

**LINO LAKES CHARTER COMMISSION  
SPECIAL MEETING  
PRESENTATION BY CITY STAFF ON COUNCIL PROPOSED CHARTER AMENDMENTS  
(CHAPTER 8)  
AGENDA  
MONDAY, MARCH 24, 2014  
6:00 PM**

- 1. Call to Order and Roll Call 6:00 PM**
- 2. Pledge of Allegiance**
- 3. Presentation by City Staff on City Council Proposed Charter Amendments (Chapter 8).**
- 4. New Business**
  - A. Next meeting date, Thursday, April 10, 2014**

**Adjournment**

**Connie Sutherland  
Chair**

**Kathryn Timm  
Vice Chair**

**Caroline Dahl  
Secretary**

## DRAFT

90 Ms. Larsen pointed out that there are similar homes built in The Lakes development in  
91 Blaine and she will send out location information so the council can take a look.  
92 Modifications requested by the council will be included in the resolution that the council  
93 sees on Monday. The council concurred.

94

95 **4. 7309 Lake Drive (Regular Agenda Item)** – Community Development Director  
96 Grochala noted that discussions about this property have been ongoing since early 2013  
97 and they involve a code enforcement issue. Through discussions with the property  
98 owner, staff has worked out a land use agreement that will eventually end the problem use  
99 and provide some control in the meantime. He reviewed the terms of the proposed  
100 agreement. Mayor Reinert asked what would happen if, in the meantime, other  
101 enforcement issues arise? Mr. Grochala replied that staff would then intend to follow  
102 through with the necessary legal steps relative to that issue. Mayor Reinert suggested  
103 that this agreement appears to be what the city needs to do to get some control and bring  
104 this to a manageable situation and the council concurred.

105

106 **5. FEMA Map Revision** – Community Development Director Grochala explained  
107 the flood plain information before the council. It involves a map showing flood plain  
108 areas within the city. This information is required in order to qualify for flood insurance.  
109 There are designated points where the map indicates structures that are not on the flood  
110 plain. He noted changes to some area lakes (water has risen). The city has a 90 day  
111 review period and WSB has been asked to calculate impacts to the city. It appears that  
112 there is little gain of flood plain – it actually stays pretty even. Eventually the city would  
113 adopt its flood plain ordinance to mirror the new map details. The positive of this new  
114 map is that it will provide updated information to property owners.

115

116 **6. Charter Amendment/Street Reconstruction Plan** – Community Development  
117 Director Grochala recalled that at the previous work session, the council reviewed options  
118 for advancing street reconstruction projects and directed staff to report back on all three  
119 options. Staff began by working on a street reconstruction plan that will be reviewed.  
120 Regarding the charter amendment process, staff is presenting two options. Option one is  
121 basically what went to the voters in 2012 with a few changes that are outlined in the staff  
122 report (clarifying language regarding benefiting properties, lowering the percentage of  
123 signatures needed to require an election and lengthening the time period to gather a  
124 petition). The council discussed the charter amendment process included in statute.  
125 Mayor Reinert suggested that a meeting with the Charter Commission is very important  
126 and he hopes that will occur. Mr. Grochala then reviewed charter amendment ordinance  
127 option two. This ordinance follows existing charter language except for some updating  
128 and adds the option of street reconstruction financing under state statute.

129

130 Mr. Grochala noted that the first reading of an ordinance needs to occur at the next  
131 council meeting to stay within the schedule for ballot submission. The council discussed  
132 which ordinance they'd like to submit to the Charter Commission. Ordinance one would  
133 be more familiar to the commission since it was reviewed in 2012. Ordinance two keeps  
134 much of the current Charter language for everything except street reconstruction projects.

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135 That type of project, meeting the requirements of state law, would follow an assessment  
136 process allowed under state law. It also streamlines language relative to projects that are  
137 one hundred percent assessed and does leave the exempt zone language in the Charter.  
138

139 Mayor Reinert said it is time to fix some roads and he'd like to see a street project done  
140 this year. A change to the Charter has been attempted several times. He is supportive of  
141 meeting with the Charter Commission to see if that is productive. He understands that  
142 discussion needs to occur soon though because there is a schedule necessary to get  
143 anything on the ballot if that is the choice. The council discussed the time it could take  
144 to fulfill the process. Ordinance two would possibly be easier to explain because it  
145 simply deals with one element of public improvements – street reconstruction.  
146

147 Mayor Reinert said he likes the idea of working with the Charter Commission. He  
148 would have concern about considering an amendment this year and not getting a project  
149 done though. If a change can occur working with the Commission, that would be great.  
150 If not, the roads must be fixed. Mr. Grochala suggested that some preliminary work can  
151 be done while the charter process goes on – a street reconstruction plan put in place, a  
152 feasibility plan prepared for a project under the current charter language. The council can  
153 do a first reading at the March 10 council meeting and forward an ordinance to the  
154 Commission.  
155

156 The council looks forward to a joint meeting with the Commission at which the groups  
157 can work together on an appropriate change. It will be up to the Commission to be open  
158 to having a special meeting and then having an open discussion. Engineer Wedel  
159 remarked that a goal of coming to an end at one meeting may be ambitious; it may be best  
160 to plan for more than a single meeting.  
161

162 The council discussed which ordinance they'd like to forward to the Commission. They  
163 concluded that both ordinances should be on Monday's council agenda for consideration.  
164

165 Mr. Grochala reviewed the street reconstruction bonding process under state law. The  
166 law requires an approved street reconstruction plan, keeping assessments within a certain  
167 range, and following Statute Chapter 429 for assessment procedure. Mayor Reinert  
168 asked Mr. Grochala to prepare a chart that compares proposals and current law and  
169 charter.  
170

171 Mr. Grochala noted that staff has put together a draft street reconstruction program which  
172 he reviewed. It involves updated ranking of street conditions, including traffic volumes,  
173 and weighting the average. That leaves a top-ten project area broken into five phases.  
174 The next step would be to begin looking at financing options based on those plans. The  
175 council is requested to authorize staff to proceed on financing review with some  
176 consultant assistance. After further reviewing how the public would be involved in  
177 reviewing a plan, the council concurred with the direction.  
178

179 **7. Council/Charter Commission Joint Meeting with Facilitator** – Administrator  
180 Karlson explained that WSB, the city’s contract engineering firm, has a new employee  
181 brought on to deal specifically with risk management and strategic analysis. It’s been  
182 suggested that this new service provided by Philip Barnes would be a good fit for the  
183 council’s work with the Charter Commission. A facilitated meeting could serve to  
184 establish a vision for success on which a working relationship could be built. The  
185 services are being offered at a nominal cost because it is a new service.

186  
187 City Engineer Wedel explained Mr. Barnes’ background, having worked successfully  
188 with MnDOT facilitating discussions with citizens.

189  
190 Council Member Kusterman expressed interest noting that it is a good value because it is  
191 a new service for them so WSB is making it a good opportunity for the city.

192  
193 The council would like to schedule a joint meeting as soon as possible and they discussed  
194 possible dates within the next two weeks. Mr. Karlson will check on Mr. Barnes’  
195 schedule and contact the Commission chair about their availability for a special meeting.

196  
197 **8. Monthly Progress Report** – Administrator Karlson updated the council, highlighting  
198 the following:  
199 - Digital Scanning Project – covered on regular council meeting  
200 - Labor Negotiations – The proposal for the police officers for three years has  
201 been forwarded to the union with no word back yet. Mr. Karlson will be bringing  
202 forward proposals to the council for the 2014 contract with AFSCME and the 49ers.  
203 - ECFE Building – the loan for the day care center facility is moving forward but  
204 slowly. There should be a proposal for a lease agreement possibly in a few weeks.  
205 - Fire Department Analysis – the council had a conference call with Dave  
206 Unmacht and the consultant who would lead an analysis. Mr. Karlson is assisting them  
207 in any way he can as they prepare for their work. An official approval of their services  
208 will be on the council agenda. The mayor asked staff to stay on the alert for grant funding  
209 that is available for fire departments; Chief Streich should have knowledge of the system.

210  
211 **9. Schedule Meeting with Advisory Boards** – Mayor Reinert remarked that he’d like  
212 to schedule a meeting with all the advisory boards at one time – an agenda would be  
213 established but mostly he sees it as a get to know each other session and a listening  
214 session for the council. He suggests scheduling that sometime during the spring season.

215  
216 **10. 2015 Budget**- Administrator Karlson noted that the management team is already  
217 thinking about the budget. They are discussing a five-year financial plan. The mayor  
218 remarked that it’s been most difficult to do that plan under economic stress – now that  
219 things are moving in a better direction that type of planning becomes more possible. Mr.  
220 Karlson noted that based on the assessor’s projections, property values are moving up.  
221 Mayor Reinert remarked that it will be an important time for restraint but the news is  
222 good. Finance Director Rolek added that the best reason to do a five year plan is

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180  
181 Council Member Stoesz ensured that the city would still be able to enforce regulations not to do with  
182 the storage issue.

