

(5) petition the court, after notice to the parties, for an order allowing the administrator to receive funds made available for this purpose by the federal or state governing body or the municipality to the extent necessary to cover the costs described in clause (2) and pay for them from funds derived from this source.

The municipality shall recover disbursements under clause (5) by special assessment on the real estate affected, bearing interest at the rate determined by the municipality, but not to exceed the rate established for finance charges for open-end credit sales under section 334.16, subdivision 1, clause (b). The assessment, interest, and any penalties shall be collected as are special assessments made for other purposes under state statute or municipal charter.

#### **Sec. 4. EXTENSION OF CITY OF HOYT LAKES ZONING AND SUBDIVISION REGULATIONS.**

(a) Notwithstanding the limitations of Minnesota Statutes, sections 462.357 and 462.358, the city of Hoyt Lakes, with the consent of the town of White, may extend its zoning and subdivision regulations to the area legally described as: East 1/2 of Section 12, Township 58 North, Range 15 West.

(b) Upon consent given by the town of White to the extension of the city of Hoyt Lakes' zoning and subdivision regulations over the area legally described in paragraph (a), the city of Hoyt Lakes' regulations prevail over any other applicable zoning and subdivision regulations.

#### **Sec. 5. EFFECTIVE DATE.**

This act is effective under Minnesota Statutes, section 645.02, the day after the governing body of the latter of the town of White and the city of Hoyt Lakes and their respective chief clerical officers timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 2, subdivision 1, paragraph (a), clause (11), is repealed on July 1, 2006.

Presented to the governor May 18, 2004

Signed by the governor May 29, 2004, 3:45 p.m.

### **CHAPTER 276—S.F.No. 2114**

*An act relating to education; authorizing a public body to close a meeting to negotiate the purchase or sale of real or personal property; amending Minnesota Statutes 2002, section 13D.05, subdivision 3.*

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

Section 1. Minnesota Statutes 2002, section 13D.05, subdivision 3, is amended to read:

New language is indicated by underline; deletions by ~~strikeout~~.

Subd. 3. **WHAT MEETINGS MAY BE CLOSED.** (a) A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

(b) Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege.

(c) A public body may close a meeting:

(1) to determine the asking price for real or personal property to be sold by the government entity;

(2) to review confidential or nonpublic appraisal data under section 13.44, subdivision 3; and

(3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.

Before holding a closed meeting under this paragraph, the public body must identify on the record the particular real or personal property that is the subject of the closed meeting. The proceedings of a meeting closed under this paragraph must be tape recorded at the expense of the public body. The recording must be preserved for eight years after the date of the meeting and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the governing body has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of members and all other persons present at the closed meeting must be made available to the public after the closed meeting. If an action is brought claiming that public business other than discussions allowed under this paragraph was transacted at a closed meeting held under this paragraph during the time when the tape is not available to the public, section 13D.03, subdivision 3, applies.

An agreement reached that is based on an offer considered at a closed meeting is contingent on approval of the public body at an open meeting. The actual purchase or sale must be approved at an open meeting after the notice period required by statute or the governing body's internal procedures, and the purchase price or sale price is public data.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Presented to the governor May 18, 2004

Signed by the governor May 28, 2004, 7:50 a.m.

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## **CHAPTER 277—S.F.No. 1907**

*An act relating to elections; creating an administrative remedy for violations of fair*

**New language is indicated by underline, deletions by strikeout.**