

Subd. 2. **BOOTHS, EQUIPMENT.** Each polling place shall consist of a single room, containing a number of booths or compartments in proportion to the number of voters in the precinct. Each booth shall be six feet high, three feet deep, and at least two feet wide, with a shelf, at least one foot wide, extending from side to side at a convenient height for writing, to be provided with a door or curtain so that the voter may be free from observation while marking his ballot. Each compartment shall be constructed so that the voter may be free from observation while marking his ballot. At all times when in use it the booths and compartments shall be provided with instructions, an indelible pencil, and other supplies needful in marking the ballots. The boxes, booths, compartments, and judges shall be in open public view.

Approved May 24, 1973.

CHAPTER 764—H.F.No.2247

[Not Coded]

An act authorizing the city of Saint Paul to create development districts within its corporate boundaries; to acquire, construct, reconstruct, improve, alter, extend, operate, maintain and promote development programs to be carried out in each of the districts created; to authorize the city to issue bonds to carry out such development programs; to authorize the city and the county auditor to use the tax increment created in the development districts to pay off the principal and interest on such bonds; to authorize the city to operate pedestrian systems and special lighting and similar systems; to authorize the city to assess the cost of operations against the development districts; to authorize the city to lease space in structures and to lease or sell air rights over structures and to lease or sell property for private development.

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

Section 1. ST. PAUL, CITY OF; DEVELOPMENT DISTRICTS; PURPOSE. The legislature finds that the city of Saint Paul is faced with a need for new development. It is found that lack of developments designed to improve physical facilities and the general quality of life, including a sufficient supply of adequate, safe and sanitary market rate housing, contributes to the infliction of blight, upon the economic value of the city, and by impairing the value of private investments therein, threatens the source of public revenues and decentralizes the community to other areas. This

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new development is crucial in providing employment opportunities for Saint Paul citizens, in improving the tax base for the community, and in improving the general economy for the metropolitan area. Under this act, the city of Saint Paul would be authorized to develop a program for improving a district of the city in such ways as providing climate controlled linkages between developments and activities, providing impetus for commercial development, providing market rate housing, providing increased employment, protecting pedestrians from vehicular traffic and inclement weather, providing the necessary linkage between peripheral parking facilities and places of employment and shopping; providing off-street parking to serve the shoppers and employees of the district; providing open space relief within the district; and providing such other facilities as are outlined in the development program adopted by the governing body. It is hereby declared by the legislature of the state of Minnesota that the actions required to assist the implementation of such development programs are a public purpose and that the execution and financing of such programs are a public purpose.

Sec. 2. AUTHORITY GRANTED. The city of Saint Paul may, after consultation with its planning agency and after public hearings, notice of which shall have been published for two successive weeks in the official newspaper of the city of Saint Paul, adopt development districts within the boundaries of said city. Within said districts the city may, in addition to any powers it may otherwise possess, adopt a development program consistent with which the city may acquire, construct, reconstruct, improve, alter, extend, operate, maintain and promote developments aimed at improving the physical facilities, quality of life and quality of transportation. The city may acquire land or easements through negotiation or through powers of eminent domain. In all such acquisitions the acquiring authority shall provide as a cost of acquisition the relocation assistance, services, payments and benefits required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Statutes 1894 (1971), 42 United States Code, Section 4601, et seq. The city council may adopt ordinances regulating traffic in pedestrian skyway systems, underground pedestrian concourses, public parking structures, and other facilities constructed within the development district. The city council may pass ordinances regulating access to pedestrian skyway systems and underground pedestrian concourses, and the conditions under which such access is allowed. Traffic regulations may include, but shall not be limited to, direction and speed of traffic, policing of pedestrianways, hours that pedestrianways are open to the public, kinds of service activities that will be allowed in parks and plazas, fares to be charged on the people movers, and rates to be charged in the parking structures. The city shall have the power to require private developers to construct buildings so as to accommodate and support such pedestrian systems which are

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part of the program for the development district. When the city requires the developer to construct columns, beams or girders with greater strength than required for normal building purposes, the city shall reimburse the developer for the added expense. The city shall have the authority to install special lighting systems, special street signs and street furniture, special landscaping of streets and public property. The city shall have the authority to install special snow removal systems. The city shall have the power to acquire property for any and all purposes outlined in the development program for the district. The city shall have the power to lease or sell air rights over public buildings and to spend public funds for constructing the foundations and columns in the public buildings strong enough to support the buildings to be constructed on air rights. The city shall have the authority to lease all or portions of public buildings constructed in the district. The city shall have the authority to negotiate the sale or lease of property for private development, including but not limited to market rate housing, if such development is consistent with the development program for the development program for the district. The city may contract for the construction or operation of facilities authorized by this act.