183  
184 Council Member Roeser moved to approve Resolution No. 14-26 as presented. Council Member  
185 Kusterman seconded the motion. Motion carried on a unanimous voice vote.

186  
187 **6D) Resolution No. 14-25, Approving Site Performance Agreement with Metro Transit** – City  
188 Engineer Wedel showed the location of the transit park and ride facility on an overhead. Another  
189 element impacting this project is construction of the roadway, a joint project with the City of  
190 Centerville. The agreement is a standard required by this city and outlines project information and  
191 fee/requirements.

192  
193 Council Member Rafferty moved to approve Resolution No. 14-25 as presented. Council Member  
194 Stoesz seconded the motion. Motion carried on a unanimous voice vote.

195  
196 **6E) 1<sup>st</sup> Reading of Ordinance No. 03-14, Amending Chapter 8 of the Lino Lakes City**  
197 **Charter, Regarding Public Improvements and Special Assessments**

198  
199 Community Development Director Grochala explained that there are two options (ordinances) that  
200 were forwarded from the council's work session discussion.

201  
202 Mayor Reinert asked staff to explain why charter amendments are important. Mr. Grochala  
203 explained that the Lino Lakes City Charter is unique in how it addresses public improvements. State  
204 Statute Chapter 429 provides cities the means to assess for public improvements costs. The city  
205 charter allows for neighborhood veto and also, past that process, election is required if any property  
206 tax funding is used. In terms of street reconstruction, the problem has been the difficulty in getting  
207 any of that type of work accomplished. A modification that provides a more streamlined process for  
208 public improvements is desired. Something that provides residents with a voice and the opportunity  
209 of ballot consideration if that is desired. He explained that the two proposed amendments are  
210 outlined in the staff report. Briefly the first option is generally consistent with the amendment placed  
211 before voters in 2012 with some changes incorporated that mostly respond to concerns heard about  
212 the 2012 ordinance (changes reviewed). Option two combines some of the changes from option one  
213 as well as retains language existing in the current Charter. The hearing process is the same (follows  
214 Chapter 429) but a requirement is added that the hearing notice include a cost assessment notification.  
215 This option also allows the neighborhood 60 days to petition against the project (existing Charter  
216 language). It would still require an election if any property tax dollars are proposed to be used except  
217 for street reconstruction projects to be done under state law (street reconstruction bonding). The  
218 remainder of changes proposed in option two were reviewed and Mr. Grochala indicated they are  
219 fairly general in nature.

220  
221 Staff is in the process of preparing a synopsis that will compare the amendment(s) with Minnesota  
222 Statutes. Because of the statutory process for charter amendments, the council would need to move  
223 now on forwarding an ordinance to the Charter Commission in order to meet the ballot deadline.

224

225 Mayor Reinert explained that option one represents the same concept that got more than 50% of the  
226 vote in 2012. He knows the council would like to also consider putting a road project on the ballot  
227 this fall. He thinks working with the Charter Commission is also a good idea and noted that many of  
228 their suggestions from last time have been included in option one. The council originally discussed  
229 making a decision about which option to forward to the Commission but the more he's thought about  
230 it, the more he sees that both ordinances are good options. It's important to move ahead because of  
231 that statutory calendar. He hopes for the best outcome – to have a recommendation forwarded by the  
232 Commission for a council vote.

233  
234 Mayor Reinert suggested that the council consider forwarding both ordinances. It puts more options  
235 on the table for consideration of the Charter Commission. Mr. Grochala suggested that he isn't  
236 aware of anything that would prohibit forwarding both ordinances.

237  
238 Council Member Roeser asked if a joint meeting with the Charter Commission has been established.  
239 City Clerk Bartell indicated that the Commission Chair has expressed the possibility of holding a joint  
240 meeting on April 10 (their regular meeting day). Mr. Grochala noted that that the Commission has  
241 requested a meeting with staff prior to a joint session.

242  
243 Council members commented that forwarding both ordinances makes sense for flexibility as long as  
244 one can be pulled back when the time comes. Putting forward two proposals shows clearly that the  
245 council is interested in meeting the commission at a point of agreement. The two ordinances are not  
246 about indecision but about extending more options for consideration.

247  
248 Motion by Council Member Roeser, seconded by Council Member Kusterman, to approve the 1<sup>st</sup>  
249 Reading of Ordinance No. 03-14 as presented. Motion adopted on unanimous voice vote.

250  
251 Motion by Council Member Roeser, seconded by Council Member Rafferty, to approve the 1<sup>st</sup>  
252 Reading of Ordinance No. 04-14 as presented. Motion adopted on a unanimous voice vote.

253

254 **UNFINISHED BUSINESS**

255  
256 There was no Unfinished Business.

257

258 **NEW BUSINESS**

259  
260 There was no New Business.

261

262 **COMMUNITY EVENTS**

263

264 **MONTHLY RECYCLE DAY** will be held at Lino Park (7850 Lake Drive) on Saturday, March 15,  
265 2014 from 10:00 a.m. to 2:00 p.m. See city website for a list of accepted items.

266

267 **BENEFIT HELD FOR LOCAL MOM** – A benefit will be held for Cyndi Eckart and her family on  
268 Saturday, March 15 from 4-7:00 p.m. Cyndi is a lifetime resident and mother of four.

269

1 <sup>st</sup> Reading: March 10, 2014	Publication:
2 <sup>nd</sup> Reading:	Effective:

**CITY OF LINO LAKES**

**ORDINANCE NO. 03-14**

**AN ORDINANCE AMENDING CHAPTER 8 OF THE LINO LAKES CITY CHARTER, REGARDING PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS**

The City Council of the City of Lino Lakes does ordain:

**Section 1.** That Chapter 8, Section 8.01, 8.02, 8.03, 8.04, of the Lino Lakes City Charter be and are hereby repealed:

~~Section 8.01. — Power to Make Improvements and Levy Assessments. The City may make any type of public improvements 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. No assessment shall exceed the benefits to the property.~~

~~Section 8.02. Effective Charter Provisions, Except as Provided in Section 8.07. Local improvements (the term “local improvement” shall mean a public improvement financed partly or wholly from special assessments) shall be carried out exclusively under the provisions of this Charter. (Amended 11/23/93, Ordinance No. 93-19)~~

~~Section 8.03. Local Improvement Ordinances and Regulations. Within one hundred twenty (120) days after this Charter goes into effect and before local improvements can be acted upon, the Council shall enact suitable ordinance(s) governing local improvements and special assessments. The ordinance(s) shall provide a complete working code covering the determination of assessments and assessment districts, public hearings, appeals from a collection of assessments, penalties for delinquency in making payments, financing of said assessments, and the certifying of unpaid assessments for collection by the proper County officer. Said ordinance(s) shall also provide for installment payments and notices to be given thereof, appellate procedure, reassessment, if necessary, and all other matters appropriate to the subject of local improvements and assessments. After the adoption of such ordinance(s) providing for local improvements, all procedures in compliance therewith shall conform to the regulations as set forth in such ordinance(s) and as otherwise contained in this Charter.~~

~~Section 8.04. Special Assessment Procedure.~~

~~Subdivision 1. All improvements to be paid for by special assessments against the benefitted property shall be instituted by either, (1) a petition of at least twenty five percent~~

~~(25%) in number of the benefitted property owners (A benefitted property owner can only sign once regardless of the number of benefitted parcels owned and a benefitted parcel can only have one signature.) together with a resolution adopted by an affirmative vote of the majority of all of the Council, or, (2) a resolution adopted by a four fifths affirmative vote of all of the Council. The Council resolution shall state the nature and scope of proposed improvement including the number of benefitted property owners, and shall provide means to obtain a cost estimate which shall set forth the cost of the improvement both in unit price and in total thereof. Upon receipt of such estimate, the Council shall by resolution set a date for a public hearing on the proposed improvement setting forth therein the time, place and purpose of such hearing. Such resolution shall be published twice, at least one week apart, in the official newspaper of the City no less than two (2) weeks prior to the date of said hearing, and in addition thereto, a copy of such resolution including estimate unit prices and estimated total price thereof shall be mailed to each benefitted property owner at his/her last known address at least two (2) weeks prior to the date of said hearing. Failure to give mailed notice, or any defects in the notice, shall not invalidate the proceedings. At such hearing the City shall receive any written and oral statements, and hear any petitioners for or against the proposed improvement. At such hearing the City Council shall present a special assessment formula and an analysis of the assessment income expected to offset the proposed improvement cost. A period of sixty (60) days shall elapse after the public hearing before any further action shall be taken by the Council, on the proposed improvement. If within such sixty (60) day period, in a petitioning process independent of the initiating process, a petition against such improvement be filed with the Council, signed by a majority of the owners proposed to be assessed for such improvement, or when the improvement has been petitioned for, signed by a number of the owners proposed to be assessed for such improvement, at least equal to the number of those who petitioned for the improvement, the Council shall not make such improvement at the expense of the property benefitted, unless, in the meantime there be filed with the Council a petition asking that the improvement be made, signed by property owners proposed to be assessed for such improvement at least equal in number to those who signed the petition against the improvement; in which event the Council may disregard the petition against the improvement. Any person whose name appears on a petition to the Council for a local improvement, may withdraw his/her name by statement in writing filed with the Council before such petition is presented to the Council.~~

