

CITY OF LINO LAKES
COUNTY OF ANOKA
STATE OF MINNESOTA

ORDINANCE NO. 03 - 89

Approved.
@ 4-24
Mty after
2nd Reading

AN ORDINANCE AMENDING CHAPTER 8 OF THE LINO LAKES CITY CHARTER.

The City Council of Lino Lakes does hereby amend Chapter 8 of the Lino Lakes City Charter to read as follows:

8.01. Power to Make Improvements and Levy Assessments. The City may make any type of public improvement not forbidden by law and levy special assessments to pay all or any part of the cost of such improvements as are of a local character. The total assessments for any local improvement may not exceed the cost of the improvement, including all costs and expenses connected therewith, with interest. A special assessment may not exceed the special benefits to the property assessed.

8.02. Procedures. The procedures for conducting local improvement projects financed in whole or in part by special assessments against benefitted property are those provided by law and Section 8.03 of this charter and must be followed exclusively. The term "by law" as used in this chapter means Minnesota Statutes, Chapter 429 or any successor statute providing a uniform method of constructing and financing local improvements in cities.

8.03. Protest. Subdivision 1. Not later than 45 days after the conclusion of the public hearing or adjournment thereof required by law to precede the ordering of the construction of a local improvement project the owner or owners of real property included in the area proposed to be assessed for the local improvement may file a written protest with the recording officer of the City. The protest must be in the form prescribed by ordinance.

Subd. 2. If a protest is filed as provided in Subdivision 1, the City Council must, by resolution adopted at its next regular meeting or at a special meeting called for that purpose after the expiration of the 45 day period for filing protests, determine the validity and sufficiency of the protest. If the protest is determined to be valid and sufficient as to a single parcel of property proposed to be assessed for the local improvement and the protest contains the names of owners of that parcel of property, the City Council must not include that parcel of property in the local improvement project when ordered for construction. If the protest is determined to be valid and sufficient and contains the names of owners of a majority by area of all parcels of

property proposed to be assessed for the local improvement, the City Council must not order the construction of the local improvement project. The resolution determining the validity and sufficiency of the protest must be published in the same manner as, and has the effect of, a resolution determining the adequacy of a petition for a local improvement pursuant to law.

Subd. 3. If a local improvement project or portion hereof is not ordered because of protest as provided in this section the City Council may not initiate proceedings for the same or a substantially similar local improvement project for a period of six months after the adoption of the resolution determining the validity and sufficiency of the protest, but the owners of property in the area proposed to be assessed may initiate proceedings for the same or a substantially similar local improvement project at any time in the manner provided by law.

Subd. 4. An owner of property signing a protest under this section may withdraw his or her name from the protest at any time prior to the adoption of the Council resolution determining the validity and sufficiency of the protest.

Subd. 5. For purposes of determining the validity and sufficiency of a protest filed under this section the City Council may rely on such records as it deems advisable including those records usable for the purpose of mailed notice as provided by law.

Subd. 6. Except where a petition has been received from all owners of property proposed to be assessed for a local improvement project in the manner provided by law, the City Council may not order the construction of a local improvement until 45 days after the conclusion of the public hearing or adjournment thereof required by law to precede the ordering of a local improvement project.

8.04. Local Improvement Procedure. When the City undertakes a local improvement to which the state law applies, it must comply with the provisions of that law and this chapter. The Council may by ordinance prescribe the procedure to be followed in making other local improvements and levying special assessments for those improvements.

Adopted this _____ day of _____, 1989.

Benjamin G. Benson, Mayor

Marilyn G. Anderson, Clerk-Treasurer