Sec. 3. **DEFINITIONS.** (a) A "development district" is a specific area within the corporate limits of the city of Saint Paul which has been designated by the city council as a development district. Each district so designated shall be given a separate development district number. No less than 60 percent of the area of any such district shall consist of land which has been platted and developed. The area of such district shall not be enlarged after three years following the date of designation of such district. At the time of adoption of the first development district in the city of Saint Paul, the governing body shall by formal action adopt one of the three following alternative restrictive options. Once the choice is made, the municipality must use the same option for all succeeding development districts.

(1) The total acreage included in any one development district shall not exceed one percent of the total acreage of the municipality. At no time shall the total current acreage within development districts for which unrecovered cost of bonds remain exceed three percent of the total acreage of the municipality.

(2) The total market value of taxable real property of any one development district when adopted shall not exceed five percent of the total market value of taxable real property in the municipality as then most recently certified by the county auditor, and shall not when added to the current market value of taxable real property within development districts for which unrecovered cost of bonds remain exceed ten percent of the total market value of taxable real property in the municipality as most recently certified by the county auditor.

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(3) The governing body may adopt one development district which shall not exceed six acres in area. At no time shall another development district be adopted by the governing body of the municipality until all cost of bonds for the previously adopted district has been paid.

(b) A "development program" is a statement of objectives of the city of Saint Paul for improvement of a development district. Such development program shall contain a complete statement as to the public facilities to be constructed within the district, the open space to be created, the environmental controls to be applied, the proposed reuse of private property, and the proposed operations of the district after the capital improvements within the district have been completed.

(c) "Pedestrian skyway system" means any system of providing for pedestrian traffic circulation, mechanical or otherwise, elevated above ground, within and without the public right-of-way, and through or above private property and buildings, and includes overpasses, bridges, passageways, walkways, concourses, hallways, corridors, courts, plazas, malls, elevators, escalators, heated canopies, and accesses and all fixtures, furniture, signs, equipment, facilities, services, and appurtenances which in the judgment of the city council will enhance the movement, safety, security, convenience and enjoyment of pedestrians and benefit the city and adjoining properties. The use of a public street or public right of way for pedestrian travel only constitutes a public use and shall not require a vacation of the street or right of way.

(d) "Underground pedestrian concourse" means any system of providing for pedestrian traffic circulation, mechanical or otherwise, belowground, within and without the public right-of-way, and through or below private property, and includes tunnels, passageways, walkways, concourses, hallways, corridors, plazas, elevators, escalators, and accesses, and all fixtures, signs, furniture, equipment, facilities, and appurtenances which in the judgment of the city council will enhance the movement, safety, security, convenience and enjoyment of pedestrians and benefit the city and adjoining properties.

(e) "People mover system" means any system of providing for mechanical pedestrian traffic circulation, aboveground, on-ground, or belowground, within and without the public right-of-way, separately or in conjunction with the pedestrian skyway system, the underground pedestrian concourses, and rapid transit systems, and through, above or below private property and buildings, and includes overpasses, bridges, passageways, walkways, concourses, hallways, corridors, courts, stations, tunnels, elevators, escalators, heated canopies, heated sidewalks, and accesses, and all fixtures, signs, furniture, equipment, facilities, and appurtenances which in

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the judgment of the city council will enhance the movement, safety, security, convenience and enjoyment of pedestrians and benefit the city and adjoining properties.

(f) "Market rate housing project" means any work or undertaking to demolish, clear or remove buildings from any blighted area acquired under the provisions of this act and the providing of decent, safe and sanitary urban dwellings, apartments, or other living accommodations for persons of all incomes.

(g) "Special lighting systems" means lights or light displays of any type located within or without the public right-of-way.

(h) "Parking structure" shall mean any building the principal use of which is designed for and intended for parking of motor vehicles. Open air parking on parking lots may also be construed as parking structures for the purposes of this act.

(i) "Maintenance and operation" shall include all activities necessary to maintain facilities after they have been developed and all activities necessary to operate the facilities including, but not limited to, informational and educational programs and safety and surveillance activities.

(j) "Taxable value" shall mean the assessed valuation of all taxable real property in the district.

