for repairs exclusively, the county board is authorized to apportion and assess the amount of such fund against all the parcels of land, corporations and municipalities theretofore assessed for benefits in proceedings for the construction of the ditch system, including lands not originally assessed therefor but subsequently found to be benefited according to law. Such assessment shall be made pro rata according to benefits determined. The fund so created shall not exceed 20 percent of the original cost of construction of the ditch system. Whenever such fund to the credit of one ditch system shall exceed 20 percent of the total original cost of the ditch, no further assessment for the purpose of creating such fund shall be made until such fund shall have fallen below that percentage. Assessments shall be collected as provided in subdivision 5.

Such assessment, if so provided in the order, may be made payable in equal annual instalments. Thereupon the county auditor shall file for record in the office of the register of deeds a tabular statement as hereinbefore provided.

Approved April 8, 1957.

---

## CHAPTER 330—S. F. No. 1174

[Coded]

*An act relating to the vacation of town roads in certain cases.*