~~Subdivision 2. Regardless of the provisions of Subdivision 1 of this section, when less than one hundred (100%) percent of the estimated cost of the proposed improvement is to be paid for by special assessments, connection charges, or any outside funding sources other than the City general fund, the Council shall submit the proposed local improvement and its assessment formula to the voters of the City at the next general election. If no general election is scheduled to occur within 160 days after the conclusion of the public hearing, the Council shall schedule a special election as soon as practicable to submit said improvement and its associated assessment formula to the City's voters. If a majority of those voting on said improvement and associated assessment formula are opposed, the Council shall not proceed with the local improvement as proposed. (Amended 01/13/2014)~~

~~Subdivision 3. When a proposed improvement is allowed under the foregoing subdivision, and the public record of the proposed improvement contains all of the evidence on which the Council shall base their decision, the Council may by resolution, at any time between~~



~~sixty (60) days and one (1) year after the conclusion of the public hearing, proceed on the improvement. If after bids are received on the project the proposed contract exceeds the estimated cost of the engineer stated at the public hearing held under Subdivision 1 by more than ten (10%) percent, the City Council may not award the contract for the proposed improvement, but may rebid the project for one (1) time only.~~

~~Subdivision 4. When a proposed improvement is disallowed under the foregoing subdivisions, the Council shall not vote on the same improvement within a period of one (1) year after the public hearing on said improvement.~~

**Section 2.** That Chapter 8 of the Lino Lakes City Charter be amended by adding thereto a new Section 8.01 to read as follows:

Section 8.01. Local Improvements Defined; Charter Provisions Effective.

Subdivision 1. For the purposes of this Chapter, the term “local improvements” means any public improvements financed in whole or in part from special assessments.

Subdivision 2. For the purposes of any objection or petition under this Chapter, (a) only one person or entity may sign an objection or petition on behalf of all owners of a parcel; and (b) if the same person or entity owns more than one parcel affected by a local improvement, that person or entity may sign an objection or petition only once; and (c) for the purpose of identifying recipients of any notice under this Chapter, owners are determined in accordance with Minnesota Statutes, Section 429.031, subdivision 1.

Subdivision 3. The City may undertake any local improvements not forbidden by law and levy special assessments to pay all or any part of the cost of such local improvements. The principal amount of special assessments for any local improvements shall not exceed the cost of the local improvement, including all design, financing and related costs, and shall not exceed the benefit to the property determined in accordance with state law.

Subdivision 4. Local improvements shall be carried out exclusively under the provisions of this Charter, except to the extent otherwise provided in Section 8.02.

**Section 3.** That Chapter 8 of the Lino Lakes City Charter be amended by adding thereto a new Section 8.02 to read as follows:

Section 8.02. Local Improvement Procedure.

Subdivision 1. Local improvements shall be carried out in accordance with state law, except as provided in this Section.

Subdivision 2. If more than 50 percent of the owners of the real property within the area proposed to be assessed as defined in the mailed notice of the improvement hearing under Minnesota Statutes, Section 429.031, subdivision 1, sign written objections regarding the local improvements, and file such objections with the city clerk prior to the improvement hearing or

present such objections to the presiding officer at the hearing, then after the hearing the council shall schedule a special meeting to be held at least 45 days after the date of the hearing. At least 10 days prior to the date of the special meeting, the city shall publish notice of the special meeting and mail notice of the special meeting to all owners who received the initial notice under Section 429.031, subdivision 1. Such published and mailed notice shall include all the information provided in the initial mailed notice, along with a statement as to the number and percentage of affected owners who filed objections at or before the hearing. At the special meeting, the council shall hear additional testimony on behalf of any objecting property owners, and may consider further written or oral testimony from appropriate city officials and other witnesses, as to the nature of the local improvements, the advisability of proceeding with such local improvements, the proposed financing for such local improvements, any proposed amendments to the plans or financing for such local improvements, and the methodology used to calculate individual special assessments for such local improvements.

Subdivision 3. A resolution ordering the local improvements (as such local improvements may have been amended in response to the hearing or special meeting under Section 8.02, Subdivision 2) may be adopted at any time within six months after the date of the special meeting by vote of a majority of all members of the council when the local improvement has been petitioned for by not less than 35 percent of the owners of the real property within the area proposed to be assessed defined in the petition as the location of the local improvement; and when there has been no such petition, the resolution may be adopted only by vote of four-fifths of all members of the council. The effective date of a resolution ordering the local improvement must be at least 30 days after adoption. Within five days after adoption of the resolution, a summary of the resolution must be mailed to the affected owners. If more than 50 percent of the affected owners sign written objections regarding the resolution, and file such objections with the city clerk prior to the effective date of the resolution, the resolution does not become effective and the local improvement is not ordered. Any objections filed under Section 8.02, Subdivision 2 will not constitute objections under this Subdivision 3. If the required number of owners do not file a timely objection under this subdivision, the local improvement may proceed after the effective date of the resolution, except as otherwise provided in Subdivisions 5 and 6.

Subdivision 4. If timely objections are not filed by the required number of property owners under Subdivision 2 of this Section, Subdivisions 2 and 3 of this Section do not thereafter apply to the subject local improvements, and all subsequent procedures for approval of and levying of special assessments for those local improvements shall be in accordance with state law, except as otherwise provided in this subdivision and Subdivisions 5 and 6. Notwithstanding anything to the contrary in Minnesota Statutes, Section 429.031, subdivision 1, clause (f), a resolution ordering the local improvement may be adopted at any time within six months after the date of the hearing by vote of a majority of all members of the council when the local improvement has been petitioned for by not less than 35 percent of the owners of the real property within the area proposed to be assessed as defined in the petition as the location of the local improvement; and when there has been no such petition, the resolution may be adopted only by vote of four-fifths of all members of the council.

Subdivision 5. If any portion of the cost of a local improvement is to be paid from ad valorem taxes, the ordering of the local improvement shall be suspended for 45 days after the

effective date of the resolution ordering the local improvement under subdivision 3 (if no timely objection was filed by the required number of owners) or under subdivision 4. If a petition requesting a vote on the local improvement signed by registered voters equal to at least 5 percent of the votes cast in the last general municipal election is filed with the City Clerk by the end of that 45-day period, then the City may proceed with the local improvement, and may issue general obligation bonds to finance the local improvement, only after obtaining approval of a majority of the voters voting on the question at a general or special election. The ballot shall generally describe the proposed local improvement, the estimated principal amount of bonds to be issued to finance the local improvement, and the estimated percentage of total debt service on the bonds expected to be paid from ad valorem taxes.

Subdivision 6. If the voters do not approve a local improvement and issuance of bonds therefore at an election required by subdivision 5, the provisions of Minnesota Statutes, section 475.58, subd. 1a shall apply.

**Section 4.** That Chapter 8, Section 8.05, of the Lino Lakes City Charter is hereby amended as follows:

Section 8.05~~3~~. Assessments for Services. The Council may provide by ordinance that the cost of City services to streets, sidewalks, or other public or private property may be assessed against property benefitted and may be collected in the same manner as special assessments. Such ~~costs~~services shall not be deemed to be "~~special assessments~~"local improvements for the purposes set forth in Section 8.03~~01~~ of this chapter.

**Section 5.** That Chapter 8, Section 8.06, of the Lino Lakes City Charter is hereby repealed:

~~Section 8.06. When under the provisions of section 8.04, Subdivision 1, an improvement is petitioned for by one hundred (100%) percent of the benefitted property owners, such property owners may after the mailing of notice of a public hearing, petition to waive fifty (50) of the sixty (60) days waiting period. After such petition, the City Council may immediately order the proposed project. (Amended)~~

**Section 6.** That Chapter 8, Section 8.07, of the Lino Lakes City Charter is hereby amended as follows:

Section 8.07~~4~~. Local Improvement; Special Provisions.

Subdivision 1. Except as provided in Subdivision 3, in the geographic areas of the City described in Subdivision 2, the construction of local improvements, the levy of special assessment for the financing of those improvements must be conducted in accordance with procedures specified in state law.

