

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

Section 1. **Stillwater municipal court; judge; salary.** The annual salary of the judge of the municipal court of the city of Stillwater is \$7,500 notwithstanding the provisions of Minnesota Statutes 1961, Section 488.21, Subdivision 2.

Sec. 2. The provisions of section 1 shall expire on July 1, 1967.

Sec. 3. Notwithstanding the provisions of Minnesota Statutes, Section 488.30, the board of county commissioners of Washington county shall provide by resolution that the county shall pay to the city of Stillwater for the operation of the Stillwater municipal court the sum of \$4,500 annually to be paid in installments of \$2,250 every six months with the first such sum due and payable on July 1, 1965.

Sec. 4. The revisor of statutes in compiling the next edition of Minnesota Statutes shall substitute the salary fixed in section 1 of this act for the salary for the judge of the municipal court of the city of Stillwater specified in Minnesota Statutes 1961, Section 488.21, Subdivision 2.

Sec. 5. This act is effective upon its approval by the governing body of the city of Stillwater and the governing body of Washington county and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 26, 1965.

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#### CHAPTER 877—H. F. No. 1820

*An act relating to local improvements and special assessments in cities of the second, third, and fourth class, villages, boroughs, and certain towns; amending Minnesota Statutes 1961, Sections 429.021, Subdivision 2; 429.031, Subdivision 1, as amended; 429.061, Subdivision 1, as amended; 429.071, Subdivision 1; 429.091, Subdivision 3; 459.14, Subdivision 7.*

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

Section 1. Minnesota Statutes 1961, Section 429.021, Subdivision 2, is amended to read:

429.021 **Local improvements; assessments; council powers.**  
Subdivision 2. **Combining improvements.** An improvement on

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two or more streets or two or more types of improvement in or on the same street or streets or *different streets* may be included in one proceeding and conducted as one improvement.

Sec. 2. Minnesota Statutes 1961, Section 429.031, Subdivision 1, as amended by Laws 1963, Chapter 771, Section 1, is amended to read:

**429.031 Preliminary plans, hearing.** Subdivision 1. **Preparation of plans, notice of hearing.** Before the municipality awards a contract for an improvement or orders it made by day labor, or before the municipality shall have the power to assess any portion of the cost of an improvement to be made under a cooperative agreement with the state or another political subdivision for sharing the cost of making such improvement, the council shall hold a public hearing on the proposed improvement following two publications in the newspaper of a notice stating the time and place of the hearing, the general nature of the improvement, the estimated cost, and the area proposed to be assessed. The two publications shall be a week apart and the hearing shall be at least three days after the last publication. Not less than 10 days before the hearing, notice thereof shall also be mailed to the owner of each parcel within the area proposed to be assessed, but failure to give mailed notice or any defects in the notice shall not invalidate the proceedings. For the purpose of giving mailed notice, owners shall be those shown to be such ~~as of the date 30 days prior to adoption of the resolution providing for the hearing~~ on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. However, as to properties which are tax exempt or subject to taxation on a gross earnings basis and are not listed on the records of the county auditor or the county treasurer, the owners thereof shall be ascertained by any practicable means and mailed notice shall be given them as herein provided. Prior to the adoption of such resolution, the council shall secure from the city or village engineer or some competent person of its selection a report advising it in a preliminary way as to whether the proposed improvement is feasible and as to whether it should best be made as proposed or in connection with some other improvement and the estimated cost of the improvement as recommended; but no error or omission in such report shall invalidate the proceeding unless it materially prejudices the interests of an owner. The council may also take such other steps prior to the hearing, including, among other things, the preparation of plans and specifications and the advertisement for bids thereon, as will in its judgment provide helpful information in determining the desirability and feasibility of the im-

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provement. The hearing may be adjourned from time to time and a resolution ordering the improvement may be adopted at any time within six months after the date of the hearing by vote of a majority of all members of the council when the improvement has been petitioned for by the owners of not less than 35 percent in frontage of the real property abutting on the streets named in the petition as the location of the improvement. When there has been no such petition, the resolution may be adopted only by vote of four-fifths of all members of the council. The resolution ordering the improvement may reduce, but not increase the extent of the improvement as stated in the notice of hearing.

