

WATER TRANSPORTATION FACILITIES 458.18

Subd. 6. If any portion of the damages and cost of the improvement has been paid by the city, the city council shall direct the city comptroller to certify to the county auditor only that percentage of the balance or excess of estimated cost as shall be equal to the percentage of the total estimated cost of the improvement and damages which has been or is assessed against benefited property. No such certificate shall be directed by the council or issued to the county auditor until after a report from the city engineer that the work under any such proceeding has been completed and each item of damage or cost in the proceeding has been paid, and this report by the city engineer shall be made to the city council immediately upon the completion of the work in the proceeding. In any proceeding where there is or may be an excess of estimated cost and there is or shall be a balance in the fund in the proceeding over and above the actual cost, the city council shall be entitled to withdraw from this fund a percentage of the fund equal to the percentage of the cost of the improvement paid by the city, and cause this percentage to be deposited in the fund from which it was originally drawn or taken by the city council.

Subd. 7. Any existing street, park or parkway or pedestrian mall may be improved and the expense thereof assessed and raised in the manner provided by this chapter for acquiring and opening streets, parks, parkways and pedestrian malls and improving the same, including any or all of the following improvements: widening, grading, drainage, planting, pavement, sidewalks, curb and gutter, sewers and water mains, and in the case of parks, the necessary structures and apparatus for playgrounds and general park uses. In case of streets or parkways exceeding 80 feet in width, the resolution may, for the purpose of facilitating connections with private property and obviating the necessity of cutting or breaking into the improvements, order a double water main or a double sewer, one on either side of the street or parkway, or adopt such other arrangement or device as may seem most feasible.

[1977 c 75 s 1]

CHAPTER 458. WATER TRANSPORTATION FACILITIES; PORT AUTHORITIES

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458.18 Employment of personnel; contracts; audits.

Subdivision 1. **Personnel; contracts.** The port authority shall have power and authority, in its own behalf, to employ such engineering, legal, technical, clerical, stenographic, accounting, and other assistance as it may deem advisable; any employee of any port authority created and existing under and pursuant to the provisions of this act shall be considered as an "employee" as the term is used and defined in Laws of Minnesota 1955, Chapter 665, and shall by appropriate action of said port authority be entitled to the benefits provided for in this statute; to enter into contracts for the erection, repair, maintenance or operation of docks, warehouses, terminals, elevators, or other structures upon or in connection with property owned or controlled by it; to contract or make other arrangements with the United States government, or any department thereof, with persons, public corporations, the state of Minnesota or any of its political subdivisions, commissions, or agencies, for separate or joint action, with reference to any matter related to the exercise of the powers or the fulfillment of the duties of such port authority; to contract for the purchase and sale of real and personal property; provided that no such obligation or expense shall be incurred save upon such terms and at such times when existing appropriations, together with the reasonable expected revenue of the port authority from other sources, shall be sufficient to enable the same to be discharged when due; and neither the state nor any municipal subdivision thereof shall be liable on any such obligation.

Subd. 2. **Audits.** Notwithstanding the provisions of any law to the contrary, any seaway port authority may employ a certified public accountant to annually audit and examine the books of the authority. The report of the examination or au-

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dit by the certified public accountant shall be submitted to the state auditor who shall review the audit report and may accept the audit or make additional examinations as he deems to be in the public interest.

[1977 c 324 s 1]

458.19 Application.

Until and unless otherwise provided by law, all laws now or hereafter vesting jurisdiction or control in the department of public service of the state of Minnesota, the interstate commerce commission or department of defense of the United States, or similar regulatory bodies shall apply to any transportation, terminal, or other facility owned, operated, leased, or controlled by the port authority with the same force and effect as if the transportation, terminal, or other facility was so owned, operated, leased, or controlled by a private corporation; provided, however, that the department of public service of the state of Minnesota shall have no control over any seaway port authority operating under this chapter for the following matters:

- (1) Charges for stevedoring of vessels;
- (2) Receiving and delivering cargo for vessels;
- (3) Car and truck unloading and loading cargo for vessels;
- (4) Watching cargo for vessels;
- (5) Charges for vessels for use of facilities;
- (6) Charges against railroad, trucking companies and/or shippers for their use of port facilities;
- (7) Charges for delivering cargo to and from warehouses on seaway port authority property and warehouse charges on the same, provided all of these items are in connection with handling of interstate commerce.

The port authority shall have authority either alone or jointly with any similar body having jurisdiction of any part of such port to petition any interstate commerce commission, department of public service, public service commission, public utilities commission, or any like body or any other federal, municipal, state, or local authority, administrative, executive, judicial, or legislative, having jurisdiction in the premises, for any relief, rates, change, regulation, or action which in the opinion of the port authority may be designed to improve or better the handling of commerce in and through the port or improve terminal and transportation facilities therein, and may intervene before any such body in any proceeding affecting the commerce of the port and in any such matters shall be considered along with other interested persons one of the official representatives of the port district.

[1977 c 347 s 57]

458.195 Additional powers.

[For text of subds 1 and 2, see M.S.1976]

Subd. 3. Each commissioner, including the chairman, shall be paid for attending meetings of the port authority, regular and special, \$35 per meeting.

[For text of subds 4 to 7, see M.S.1976]

[1977 c 143 s 1]

CHAPTER 462. HOUSING, REDEVELOPMENT, PLANNING, ZONING

Sec.
462.364 Inconsistent laws.

Sec.
462.388 Commission membership.
462.555 Manner of bond issuance; sale.

462.364 Inconsistent laws.

Inconsistent special laws and general laws of special application are superseded by sections 462.351 to 462.364 to the extent of inconsistency. Nothing in sections 462.351 to 462.364 is to be construed to affect, alter or modify the provisions