Sec. 4. TAX STATUS. The pedestrian skyway system, underground pedestrian concourse, the people mover system and publicly owned parking structures are all declared to be public property to be used for essential public and governmental purposes and such property shall be exempt from all taxes and special assessments of city, county, state, or any political subdivision thereof. Taxes do not include charges for utilities and special services such as heat, water, electricity, gas, sewage disposal, or garbage removal.

Sec. 5. GRANTS. The city of Saint Paul may accept grants or other financial assistance from the government of the United States or any other entity to do studies, construct and operate the pedestrian skyway system, underground pedestrian concourses, people mover systems, and other public improvements authorized under this act.

Sec. 6. ISSUANCE OF BONDS. The council of the city of Saint Paul may authorize, issue, and sell bonds which shall mature within 30 years from date of issue to finance the acquisition and betterment of real and personal property needed to carry out the development program within the development district together with all relocation costs incidental thereto in accordance with Minnesota Statutes, Sections 475.54, 475.55, 475.56, 475.60, 475.61, 475.62, 475.63, 475.65, 475.66, 475.69, 475.70, 475.71, and 475.74. All

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tax increments received by the municipality pursuant to section 7 shall be pledged for the payment of such bonds and used to reduce or cancel the taxes otherwise required to be extended for that purpose, and the bonds shall not be included when computing the city's net debt.

Sec. 7. TAX INCREMENTS TO PAY CAPITAL IMPROVEMENT COSTS. If the city of Saint Paul exercises the powers of this act, it shall certify to the auditor of Ramsey county each development district created under the act, giving the following information: (1) legal description; (2) total cost of bonds issued to develop the district; (3) interest rate on bonds. The county auditor shall then certify to the municipality the assessed value of all taxable property in the district as most recently determined (or the fraction thereof equal to the fraction of the assessed value of all taxable property in the municipality that constituted the base for computing the local tax rate under Minnesota Statutes, Section 473F.08, Subdivision 4, if applicable), which is referred to herein as the "original taxable value"; and shall also certify the assessed value of such property as redetermined in each year thereafter (or the fraction thereof equal to the fraction constituting the local tax rate base under section 473F.08, subdivision 4, if applicable), which is referred to herein as the "current taxable value". No more than the original taxable value shall be included in any year in the tax base on which the county auditor computes the rate necessary to produce the amounts of taxes levied by the municipality and other governmental units within whose boundaries the district is situated (other than the portion thereof to be produced by a metropolitan area-wide tax rate under section 473F.08, subdivision 5, if applicable), until the total cost of principal and interest payments on the bonds has been paid to the municipality from tax increments as provided below. However, the rate so determined shall nevertheless be extended each year against the current taxable value as defined above, until such cost has been paid.

If the development program is carried out in stages, the city may amend the statement on bonds issued and interest rate being paid from time to time as required.

The county auditor shall warrant and the county treasurer shall distribute taxes from the affected property to each of the taxing authorities as follows:

(a) If the current taxable value is less than or the same as the original taxable value at the time the district was created, taxes as determined by the current levy;

(b) If the current taxable value exceeds the original taxable value at the time the district was created, taxes shall be distributed in the proportion that the original taxable value bears to the current taxable value;

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(c) The residue of taxes as collected, referred to herein as the tax increment, if any, shall be paid by the county treasurer to the city of Saint Paul. Payments made in lieu of taxes on property in the development district, whether made voluntarily, pursuant to the provisions of a federally supported program, or pursuant to Minnesota Statutes, Sections 272.68, Subdivision 3, 273.19, or 462.-471, shall be considered as a part of the residue of taxes. Said moneys shall be kept in a special account for the development district involved. Payments to the development district fund shall continue until total costs as indicated above have been paid into the fund. When the total costs have been paid into the development district fund, taxes shall be distributed according to the then current levies.

Sec. 8. COSTS, ASSESSMENTS. Subdivision 1. **COSTS, ESTIMATES, CATEGORIES.** On or before July 1 of each year, the city administrator, with the assistance of the advisory board, if any, shall report to the city council an estimate of the cost of operating and maintaining and annual improvement costs to each development district in the city for the next fiscal year of the city to be incurred under the development program then in effect, and an estimate of changes in the amounts of such costs which would follow upon the adoption of any addition or amendment to the development program recommended to or under consideration by the city council. Such estimate shall be reasonably itemized and shall include a summary of the categories of cost properly chargeable as follows:

(a) The amount of costs to be charged against benefited properties in the district in proportion to benefits which shall be the aggregate of costs of annual improvements to be made in the district during the ensuing year, not exceeding the aggregate of benefits to the assessable tracts and parcels of land in the district received from such annual improvements.