Sec. 3. Minnesota Statutes 1961, Section 429.061, Subdivision 1, as amended by Laws 1963, Chapter 771, Section 2, is amended to read:

**429.061 Assessment procedure.** Subdivision 1. **Calculation, notice.** At any time after a contract is let or the work ordered by day labor, the expense incurred or to be incurred in its making shall be calculated under the direction of the council. The council shall then determine by resolution the amount of the total expense the municipality will pay, other than the amount, if any, which it will pay as a property owner, and the amount to be assessed. Thereupon the clerk, with the assistance of the engineer or other qualified person selected by the council, shall calculate the proper amount to be specially assessed for the improvement against every assessable lot, piece or parcel of land, without regard to cash valuation, in accordance with the provisions of section 429.051. The proposed assessment roll shall be filed with the clerk and be open to public inspection. The clerk shall thereupon, under the council's direction, publish notice that the council will meet to consider the proposed assessment. Such notice shall be published in the newspaper at least once and shall be mailed to the owner of each parcel described in the assessment roll. For the purpose of giving mailed notice under this subdivision, owners shall be those shown to be such as of a date ~~30 days prior to adoption of a resolution providing for a hearing on the proposed assessment~~, on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. Such publication and mailing shall be no less than two weeks prior to such meeting of the council. Except as to the owners of tax exempt property or property taxes on a gross earnings basis, every property owner whose name does not appear on the records of the county auditor or the county treasurer shall be deemed to have waived such mailed notice unless he has requested in writing that the county auditor or county

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treasurer, as the case may be, include his name on the records for such purpose. Such notice shall state the date, time, and place of such meeting, the general nature of the improvement, the area proposed to be assessed, that the proposed assessment roll is on the file with the clerk, and that written or oral objections thereto by any property owner will be considered.

Sec. 4. Minnesota Statutes 1961, Section 429.071, Subdivision 1, is amended to read:

**429.071 Supplemental assessments; reassessment.** Subdivision 1. **Supplemental assessments.** ~~Upon notice and hearing as provided for the original assessment,~~ *The council may make supplemental assessments to correct omissions, errors, or mistakes in the assessment relating to the total cost of the improvement or any other particular. A supplemental assessment shall be preceded by personal or mailed notice to the owner of each parcel included in the supplemental assessment and a hearing as provided for the original assessment.*

Sec. 5. Minnesota Statutes 1961, Section 429.091, Subdivision 3, is amended to read:

**429.091 Financing.** Subdivision 3. **Method of issuance.** All obligations shall be issued in accordance with the provisions of chapter 475, except that an election shall be required for bonds if less than 20 percent of the cost of the improvement to the municipality is to be assessed against benefited property. The maturities shall be such as in the opinion of the council are warranted by the anticipated collections of assessments and ad valorem levies for the municipality's share of the cost; except that the council may in its discretion issue and sell temporary improvement bonds at any time prior to completion of the work to be financed, maturing within not more than ~~two~~ *three* years from their date of issue, in which event the municipality shall be obligated to pay such bonds and the interest thereon out of the proceeds of definitive improvement bonds which the council shall issue and sell at or prior to the maturity of the temporary bonds, to the extent that the same cannot be paid out of the assessments and taxes theretofore collected, or out of any other municipal funds which are properly available and are appropriated by the council for such purpose. The holders of such temporary bonds, and the taxpayers of the municipality, shall have and may enforce, by mandamus or other appropriate proceedings, all rights respecting the levy and collection of sufficient assessments and taxes to pay the cost of the improvements financed thereby which are granted by law to holders of other improvement bonds, except the right to require such levies to be collected prior to the maturity of

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the temporary bonds, and shall have the additional right to require the offering of said definitive improvement bonds for sale or, if such bonds have not been sold and delivered prior to the maturity of the temporary bonds, to require the issuance of bonds in exchange therefor, on a par for par basis, bearing interest at the rate of six percent per annum. The bonds so issued in exchange for any issue of temporary improvement bonds shall be numbered and shall mature serially at such times and in such amounts that the principal and interest can be paid when due by the collection of taxes and assessments levied for the improvements financed by the temporary bond issue, and shall be subject to redemption and prepayment on any interest payment date, upon 30 days' notice mailed to each holder thereof who has registered his name and address with the municipal treasurer; and such bonds shall be delivered in order of their serial numbers, lowest numbers first, to the holders of the temporary bonds in order of the serial numbers held by them. Any funds of the issuing municipality may be invested in temporary improvement bonds in accordance with the provisions of sections 471.56 and 475.66, except that such temporary bonds may be purchased upon their initial issue, and they shall be purchased only out of funds which the council determines will not be required for other purposes prior to their maturity, and shall be resold prior to maturity only in case of unforeseen emergency. When such purchase is made out of moneys held in a sinking fund for other bonds of the municipality, the holders of such other bonds shall have the right to enforce the municipality's obligation to sell definitive bonds at or before the maturity of the temporary bonds, or to exchange the same, in the same manner as holders of such temporary bonds. All obligations shall state upon their face the purpose of the issue and the fund from which they are payable. The amount of any obligations issued hereunder shall not be included in determining the net indebtedness of any municipality under the provisions of any law limiting such indebtedness.