Subdivision 2. Subdivision 1 applies to land within three (3) geographic areas, each not exceeding 430 acres, legally described as follows:

AREA NO. 1 - Trunk Highway #49 (Hodgson Road) and County State Aid Highway #23 Intersection (Lake Drive)

- All Government Lot 1, Section 30, T31, R22, PIN. 30-31-22-210001
- That part of Lots 14, 15, 16 and 17, Auditor's Subdivision No. 151 lying south and east of State Trunk Highway #49 (Hodgson Road) right-of-way

AREA NO. 2 - Interstate I35E and County Road 242 (Main Street) Interchange

- Northeast one quarter (1/4) of Section 24
- That part of the southeast one quarter (1/4) of Section 24 lying north of Cedar Street
- East one half (1/2) of the southwest one quarter (1/4) of Section 24
- East one half (1/2) of the northwest one quarter (1/4) of Section 24

AREA NO. 3 Interstate I35W and Trunk Highway #49 (Lake Drive) Interchange

- North one half (1/2) of the southwest one quarter (1/4) of Section 18
- That part of the south one half (1/2) of the southwest one quarter (1/4) of Section 18 lying north of the Interstate I35W right-of-way
- That part of the southwest one quarter (1/4) of Section 17 lying west of Trunk Highway #49 (Lake Drive) right-of-way
- All of the northwest one quarter (1/4) of Section 17 with the exception of that part of the southeast one quarter (1/4) of said northwest one quarter (1/4) of Section 17 as follows: beginning at a point at the intersection of the south line of said southeast one quarter (1/4) of the northwest one quarter (1/4) with the east right-of-way line of Trunk Highway #49; thence northeasterly along said right-of-way line 938.14 feet (+ or -) ; thence southeasterly 672. 39 (+ or -) feet to east line of said southeast one quarter (1/4) of the northwest one quarter (1/4); thence south along said east line 588.5 (+ or -) feet to the south line of said southeast one quarter (1/4) of the northwest one quarter (1/4); thence westerly along said south line 1021.59 feet (+ or -) to the point of beginning.
- The north 720 feet of that part of the southwest one quarter (1/4) of the northeast one quarter (1/4) of Section 17 lying west of the Anoka County Park property
- That part of the north one half (1/2) of the northeast one quarter (1/4) of Section 17 lying west of the Anoka County Park property
- That part of the north one half (1/2) of the northeast one quarter (1/4) of Section 17 lying west of the Anoka County Park property
- The south one half (1/2) of southeast one quarter (1/4) of the southeast one quarter (1/4) of Section 8
- The southeast one quarter (1/4) of the southeast one quarter (1/4) of the southwest one quarter (1/4) of Section 8
- The east 330 feet (+ or -) of the northeast one quarter (1/4) of the southeast one quarter (1/4) of the southwest one quarter (1/4) of Section 8

Subdivision 3. When construction of local improvements, the levy of special assessments for the financing of those improvements specially benefit a parcel of real property, in an area described in subdivision 2, on which a single family, owner occupied residential unit existed on September 30, 1993, the owner/occupant of such residential unit may file a petition with the City Clerk objecting to the special assessment to be levied against his/her parcel. Such petition shall be filed with the City at or before the first public hearing to be held on the project. After the filing of such petition the City may not specially assess such owner's property for the improvements constructed unless the owner, at his/her option, in the future elects to connect to or use the improvements constructed by the City. Any notice of hearing mailed to such single family, owner occupied units shall include notice of the property owner's right to object to the assessments as granted in this paragraph. This exception terminates on the first day that an owner occupied residential unit no longer exists on the parcel of real property.

\_\_\_\_\_  
Jeff Reinert, Mayor

\_\_\_\_\_  
Attest: Julianne Bartell, City Clerk

Adopted by the Lino Lakes City Council this \_\_\_\_ day of \_\_\_\_\_, 2014.

The motion for the adoption of the foregoing ordinance was introduced by Council Member \_\_\_\_\_ and was duly seconded by Council Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

The following voted against same:

1 <sup>st</sup> Reading: March 10, 2014	Publication:
2 <sup>nd</sup> Reading:	Effective:

**CITY OF LINO LAKES**

**ORDINANCE NO. 04-14**

**AN ORDINANCE AMENDING CHAPTER 8 OF THE LINO LAKES CITY CHARTER, REGARDING PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS**

The City Council of the City of Lino Lakes does ordain:

**Section 1.** That Chapter 8, Section 8.01, 8.02, 8.03, 8.04, 8.05 and 8.06 of the Lino Lakes City Charter be and are hereby repealed:

~~Section 8.01. — Power to Make Improvements and Levy Assessments. The City may make any type of public improvements 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. No assessment shall exceed the benefits to the property.~~

~~Section 8.02. Effective Charter Provisions, Except as Provided in Section 8.07. Local improvements (the term “local improvement” shall mean a public improvement financed partly or wholly from special assessments) shall be carried out exclusively under the provisions of this Charter. (Amended 11/23/93, Ordinance No. 93-19)~~

~~Section 8.03. Local Improvement Ordinances and Regulations. Within one hundred twenty (120) days after this Charter goes into effect and before local improvements can be acted upon, the Council shall enact suitable ordinance(s) governing local improvements and special assessments. The ordinance(s) shall provide a complete working code covering the determination of assessments and assessment districts, public hearings, appeals from a collection of assessments, penalties for delinquency in making payments, financing of said assessments, and the certifying of unpaid assessments for collection by the proper County officer. Said ordinance(s) shall also provide for installment payments and notices to be given thereof, appellate procedure, reassessment, if necessary, and all other matters appropriate to the subject of local improvements and assessments. After the adoption of such ordinance(s) providing for local improvements, all procedures in compliance therewith shall conform to the regulations as set forth in such ordinance(s) and as otherwise contained in this Charter.~~

~~Section 8.04. Special Assessment Procedure.~~

~~Subdivision 1. All improvements to be paid for by special assessments against the benefitted property shall be instituted by either, (1) a petition of at least twenty five percent (25%) in number of the benefitted property owners (A benefitted property owner can only sign once regardless of the number of benefitted parcels owned and a benefitted parcel can only have one signature.) together with a resolution adopted by an affirmative vote of the majority of all of the Council, or, (2) a resolution adopted by a four-fifths affirmative vote of all of the Council. The Council resolution shall state the nature and scope of proposed improvement including the number of benefitted property owners, and shall provide means to obtain a cost estimate which shall set forth the cost of the improvement both in unit price and in total thereof. Upon receipt of such estimate, the Council shall by resolution set a date for a public hearing on the proposed improvement setting forth therein the time, place and purpose of such hearing. Such resolution shall be published twice, at least one week apart, in the official newspaper of the City no less than two (2) weeks prior to the date of said hearing, and in addition thereto, a copy of such resolution including estimate unit prices and estimated total price thereof shall be mailed to each benefitted property owner at his/her last known address at least two (2) weeks prior to the date of said hearing. Failure to give mailed notice, or any defects in the notice, shall not invalidate the proceedings. At such hearing the City shall receive any written and oral statements, and hear any petitioners for or against the proposed improvement. At such hearing the City Council shall present a special assessment formula and an analysis of the assessment income expected to offset the proposed improvement cost. A period of sixty (60) days shall elapse after the public hearing before any further action shall be taken by the Council, on the proposed improvement. If within such sixty (60) day period, in a petitioning process independent of the initiating process, a petition against such improvement be filed with the Council, signed by a majority of the owners proposed to be assessed for such improvement, or when the improvement has been petitioned for, signed by a number of the owners proposed to be assessed for such improvement, at least equal to the number of those who petitioned for the improvement, the Council shall not make such improvement at the expense of the property benefitted, unless, in the meantime there be filed with the Council a petition asking that the improvement be made, signed by property owners proposed to be assessed for such improvement at least equal in number to those who signed the petition against the improvement; in which event the Council may disregard the petition against the improvement. Any person whose name appears on a petition to the Council for a local improvement, may withdraw his/her name by statement in writing filed with the Council before such petition is presented to the Council.~~

~~Subdivision 2. Regardless of the provisions of Subdivision 1 of this section, when less than one hundred (100%) percent of the estimated cost of the proposed improvement is to be paid for by special assessments, connection charges, or any outside funding sources other than the City general fund, the Council shall submit the proposed local improvement and its assessment formula to the voters of the City at the next general election. If no general election is scheduled to occur within 160 days after the conclusion of the public hearing, the Council shall schedule a special election as soon as practicable to submit said improvement and its associated assessment formula to the City's voters. If a majority of those voting on said improvement and associated assessment formula are opposed, the Council shall not proceed with the local improvement as proposed. (Amended 01/13/2014)~~

~~Subdivision 3. When a proposed improvement is allowed under the foregoing subdivision, and the public record of the proposed improvement contains all of the evidence on which the Council shall base their decision, the Council may by resolution, at any time between sixty (60) days and one (1) year after the conclusion of the public hearing, proceed on the improvement. If after bids are received on the project the proposed contract exceeds the estimated cost of the engineer stated at the public hearing held under Subdivision 1 by more than ten (10%) percent, the City Council may not award the contract for the proposed improvement, but may rebid the project for one (1) time only.~~

~~Subdivision 4. When a proposed improvement is disallowed under the foregoing subdivisions, the Council shall not vote on the same improvement within a period of one (1) year after the public hearing on said improvement.~~

~~Section 8.05. Assessments for Services. The Council may provide by ordinance that the cost of City services to streets, sidewalks, or other public or private property may be assessed against property benefitted and may be collected in the same manner as special assessments. Such costs shall not be deemed to be "special assessments" for the purposes set forth in Section 8.03 of this chapter.~~

~~Section 8.06. When under the provisions of section 8.04, Subdivision 1, an improvement is petitioned for by one hundred (100%) percent of the benefitted property owners, such property owners may after the mailing of notice of a public hearing, petition to waive fifty (50) of the sixty (60) days waiting period. After such petition, the City Council may immediately order the proposed project. (Amended)~~

**Section 2.** That Chapter 8 of the Lino Lakes City Charter be amended by adding thereto a new Section 8.01 to read as follows:

Section 8.01. Local Improvements Defined; Charter Provisions Effective.