(b) The amount of costs, if any, to be specially taxed against properties in the district in proportion to the cash valuation of such properties, which shall be the net amount of estimated costs remaining after deducting the amounts to be specially assessed pursuant to clause (a) and rentals to be received on account of use of the district's facilities.

Subd. 2. COUNCIL APPROVAL; EFFECT; SPECIAL TAX LEVY LIMITATION. The council shall receive and consider such estimate and the items of cost after such notice and hearing before it or its appropriate committee as it shall deem necessary or expedient, and shall approve the same, with such amendments thereto as it shall find necessary, and the amounts of each item of cost estimated shall be deemed appropriated and expendable for and to operate, maintain and improve the development district

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during the ensuing fiscal year. The amount of the special tax to be charged pursuant to clause (b) of subdivision 1 shall not, however, exceed 50 cents per \$100 of assessed valuation of taxable property in the district, and the council shall make such adjustment in costs of operating and maintaining the district as may be necessary to keep the amount of such tax within said limitation.

Subd. 3. ANNUAL IMPROVEMENT ASSESSMENT PROCEDURE; APPEALS. When the council shall have acted on the estimate of costs, there shall be prepared an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the district in proportion to the benefits, descriptions of such properties, and the names of the owners of such properties, so far as such names are available to him. The assessment roll, when so prepared, shall be filed in the office of the city clerk and be there available for inspection. The city council shall meet to consider objections to the amounts of such special assessments at least ten days after a notice of hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property proposed to be assessed. The notice shall set forth the time and place of meeting, and set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the city council shall have approved the amounts of special assessments set forth therein, or as may be changed by it, the city clerk shall forthwith certify a copy of the assessment roll, with such changes, if any, to the county auditor to be extended on the tax lists of the county and to be collected with and in the same manner as other taxes on property for the current year. Within 20 days after the adoption of the assessment, any person aggrieved may appeal to the district court, as provided in Minnesota Statutes, Section 430.03, except that commissioners shall not be appointed to consider the amount of benefits; if the court shall find that the assessment is not arbitrary, unreasonable, or made under a demonstrable mistake of fact or erroneous theory of law, it shall confirm the proceedings, but otherwise shall remand the same to the city council for reconsideration and reassessment of the benefits upon like notice and hearing as in the case of original assessments under this subdivision. All objections to the assessment shall be deemed waived unless presented on such appeal.

Subd. 4. COSTS AND ANNUAL IMPROVEMENTS DEFINED. For the purposes of this section "annual improvements" shall, with respect to development districts, mean and include any reconstruction, replacement or repair of underground pedestrian concourses, pedestrian skyway and people mover systems and other facilities of development districts, and any other local improvement which benefits properties within the district. For the purposes of this section, "costs" shall, with respect to annual improvements to

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and operation and maintenance of development districts, mean and include costs of annual improvements; fees of consultants employed by the city council to assist in the planning of annual improvements; premiums upon fire and extended coverage insurance, public liability insurance insuring the city and users of the development district and upon property damage insurance for development district facilities; reasonable and necessary costs to the city for the time of city officials and employees spent in connection with annual improvements to and operating and maintaining development districts levying and collecting special assessments and special taxes therefor; publication costs; and all other costs incurred or to be incurred in connection with annual improvements to and operation and maintenance of development districts.

Subd. 5. SPECIAL ACCOUNT; EXCESS COSTS; BALANCES. Moneys appropriated and collected on account of annual improvement costs and costs of operating and maintaining development districts shall be credited to a special account. The council shall have authority to incur costs for annual improvements to or operating and maintaining development districts during any fiscal year, though not provided for in an approved estimate for such fiscal year, if in its discretion it shall deem it necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year. In such case, the costs incurred shall be included in the next estimate of costs to be approved. Any balances to the credit of the account established for a development district and remaining unexpended at the end of the fiscal year shall be charged against the proper category of the next estimate of costs to be approved.

Sec. 9. ADVISORY BOARD. The city council shall appoint an advisory board consisting of at least seven persons. At least a majority of the members shall be owners or occupants of property located in the development district which they serve. Such an advisory board would advise the city council on the construction and implementation of the development program and maintenance and operation of the district after the development program has been completed.

Sec. 10. The provisions of this act shall be effective notwithstanding any contrary law or charter provision.

Sec. 11. This act shall become effective only after its approval by a majority of the governing body of the city of Saint Paul and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 24, 1973.

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