Sec. 6. Minnesota Statutes 1961, Section 459.14, Subdivision 7, is amended to read:

Subd. 7. **Special assessments, hearing.** ~~Before any special assessments may be levied for the purposes herein authorized, the governing body shall hold a public hearing following publication, once each week for two successive weeks in a newspaper of general circulation in the municipality, of a notice describing the general nature and location of the facilities contemplated to be made and defining the boundaries of one or more districts believed benefited thereby and proposed to be assessed therefor, and stating the time and place of the hearing. At such hearing or at any adjournment thereof, all parties interested in said project or liable to be assessed~~

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therefor shall be given the opportunity to be heard; and at the conclusion thereof the governing body, if it determines to proceed, shall by resolution establish the boundaries of the district or districts benefited and to be assessed. The resolution may reduce, but not increase, the extent of the projected facilities and the area to be assessed as stated in the notice; and may not change the general nature of the project except to reduce it. *An automobile parking facility is a local improvement within the meaning of sections 429.01 to 429.091 and, except as otherwise provided in this section, may be financed in whole or in part by special assessments levied in accordance with those sections.* When the cost of the facility has been determined or can with reasonable accuracy be estimated, the governing body may cause all or any part of such cost to be assessed upon the real property in the district or districts so determined to be benefited, and to be divided and spread against each lot, piece or parcel of land therein upon the basis of benefits thereto and without regard to valuation, frontage or area, but taking *In apportioning such special assessments, the governing body shall take into consideration the improvements thereon on the land and the present and potential use of the respective lots, pieces or parcels during the anticipated period of usefulness of the facility providing the benefits.* A proposed assessment roll showing such lots, pieces, or parcels and the proposed assessment on each shall be filed in the office of the municipal clerk, or similar officer, and thereupon the governing body shall order a hearing on the proposed assessment and shall cause notice of such filing and of such hearing to be published once each week for two successive weeks in a newspaper of general circulation in the municipality. At or after such hearing the governing body may correct errors or otherwise amend the proposed assessments to make the same fair and equitable, and may thereupon adopt it as the final assessment. The governing body shall by ordinance or resolution fix the due date or dates for payment of assessments so levied; the interest rate to be paid on deferred instalments; and the time and manner in which the assessments and instalments shall be collected by the officers of the municipality or of the county in which it is located. Upon notice and hearing as above provided for the original assessment, the governing body may make supplemental assessments to correct omissions, errors or mistakes. If an assessment is for any reason set aside by a court of competent jurisdiction as to any lot, piece or parcel of land, the governing body may upon like notice and hearing make a new assessment or a re-assessment as to such lot, piece or parcel. ~~Within 20 days after the adoption of the assessment, any person aggrieved may appeal to the district court by serving a notice upon the mayor or clerk of the municipality. The notice shall be filed with the clerk of the district court within 10 days after its service. The municipal clerk shall furnish a certified copy of objections filed in the assess-~~

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ment proceedings, 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 like cases. If the appellant does not prevail upon the appeal, the costs incurred shall be taxed by the court and judgment entered therefor. All objections to an assessment shall be deemed waived unless presented on such appeal.

Approved May 26, 1965.

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CHAPTER 878—H. F. No. 2108

[Not Coded]

*An act allowing the county of Ramsey to condemn certain property for a county highway.*

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

**Section 1. Ramsey county; condemnation; highway construction.** The county of Ramsey is authorized to exercise eminent domain pursuant to Minnesota Statutes Chapter 163 and Chapter 117 to acquire in fee simple absolute the following described real property situated in Ramsey county, Minnesota, to wit:

A strip of land Eighty (80) feet wide of which Forty (40) feet of each width lies on each side of the center line described as follows: Beginning at a point on the center line of Payne Avenue at the intersection with a line Seven (7) feet south of and parallel to the north line of Section 20, Township 29 N., Range 22 W., thence east along said parallel line a distance of 398.97 feet to the beginning of a 2° 30'' curve to the left; thence along said curve (having a central angle of 4° 03', a tangent of 81.03 feet and a radius of 2291.83 feet) for a distance of 162 feet; thence on a line tangent to last described curve for a distance of 95 feet, more or less, to the east line of the Southwest Quarter of the Southeast Quarter of Section 17, Township 29 N., Range 22 W. and there terminating, excepting therefrom such right of way heretofore dedicated or otherwise acquired for highways

for the purpose of constructing and maintaining a county highway.

Sec. 2. The authorization of the county of Ramsey to con-

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