

## CHAPTER 449—S.F.No. 1997

*An act relating to the city of Austin and Cook County; authorizing the establishment and financing of the capital cost of a solid waste disposal system and program in the city of Austin; providing for steam line construction agreements for Cook County and Independent School District No. 166.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. The city of Austin, in Mower County, may construct, install, maintain, and operate a system and program or any part of a system and program for the collection, removal, intermediate processing or compacting, and storage of solid waste from public and private property, its transportation to intermediate or final disposal facilities, and its ultimate disposal. The system may include any vehicles, equipment, machinery, incinerators, plants, structures, and other real and personal property within or outside the city which is used or deemed useful for purposes of the program. Property may be acquired by purchase, gift, grant, condemnation pursuant to Minnesota Statutes, Chapter 117 (including taking of possession upon appointment of commissioners), lease, lease purchase, conditional sale, contract for deed, or otherwise. The city council may by ordinance establish regulations for the program and for the operation and use of the system, including but not limited to the collection of solid waste by city employees or by other persons under license, the conditions, if any, of preparation of particular wastes for disposal and the times, manner, and places of collection and delivery.

Sec. 2. The city may by resolution of the city council enter into an agreement with any other governmental unit or units, for a definite term or until the agreement is rescinded or terminated in accordance with its terms, pursuant to Minnesota Statutes, Section 471.59, for the joint or cooperative exercise of the powers granted by this act and similar powers, including but not limited to an agreement for the disposal of solid waste outside the city or outside Mower County and may agree to pay reasonable charges for the privilege.

Sec. 3. The city, by resolution of the city council, may borrow for the payment of capital costs of the system, may establish and collect from all public and private persons charges for the use and availability of the facilities of the system, and may levy special assessments upon properties deemed to be specially benefited by particular facilities, in the same manner and to the same extent and with the same force and effect as provided in the case of sewage treatment and disposal systems in Minnesota Statutes, Sections 115.46 and 444.075, and Chapter 429. An election shall not be required upon the issuance of general obligation bonds or the incurring of any lease or purchase obligation for this purpose except as provided in section 4, and the bonds or other obligations shall not be included in computing the net debt of the city within the meaning of Minnesota Statutes, Chapter 475, but all special assessments levied for improvements to the system and all net revenues derived from charges for the use and availability of the system, in excess of current operating costs, shall be pledged for the payment of the bonds or obligations and interest, and the city council shall endeavor to estab-

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lish and collect charges sufficient to provide net revenues, with collections of special assessments, at least equal to the total debt service.

Sec. 4. The city council of the city of Austin prior to the issuance of any bonds authorized by section 3 shall adopt an initial resolution stating the amount, purpose and, in general, the security to be provided for the bonds; and shall publish the resolution once each week for two consecutive weeks in the official newspaper of the city. The bonds may be issued without the submission of the *question of their issuance to the voters of the city unless within 21 days after the second publication of the resolution.* a petition requesting an election signed by at least eight percent of the registered voters of the city voting in the last general election is filed with the city recorder. If a petition is filed, no bonds shall be issued unless approved by a majority of the voters of the city voting on the question of their issuance at a regular or special election.

Sec. 5. **COOK COUNTY; INDEPENDENT SCHOOL DISTRICT NO. 166; STEAM LINE CONSTRUCTION AGREEMENTS.** Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, Chapter 373, 375, 471, 475, or any other law to the contrary, Independent School District No. 166 and the board of commissioners of Cook County may exercise the powers granted by this section.

Subd. 2. The school board of Independent School District No. 166 may sell excess steam from its existing wood fueled steam generating plant to any customer on the terms and conditions it deems reasonable.

Subd. 3. *The school board and the board of commissioners of Cook County may make an agreement for the school district to furnish the excess steam from its existing wood fueled steam generating plant to Cook County for its public buildings on any terms and conditions and for any time agreed to by the parties. The agreement may provide for separate or joint ownership and construction of a steam line and other necessary facilities to accomplish the purpose of the agreement. The parties may acquire the easements necessary to accomplish the purpose of the agreement by gift, lease, or purchase. The parties may finance the acquisition of the easements and construction projects by use of grants from outside sources or the unrestricted available funds of either party. The parties may agree that all or part of an expenditure made by one party for purposes of this section shall be reimbursed by the other party on the terms and conditions agreed to by the parties.*

Sec. 6. **APPLICABILITY.** On its effective date, section 5 applies to Independent School District No. 166 and Cook County.

Sec. 7. **LOCAL APPROVAL.** Pursuant to Minnesota Statutes, Section 645.023, Subdivision 1, Clause (a), section 5 is effective without local approval the day following final enactment. Section 5 shall expire on January 1, 1982, if the agreement authorized by section 5, subdivision 3, has not been made by that date.

Sec. 8. Sections 1 to 4 are effective on the day of the filing of a certificate of local approval in compliance with Minnesota Statutes, Section 645.021, Subdivision 3.

Approved April 3, 1980

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