Subdivision 1. For the purposes of this Chapter, the term "local improvements" means any public improvements financed in whole or in part from special assessments.

Subdivision 2. For the purposes of any objection or petition under this Chapter, (a) only one person or entity may sign an objection or petition on behalf of all owners of a parcel; and (b) if the same person or entity owns more than one parcel affected by a local improvement, that person or entity may sign an objection or petition only once; and (c) for the purpose of identifying recipients of any notice under this Chapter, owners are determined in accordance with Minnesota Statutes, Section 429.031, subdivision 1.

Subdivision 3. The City may undertake any local improvements not forbidden by law and levy special assessments to pay all or any part of the cost of such local improvements. The principal amount of special assessments for any local improvements shall not exceed the cost of the local improvement, including all design, financing and related costs, and shall not exceed the benefit to the property determined in accordance with state law.



Subdivision 4. Local improvements shall be carried out exclusively under the provisions of this Charter, except to the extent otherwise provided in Section 8.02.

**Section 3.** That Chapter 8 of the Lino Lakes City Charter be amended by adding thereto a new Section 8.02 to read as follows:

Section 8.02. Local Improvement Procedure.

Subdivision 1. Local improvements shall be carried out in accordance with state law, except as provided in this Section.

Subdivision 2. The notice of hearing mailed to the owner of each parcel within the area proposed to be assessed shall include, in addition to the requirements of Minnesota Statutes, Section 429.031, subdivision 1, an estimate of the proposed assessment for each individual parcel proposed to be assessed.

Subdivision 3. A period of sixty (60) days shall elapse, after the public hearing held pursuant to Minnesota Statutes, Section 429.031, subdivision 1, before any further action shall be taken by the Council, on the proposed improvement. If within such sixty (60) day period, a petition against such improvement is filed with the Council, signed by a majority of the owners proposed to be assessed for such improvement, the Council shall not make such improvement at the expense of the property benefitted, unless, in the meantime there be filed with the Council a petition asking that the improvement be made, signed by property owners proposed to be assessed for such improvement at least equal in number to those who signed the petition against the improvement, in which event the Council may disregard the petition against the improvement. Any person whose name appears on a petition to the Council for a local improvement, may withdraw his/her name by statement in writing filed with the Council before such petition is presented to the Council.

Subdivision 4. If any portion of the cost of a local improvement is to be paid from ad valorem taxes, then the City may proceed with the local improvement, and may issue general obligation bonds to finance the local improvement, only after obtaining approval of a majority of the voters voting on the question at a general or special election. The ballot shall generally describe the proposed local improvement, the estimated principal amount of bonds to be issued to finance the local improvement, and the estimated percentage of total debt service on the bonds expected to be paid from ad valorem taxes.

Subdivision 5. Street reconstruction and bituminous overlays. Notwithstanding subdivision 4, the City may proceed with a street reconstruction or bituminous overlay project and may issue general obligation bonds if the conditions of Minnesota Statutes, Section 475.58, subdivision 3b, are met.

Subdivision 6. When a proposed improvement is allowed under subdivisions 3, 4 or 5, notwithstanding anything to the contrary in Minnesota Statutes, Section 429.031, subdivision 1, clause (f), a resolution ordering the local improvement may be adopted at any time between sixty

(60) days and one (1) year after the date of the public hearing by vote of a majority of all members of the council when the local improvement has been petitioned for by not less than 35 percent of the owners of the real property within the area proposed to be assessed as defined in the petition as the location of the local improvement; and when there has been no such petition, the resolution may be adopted only by vote of four-fifths of all members of the council.

Subdivision 7. If the voters do not approve a local improvement and issuance of bonds at an election as may be required by subdivision 4 or subdivision 5, the provisions of Minnesota Statutes, section 475.58, subdivision. 1a shall apply.

Subdivision 8. When under the provisions of section 8.02, subdivision 1, an improvement is petitioned for by one hundred (100%) percent of the benefitted property owners, the City Council may immediately order the proposed project.

**Section 4.** That Chapter 8, Section 8.05, of the Lino Lakes City Charter be amended as follows:

Section 8.05~~3~~. Assessments for Services. The Council may provide by ordinance that the cost of City services to streets, sidewalks, or other public or private property may be assessed against property benefitted and may be collected in the same manner as special assessments. Such ~~costs~~services shall not be deemed to be "~~special assessments~~"local improvements for the purposes set forth in Section 8.03~~01~~ of this chapter.

**Section 5.** That Chapter 8, Section 8.07, of the Lino Lakes City Charter be amended as follows:

~~Section 8.07~~4. Local Improvement; Special Provisions.

Subdivision 1. Except as provided in Subdivision 3, in the geographic areas of the City described in Subdivision 2, the construction of local improvements, the levy of special assessment for the financing of those improvements must be conducted in accordance with procedures specified in state law.

Subdivision 2. Subdivision 1 applies to land within three (3) geographic areas, each not exceeding 430 acres, legally described as follows:

AREA NO. 1 - Trunk Highway #49 (Hodgson Road) and County State Aid Highway #23 Intersection (Lake Drive)

-All Government Lot 1, Section 30, T31, R22, PIN. 30-31-22-210001

-That part of Lots 14, 15, 16 and 17, Auditor's Subdivision No. 151 lying south and east of State Trunk Highway #49 (Hodgson Road) right-of-way

AREA NO. 2 - Interstate I35E and County Road 242 (Main Street) Interchange

- Northeast one quarter (1/4) of Section 24
- That part of the southeast one quarter (1/4) of Section 24 lying north of Cedar Street
- East one half (1/2) of the southwest one quarter (1/4) of Section 24
- East one half (1/2) of the northwest one quarter (1/4) of Section 24

AREA NO. 3 Interstate I35W and Trunk Highway #49 (Lake Drive)  
Interchange

- North one half (1/2) of the southwest one quarter (1/4) of Section 18
- That part of the south one half (1/2) of the southwest one quarter (1/4) of Section 18 lying north of the Interstate I35W right-of-way
- That part of the southwest one quarter (1/4) of Section 17 lying west of Trunk Highway #49 (Lake Drive) right-of-way
- All of the northwest one quarter (1/4) of Section 17 with the exception of that part of the southeast one quarter (1/4) of said northwest one quarter (1/4) of Section 17 as follows: beginning at a point at the intersection of the south line of said southeast one quarter (1/4) of the northwest one quarter (1/4) with the east right-of-way line of Trunk Highway #49; thence northeasterly along said right-of-way line 938.14 feet (+ or -) ; thence southeasterly 672.39 (+ or -) feet to east line of said southeast one quarter (1/4) of the northwest one quarter (1/4); thence south along said east line 588.5 (+ or -) feet to the south line of said southeast one quarter (1/4) of the northwest one quarter (1/4); thence westerly along said south line 1021.59 feet (+ or -) to the point of beginning.
- The north 720 feet of that part of the southwest one quarter (1/4) of the northeast one quarter (1/4) of Section 17 lying west of the Anoka County Park property
- That part of the north one half (1/2) of the northeast one quarter (1/4) of Section 17 lying west of the Anoka County Park property
- That part of the north one half (1/2) of the northeast one quarter (1/4) of Section 17 lying west of the Anoka County Park property
- The south one half (1/2) of southeast one quarter (1/4) of the southeast one quarter (1/4) of Section 8
- The southeast one quarter (1/4) of the southeast one quarter (1/4) of the southwest one quarter (1/4) of Section 8
- The east 330 feet (+ or -) of the northeast one quarter (1/4) of the southeast one quarter (1/4) of the southwest one quarter (1/4) of Section 8

Subdivision 3. When construction of local improvements, the levy of special assessments for the financing of those improvements specially benefit a parcel of real property, in an area described in subdivision 2, on which a single family, owner occupied residential unit existed on September 30, 1993, the owner/occupant of such residential unit may file a petition with the City Clerk objecting to the special assessment to be levied against his/her parcel. Such petition shall be filed with the City at or before the first public hearing to be held on the project. After the filing of such petition the City may not specially assess such owner's property for the improvements constructed unless the owner, at his/her option, in the future elects to connect to or use the improvements constructed by the City. Any notice of hearing mailed to such single

family, owner occupied units shall include notice of the property owner's right to object to the assessments as granted in this paragraph. This exception terminates on the first day that an owner occupied residential unit no longer exists on the parcel of real property.

