

## CHAPTER 115—H.F.No. 1589

*An act relating to the city of Minneapolis; giving the city certain powers pertaining to the delivery of energy and environmental services; providing for combined hearings on improvements and assessments; amending Minnesota Statutes 1988, section 430.07, subdivision 5.*

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

Section 1. MINNEAPOLIS ENERGY AND ENVIRONMENTAL ACTIVITIES.

The governing body of the city of Minneapolis may appropriate and spend money for the following purposes:

(1) planning, developing, and implementing energy conservation and environmental programs for the residential, commercial, nonprofit, and public sectors including but not limited to energy audits, and other site inspections, financing, educational workshops, and marketing of conservation services;

(2) conducting research, evaluation, and testing of energy conservation and environmental strategies;

(3) publishing, disseminating, and distributing informational, educational, promotional, and technical information relating to energy and environmental issues; and

(4) other energy related activities.

The governing body may contract for the performance of all or part of the activities necessary to carry out these purposes with a nonprofit corporation organized for similar objectives. The corporation may spend the funds provided for these purposes under the direction of its board of directors, subject to the accounting and other conditions that the governing body may prescribe. All activities performed to carry out these purposes are deemed to be for a public purpose. The city or corporation may spend money for these purposes in the same manner that a private person, firm, corporation, and association makes expenditures for similar purposes. Notwithstanding any contrary provision of law or charter, any member of the city council, or officer or employee of the city may be a member of the board of directors of any nonprofit corporation performing all or part of the activities necessary to carry out the purposes specified in this section.

Sec. 2. LIABILITY.

The governing body of the city may defend, save harmless and indemnify any nonprofit corporation and its officers and employees that contracts with the city for the purposes stated in section 1, against any claim or demand arising out of the performance of those purposes.

Sec. 3. EMPLOYEES.

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An employee of the city may be assigned to the nonprofit corporation stated in section 1 as provided in Minnesota Statutes, section 15.59 for a period of individual assignment not to exceed 48 months.

Sec. 4. **COMBINED HEARINGS.**

The Minneapolis city council may conduct the hearing on the improvement required by Minnesota Statutes, section 429.031, and the hearing on the assessments required by Minnesota Statutes, section 429.061, at the same time pursuant to notices which include all of the information required by both sections. If the council proceeds in this manner, the proposed assessments shall be calculated on the basis of the engineer's estimate and other estimates of the council. If the actual cost of the improvement is less than the estimated cost adopted by the council or portion of it determined to be paid from special assessments, the council must provide for the cancellation and annulment or refunding of assessments in the manner provided in Minnesota Statutes, section 430.07, subdivision 5, or section 435.203.

Sec. 5. Minnesota Statutes 1988, section 430.07, subdivision 5, is amended to read:

Subd. 5. **MISTAKEN ESTIMATES.** If, in proceedings under this chapter, the actual cost of the improvement of a street, park, or parkway is less than the estimated cost adopted by the city council, the council shall cancel and annul the assessments made in the proceedings to a total amount that does not exceed the fractional part of the total amount of the excess of estimated cost over the actual cost equivalent to the fraction obtained by dividing the total amount of the assessments by the total amount of the estimated cost.

If the assessments in a proceeding have not been entirely collected, or if the city council considers that assessments cannot be fully collected, the council may direct the city comptroller to keep in the fund in the proceeding an amount the city council thinks will cover the deficiencies in the collection of the assessments. The city council shall direct that the rest of the excess of estimated cost must be disposed of in the following manner. The city council shall direct the city comptroller to certify the amount of this balance to the county auditor. The auditor shall deduct the amount from the first installment of the assessment to be collected after the receipt of the certificate. This deduction must be made from the assessment against each piece or parcel of property in the proportion that the excess, as certified by the city comptroller, bears to the total of the installment of the assessment. If the balance as certified exceeds one installment, it must be deducted from succeeding installments until it is fully deducted. Alternatively, the city council may direct that the city comptroller's certification of the excess be accompanied by a request that the excess be applied to reduce all unpaid installments in proportion to the amount of such unpaid installments. In that case, the assessment rolls shall be recomputed by reducing the amount of the original assessment against each piece or parcel of property in the proportion that the excess, as certified by the city comptroller, bears to the total original

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assessment. The balance for each piece or parcel of property, after deduction of principal installments previously paid or in the process of collection, shall then be divided into equal annual installments of principal or equal annual installments of principal and interest, whichever method was used for the original assessments. The same rate of interest and collection period shall apply to the new installments as was provided for the original assessment.

If the assessment against a piece or parcel of property has been paid in full, and the amount to be refunded does not exceed \$1, the city council may deposit the amount of the potential refund in the city's permanent improvement fund or bond redemption fund.

If the amount to be refunded exceeds \$1, but does not exceed \$20, the city comptroller shall mail to the current owner of the property a notice stating that the refund is available. The notice must be mailed within 60 days after the city council determines the actual cost of the improvement.

If the amount to be refunded exceeds \$20 the following notice procedure must be followed. The city comptroller shall mail to the person who owned the property when the assessment was paid, at the person's last known address, a notice stating that the refund is available. The notice must be mailed within 60 days after the city council determines the actual cost of the improvement. If a response is not received from the owner within ten days of the date of mailing, a second notice must be mailed. If the refund is not claimed by the person who owned the property when the assessment was paid within 30 days of the date of mailing the last required notice, the city council may deposit the amount of the potential refund in the city's permanent improvement fund or bond redemption fund.

#### Sec. 6. LOCAL APPROVAL.

Sections 1 to 4 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Minneapolis.

Presented to the governor May 9, 1989

Signed by the governor May 10, 1989, 10:33 a.m.

### CHAPTER 116—H.F.No. 545

*An act relating to natural resources; providing for the disposal of certain low-grade state-owned iron-bearing materials for construction or maintenance purposes; amending Minnesota Statutes 1988, section 93.41, subdivision 1.*

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

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