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Jeff Reinert, Mayor

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Attest: Julianne Bartell, City Clerk

Adopted by the Lino Lakes City Council this \_\_\_\_ day of \_\_\_\_\_, 2014.

The motion for the adoption of the foregoing ordinance was introduced by Council Member \_\_\_\_\_ and was duly seconded by Council Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

The following voted against same:

## References

### **429.031 PRELIMINARY PLANS, HEARINGS.**

#### **Subdivision 1. Preparation of plans, notice of hearing.**

(a) Before the municipality awards a contract for an improvement or orders it made by day labor, or before the municipality may assess any portion of the cost of an improvement to be made under a cooperative agreement with the state or another political subdivision for sharing the cost of making the improvement, the council shall hold a public hearing on the proposed improvement following two publications in the newspaper of a notice stating the time and place of the hearing, the general nature of the improvement, the estimated cost, and the area proposed to be assessed. The two publications must be a week apart, and the hearing must be at least three days after the second publication. Not less than ten days before the hearing, notice of the hearing must also be mailed to the owner of each parcel within the area proposed to be assessed and must contain a statement that a reasonable estimate of the impact of the assessment will be available at the hearing, but failure to give mailed notice or any defects in the notice does not invalidate the proceedings. For the purpose of giving mailed notice, owners are those shown as owners on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. For properties that are tax exempt or subject to taxation on a gross earnings basis and are not listed on the records of the county auditor or the county treasurer, the owners may be ascertained by any practicable means, and mailed notice must be given them as provided in this subdivision.

(b) Before the adoption of a resolution ordering the improvement, the council shall secure from the city engineer or some other competent person of its selection a report advising it in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible and as to whether it should best be made as proposed or in connection with some other improvement. The report must also include the estimated cost of the improvement as recommended. A reasonable estimate of the total amount to be assessed, and a description of the methodology used to calculate individual assessments for affected parcels, must be available at the hearing. No error or omission in the report invalidates the proceeding unless it materially prejudices the interests of an owner.

(c) If the report is not prepared by an employee of a municipality, the compensation for preparing the report under this subdivision must be based on the following factors:

- (1) the time and labor required;
- (2) the experience and knowledge of the preparer;
- (3) the complexity and novelty of the problems involved; and
- (4) the extent of the responsibilities assumed.

(d) The compensation must not be based primarily on a percentage of the estimated cost of the improvement.

(e) The council may also take other steps prior to the hearing, including, among other things, the preparation of plans and specifications and the advertisement for bids that will in its judgment provide helpful information in determining the desirability and feasibility of the improvement.

(f) The hearing may be adjourned from time to time, and a resolution ordering the improvement may be adopted at any time within six months after the date of the hearing by vote of a majority of all members of the council when the improvement has been petitioned for by the owners of not less than 35 percent in frontage of the real property abutting on the streets named in the petition as the location of the improvement. When there has been no such petition, the resolution may be adopted only by vote of four-fifths of all members of the council; provided that if the mayor of the municipality is a member of the council but has no vote or votes only in case of a tie, the mayor is not deemed to be a member for the purpose of determining a four-fifths majority vote.

(g) The resolution ordering the improvement may reduce, but not increase, the extent of the improvement as stated in the notice of hearing.

**Subd. 2. Approval by park board or utilities commission.**

A resolution ordering a park improvement may be adopted only by a four-fifths vote of the council and shall also be approved by the park board, if there is one; provided, that if the mayor of the municipality is a member of the council but has no vote or votes only in case of a tie, the mayor shall not be deemed to be a member for the purpose of determining such four-fifths majority vote. A resolution ordering an improvement of the water, sewer, steam heating, street lighting or other facility over which a utilities commission has jurisdiction shall also be approved by the utilities commission.

**Subd. 3. Petition by all owners.**

Whenever all owners of real property abutting upon any street named as the location of any improvement shall petition the council to construct the improvement and to assess the entire cost against their property, the council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement. The validity of the resolution shall not be questioned by any taxpayer or property owner or the municipality unless an action for that purpose is commenced within 30 days after adoption of the resolution as provided in section 429.036. Nothing herein prevents any property owner from questioning the amount or validity of the special assessment against the owner's property pursuant to section 429.081. In the case of a petition for the municipality to own and install a fire protection system, a pedestrian skyway system, or on-site water contaminant improvements, the petition must contain or be accompanied by an undertaking satisfactory to the city by the petitioner that the petitioner will grant the municipality the necessary property interest in the building to permit the city to enter upon the property and the building to construct, maintain, and operate the fire protection system, pedestrian skyway system, or on-site water contaminant improvements. In the case of a petition for the installation of a privately owned fire protection system, a privately owned pedestrian skyway system, or privately owned on-site water contaminant improvements, the petition shall contain the plans and specifications for the improvement, the estimated cost of the improvement and a statement indicating whether the city or the owner will contract for the construction of the improvement. If the owner is contracting for the construction of the improvement, the city shall not approve the petition until it has reviewed and approved the plans, specifications, and cost estimates contained in the petition. The construction cost financed under section 429.091 shall not exceed the amount of the cost estimate contained in the petition. In the case of a petition for the installation of a fire protection system, a pedestrian skyway system, or on-site water contaminant improvements, the petitioner may request abandonment of the improvement at any time after it has been ordered pursuant to subdivision 1 and before contracts have been awarded for the

construction of the improvement under section 429.041, subdivision 2. If such a request is received, the city council shall abandon the proceedings but in such case the petitioner shall reimburse the city for any and all expenses incurred by the city in connection with the improvement.

#### **429.101 UNPAID SPECIAL CHARGES MAY BE SPECIAL ASSESSMENTS.**

##### **Subdivision 1. Ordinances.**

(a) In addition to any other method authorized by law or charter, the governing body of any municipality may provide for the collection of unpaid special charges as a special assessment against the property benefited for all or any part of the cost of:

- (1) snow, ice, or rubbish removal from sidewalks;
- (2) weed elimination from streets or private property;
- (3) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of sections 463.15 to 463.26;
- (4) installation or repair of water service lines, street sprinkling or other dust treatment of streets;
- (5) the trimming and care of trees and the removal of unsound trees from any street;
- (6) the treatment and removal of insect infested or diseased trees on private property, the repair of sidewalks and alleys;
- (7) the operation of a street lighting system;
- (8) the operation and maintenance of a fire protection or a pedestrian skyway system;
- (9) inspections relating to a municipal housing maintenance code violation;
- (10) the recovery of any disbursements under section 504B.445, subdivision 4, clause (5), including disbursements for payment of utility bills and other services, even if provided by a third party, necessary to remedy violations as described in section 504B.445, subdivision 4, clause (2); or
- (11) [Repealed, 2004 c 275 s 5]
- (12) the recovery of delinquent vacant building registration fees under a municipal program designed to identify and register vacant buildings.

(b) The council may by ordinance adopt regulations consistent with this section to make this authority effective, including, at the option of the council, provisions for placing primary responsibility upon the property owner or occupant to do the work personally (except in the case of street sprinkling or other dust treatment, alley repair, tree trimming, care, and removal, or the operation of a street lighting system) upon notice before the work is undertaken, and for collection from the property owner or other person served of the charges when due before unpaid charges are made a special assessment.

(c) A home rule charter city, statutory city, county, or town operating an energy improvements financing program under section 216C.436 has the authority granted to a municipality under paragraph (a) with respect to energy improvements financed under that section.

**Subd. 2. Procedure for assessment.**

Any special assessment levied under subdivision 1 shall be payable in a single installment, or by up to ten equal annual installments as the council may provide, except that a special assessment made under an energy improvements financing program under subdivision 1, paragraph (c), may be repayable in up to 20 equal installments. With these exceptions, sections 429.061, 429.071, and 429.081 shall apply to assessments made under this section.

**Subd. 3. Issuance of obligations.**

(a) After a contract for any of the work enumerated in subdivision 1 has been let, or the work commenced, the council may issue obligations to defray the expense of any such work financed in whole or in part by special charges and assessments imposed upon benefited property under this section.

(b) Section 429.091 shall apply to such obligations with the following modifications:

(1) such obligations shall be payable not more than two years from the date of issuance;

(2) the amount of such obligations issued at one time in a municipality shall not exceed the cost of such work during the ensuing six months as estimated by the council;

(3) a separate improvement fund shall be set up for each of the enumerated services referred to in subdivision 1 and financed under this section.

(c) Proceeds of special charges as well as special assessments and taxes shall be credited to such improvement fund.



**475.58 SUBD. 1A. RESUBMISSION LIMITATION.**

If the electors do not approve the issuing of obligations at an election required by subdivision 1, the question of authorizing the obligations for the same purpose and in the same amount may not be submitted to the electors within a period of 180 days from the date the election was held. If the question of authorizing the obligations for the same purpose and in the same amount is not approved a second time it may not be submitted to the electors within a period of one year after the second election.

**475.58, SUBD. 3B. STREET RECONSTRUCTION AND BITUMINOUS OVERLAYS.**

(a) A municipality may, without regard to the election requirement under subdivision 1, issue and sell obligations for street reconstruction or bituminous overlays, if the following conditions are met:

(1) the streets are reconstructed or overlaid under a street reconstruction or overlay plan that describes the street reconstruction or overlay to be financed, the estimated costs, and any planned reconstruction or overlay of other streets in the municipality over the next five years, and the plan and issuance of the obligations has been approved by a vote of all of the members of the governing body present at the meeting following a public hearing for which notice has been published in the official newspaper at least ten days but not more than 28 days prior to the hearing; and

(2) if a petition requesting a vote on the issuance is signed by voters equal to five percent of the votes cast in the last municipal general election and is filed with the municipal clerk within 30 days of the public hearing, the municipality may issue the bonds only after obtaining the approval of a majority of the voters voting on the question of the issuance of the obligations. If the municipality elects not to submit the question to the voters, the municipality shall not propose the issuance of bonds under this section for the same purpose and in the same amount for a period of 365 days from the date of receipt of the petition. If the question of issuing the bonds is submitted and not approved by the voters, the provisions of section 475.58, subdivision 1a, shall apply.

(b) Obligations issued under this subdivision are subject to the debt limit of the municipality and are not excluded from net debt under section 475.51, subdivision 4.

(c) For purposes of this subdivision, street reconstruction and bituminous overlays includes utility replacement and relocation and other activities incidental to the street reconstruction, turn lanes and other improvements having a substantial public safety function, realignments, other modifications to intersect with state and county roads, and the local share of state and county road projects. For purposes of this subdivision, "street reconstruction" includes expenditures for street reconstruction that have been incurred by a municipality before approval of a street reconstruction plan, if such expenditures are included in a street reconstruction plan approved on or before the date of the public hearing under paragraph (a), clause (1), regarding issuance of bonds for such expenditures.

(d) Except in the case of turn lanes, safety improvements, realignments, intersection modifications, and the local share of state and county road projects, street reconstruction and bituminous overlays does not include the portion of project cost allocable to widening a street or adding curbs and gutters where none previously existed.

**429.036 APPEAL FROM DETERMINATION OF LEGALITY OF PETITION.**

Any person, being aggrieved by this determination, may appeal to the district court of the county in which the property is located by serving upon the clerk of the municipality, within 30 days after the adoption and publication of the resolution, a notice of appeal briefly stating the grounds of appeal and giving a bond in the penal sum of \$250, in which the municipality shall be named as obligee, to be approved by the clerk of the municipality, conditioned that the appellant will duly prosecute the appeal, pay all costs and disbursements which may be adjudged against the appellant, and abide by the order of the court. The clerk shall furnish the appellant a certified copy of the petition, or any part thereof, on being paid by appellant of the proper charges therefor. The appeal shall be placed upon the calendar of the next general term commencing more than 30 days after the date of serving the notice and filing the bond and shall be tried as are other appeals in such cases. Unless reversed upon the appeal, the determination of the governing body as to the sufficiency of the petition shall be final and conclusive.

**History:** (1918-34) 1927 c 311 s 2; 1986 c 444

**429.041 COUNCIL PROCEDURE.**

Subdivision 1. **Plans and specifications, advertisement for bids.** When the council determines to make any improvement, it shall let the contract for all or part of the work, or order all or part of the work done by day labor or otherwise as authorized by subdivision 2, no later than one year after the adoption of the resolution ordering such improvement, unless a different time limit is specifically stated in the resolution ordering the improvement. The council shall cause plans and specifications of the improvement to be made, or if previously made, to be modified, if necessary, and to be approved and filed with the clerk, and if the estimated cost exceeds the amount in section 471.345, subdivision 3, shall advertise for bids for the improvement in the newspaper or recognized industry trade journal as defined in section 331A.01, subdivision 11, and for such length of time as it may deem advisable. If the estimated cost exceeds twice the amount in section 471.345, subdivision 3, publication shall be made no less than three weeks before the last day for submission of bids once in the newspaper and at least once in either a newspaper published in a city of the first class or a recognized industry trade journal. The advertisement shall specify the work to be done, shall state the time when the bids will be publicly opened for consideration by the council, which shall be not less than ten days after the first publication of the advertisement when the estimated cost is less than twice the amount in section 471.345, subdivision 3, and not less than three weeks after such publication in other cases, and shall state that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk, for such percentage of the amount of the bid as the council may specify. In providing for the advertisement for bids the council may direct that the bids shall be opened publicly by two or more designated officers or agents of the municipality and tabulated in advance of the meeting at which they are to be considered by the council. Nothing herein shall prevent the council from advertising separately for various portions of the work involved in an improvement, or from itself, supplying by such means as may be otherwise authorized by law, all or any part of the materials, supplies, or equipment to be used in the improvement or from combining two or more improvements in a single set of plans and specifications or a single contract.

Subd. 2. **Contracts; day labor.** In contracting for an improvement, the council shall require the execution of one or more written contracts and bonds, conditioned as required by law. The council shall award the contract to the lowest responsible bidder or it may reject all bids. If any bidder to whom a contract is awarded fails to enter promptly into a written contract and to furnish the required bond, the defaulting bidder shall forfeit to the municipality the amount of the defaulter's cash deposit, cashier's check, bid bond, or certified check, and the council may thereupon award the contract to the next lowest responsible bidder. When it appears to the council that the cost of the entire work projected will be less than the amount in section 471.345, subdivision 3, or whenever no bid is submitted after proper advertisement or the only bids submitted are higher than the engineer's estimate, the council may advertise for new bids or, without advertising for bids, directly purchase the materials for the work and do it by the employment of day labor or in any other manner the council considers proper. The council may have the work supervised by the city engineer or other qualified person but shall have the work supervised by a registered engineer if done by day labor and it appears to the council that the entire cost of all work and materials for the improvement will be more than the lowest amount in section 471.345, subdivision 4. In case of improper construction or unreasonable delay in the prosecution of the work by the contractor, the council may order and cause the suspension of the work at any time and relet the contract, or order a reconstruction of any portion of the work improperly done,

and where the cost of completion or reconstruction necessary will be less than the amount in section 471.345, subdivision 3, the council may do it by the employment of day labor.

Subd. 2a. **Best value alternative.** As an alternative to the procurement method described in subdivision 2, the council may issue a request for proposals and award the contract to the vendor or contractor offering the best value as described in section 16C.28, subdivision 1, paragraph (a), clause (2), and paragraph (c).

Subd. 3. **Day labor; detailed report.** When the council has performed construction work by day labor, it shall cause a detailed report to be filed with the clerk and certified by the registered engineer or other person in charge, if there is no registered engineer. The report shall show:

- (a) the complete cost of the construction;
- (b) final quantities of the various units of work done;
- (c) materials furnished for the project and the cost of each item thereof;
- (d) cost of labor, cost of equipment hired, and supervisory costs.

The report shall have attached a certificate by the registered engineer or other person in charge that the work was done according to the plans and specifications, or, if there were any deviations from them, an itemized statement of those deviations.

Subd. 4. **Alternate procedure on street improvements.** As to any improvement or improvements consisting of grading, graveling, or bituminous surfacing of streets and alleys, the council may proceed in the manner provided in this chapter, except that it may

(1) order the work done by day labor, regardless of the estimated cost of such improvement or improvements,

(2) use municipal equipment or hire equipment and purchase materials for all such improvements to be done by day labor in any 12-month period by advertising once therefor, such advertisement to call for bids for the furnishing of equipment, if the municipality does not use its own equipment, and for materials at unit prices based on the quantities which the council estimates will be required, and

(3) contract at one time on a unit price basis for part or all of the street improvements to be constructed by the municipality during the current year, including improvements which may thereafter be ordered constructed.

Subd. 5. **Cooperation with state or local government.** When an improvement is made under a cooperative agreement with the state or another political subdivision by the terms of which the state or other subdivision is to construct or contract to construct the improvement, it shall not be necessary to comply with subdivisions 1 and 2.

Subd. 6. **Percentage payment on engineer's estimate.** In case the contractor properly performs the work, the council shall, from month to month before completion of the work, pay the contractor not to exceed 95 percent of the amount already earned under the contract, upon the estimate of the engineer or other competent person selected by the council, and the contract shall so provide, and shall further agree that when the work is 95 percent or more completed upon the recommendation of the engineer such portions of the retained price shall be released as the governing body of the municipality determines are not required to be retained to protect the municipality's interest in satisfactory completion of the contract. Failure to pay any amount due and payable under the terms of the contract within 30 days of a monthly estimate or 90

days after the final estimate of the amount earned shall obligate the municipality to pay to the contractor simple interest on the past due amount at an annual rate equal to the monthly index of long term United States bond yields for the month prior to the month in which this obligation is incurred plus an additional one percent per annum. Interest shall not be imposed with respect to any amount which a municipality may legally withhold as a result of breach of contract or other contractual claim or if the delay is caused by the contractor.

Subd. 7. **Modification of contracts.** After work has been commenced on an improvement undertaken pursuant to a contract awarded on a unit price basis the council may, without advertising for bids, authorize changes in the contract so as to include additional units of work at the same unit price if the cost of the additional work does not exceed 25 percent of the original contract price. Original contract price means that figure determined by multiplying the estimated number of units required by the unit price.

**History:** 1953 c 398 s 4; 1957 c 430 s 2,3; 1961 c 525 s 3,4; 1973 c 123 art 5 s 7; 1976 c 156 s 1; 1977 c 278 s 1; 1978 c 518 s 2; 1980 c 464 s 8; 1985 c 174 s 3; 1986 c 444; 1993 c 38 s 1,2; 2001 c 5 s 1,2; 2004 c 278 s 6,7; 2007 c 148 art 3 s 25; 2009 c 152 s 18,19; 2013 c 46 s 2

**429.061 ASSESSMENT PROCEDURE.**

Subdivision 1. **Calculation, notice.** At any time after the expense incurred or to be incurred in making an improvement shall be calculated under the direction of the council, the council shall determine by resolution the amount of the total expense the municipality will pay, other than the amount, if any, which it will pay as a property owner, and the amount to be assessed. If a county proposes to assess within the boundaries of a city for a county state-aid highway or county highway, including curbs, gutters, and storm sewers, the resolution must include the portion of the cost proposed to be assessed within the city. The county shall forward the resolution to the city and it may not proceed with the assessment procedure nor may the county allocate any cost under this section for property within the city unless the city council adopts the resolution approving the assessment. Thereupon the clerk, with the assistance of the engineer or other qualified person selected by the council, shall calculate the proper amount to be specially assessed for the improvement against every assessable lot, piece or parcel of land, without regard to cash valuation, in accordance with the provisions of section 429.051. The proposed assessment roll shall be filed with the clerk and be open to public inspection. The clerk shall thereupon, under the council's direction, publish notice that the council will meet to consider the proposed assessment. Such notice shall be published in the newspaper at least once and shall be mailed to the owner of each parcel described in the assessment roll. For the purpose of giving mailed notice under this subdivision, owners shall be those shown to be such on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. Such publication and mailing shall be no less than two weeks prior to such meeting of the council. Except as to the owners of tax-exempt property or property taxes on a gross earnings basis, every property owner whose name does not appear on the records of the county auditor or the county treasurer shall be deemed to have waived such mailed notice unless the owner has requested in writing that the county auditor or county treasurer, as the case may be, include the name on the records for such purpose. Such notice shall state the date, time, and place of such meeting, the general nature of the improvement, the area proposed to be assessed, the total amount of the proposed assessment, that the proposed assessment roll is on the file with the clerk, and that written or oral objections thereto by any property owner will be considered. The notice must also state that no appeal may be taken as to the amount of any assessment adopted pursuant to subdivision 2, unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The notice shall also state that an owner may appeal an assessment to district court pursuant to section 429.081 by serving notice of the appeal upon the mayor or clerk of the municipality within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the mayor or clerk. The notice shall also inform property owners of the provisions of sections 435.193 to 435.195 and the existence of any deferment procedure established pursuant thereto in the municipality. In addition, the notice mailed to the owner must state in clear language the following information:

- (1) the amount to be specially assessed against that particular lot, piece, or parcel of land;
- (2) adoption by the council of the proposed assessment may be taken at the hearing;
- (3) the right of the property owner to prepay the entire assessment and the person to whom prepayment must be made;
- (4) whether partial prepayment of the assessment has been authorized by ordinance;

- (5) the time within which prepayment may be made without the assessment of interest; and
- (6) the rate of interest to be accrued if the assessment is not prepaid within the required time period.

Subd. 2. **Adoption; interest.** At such meeting or at any adjournment thereof the council shall hear and pass upon all objections to the proposed assessment, whether presented orally or in writing. The council may amend the proposed assessment as to any parcel and by resolution adopt the same as the special assessment against the lands named in the assessment roll. Notice of any adjournment of the hearing shall be adequate if the minutes of the meeting so adjourned show the time and place when and where the hearing is to be continued.

The council may consider any objection to the amount of a proposed assessment as to a specific parcel of land at an adjourned hearing upon further notice to the affected property owner as it deems advisable. At the adjourned hearing the council or a committee of it may hear further written or oral testimony on behalf of the objecting property owner and may consider further written or oral testimony from appropriate city officials and other witnesses as to the amount of the assessment. The council or committee shall prepare a record of the proceedings at the adjourned hearing and written findings as to the amount of the assessment. The amount of the assessment as finally determined by the council shall become a part of the adopted assessment roll. No appeal may be taken as to the amount of any assessment adopted under this section unless written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. All objections to the assessments not received at the assessment hearing in the manner prescribed by this subdivision are waived, unless the failure to object at the assessment hearing is due to a reasonable cause.

If the adopted assessment differs from the proposed assessment as to any particular lot, piece, or parcel of land, the clerk must mail to the owner a notice stating the amount of the adopted assessment. Owners must also be notified by mail of any changes adopted by the council in interest rates or prepayment requirements from those contained in the notice of the proposed assessment.

The assessment, with accruing interest, shall be a lien upon all private and public property included therein, from the date of the resolution adopting the assessment, concurrent with general taxes; but the lien shall not be enforceable against public property as long as it is publicly owned, and during such period the assessment shall be recoverable from the owner of such property only in the manner and to the extent provided in section 435.19. Unless otherwise provided in the resolution, all assessments shall be payable in equal annual installments extending over such period, not exceeding 30 years, as the resolution determines, payable on the first Monday in January in each year, but the number of installments need not be uniform for all assessments included in a single assessment roll if a uniform criterion for determining the number of installments is provided by the resolution. Assessments on property located in a targeted neighborhood as defined in Laws 1987, chapter 386, article 6, section 4, may be payable in variable annual installments if the resolution provides for a variable payment. The first installment of each assessment shall be included in the first tax rolls completed after its adoption and shall be payable in the same year as the taxes contained therein; except that the payment of the first installment of any assessment levied upon unimproved property may be deferred until a designated future year, or until the platting of the property or the construction of improvements thereon, upon such terms and conditions and based upon such standards and criteria as may be provided by resolution of the council. If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall record with the county recorder

in the county in which the property is located a certificate containing the legal description of the affected property and of the amount deferred. In any event, every assessment the payment of which is so deferred, when it becomes payable, shall be divided into a number of installments such that the last installment thereof will be payable not more than 30 years after the levy of the assessment. All assessments shall bear interest at such rate as the resolution determines. To the first installment of each assessment shall be added interest on the entire assessment from a date specified in the resolution levying the assessment, not earlier than the date of the resolution, until December 31 of the year in which the first installment is payable, and to each subsequent installment shall be added interest for one year on all unpaid installments; or alternatively, any assessment may be made payable in equal annual installments including principal and interest, each in the amount annually required to pay the principal over such period with interest at such rate as the resolution determines, not exceeding the maximum period and rate specified above. In the latter event no prepayment shall be accepted under subdivision 3 without payment of all installments due to and including December 31 of the year of prepayment, together with the original principal amount reduced only by the amounts of principal included in such installments, computed on an annual amortization basis. When payment of an assessment is deferred, as authorized in this subdivision, interest thereon for the period of deferment may be made payable annually at the same times as the principal installments of the assessment would have been payable if not deferred; or interest for this period may be added to the principal amount of the assessment when it becomes payable; or, if so provided in the resolution levying the assessment, interest thereon to December 31 of the year before the first installment is payable may be forgiven.

**Subd. 3. Transmitted to auditor, prepayment.** After the adoption of the assessment, the clerk shall transmit a certified duplicate of the assessment roll with each installment, including interest, set forth separately to the county auditor of the county to be extended on the proper tax lists of the county; but in lieu of such certification, the council may in its discretion direct the clerk to file all assessment rolls in the clerk's office and to certify annually to the county auditor, on or before November 30 in each year, the total amount of installments of and interest on assessments on each parcel of land in the municipality which are to become due in the following year. If any installment and interest has not been so certified prior to the year when it is due, the clerk shall forthwith certify the same to the county auditor for collection in the then succeeding year; and if the municipality has issued improvement warrants to finance the improvement, it shall pay out of its general funds into the fund of the improvement interest on the then unpaid balance of the assessment for the year or years during which the collection of such installment is postponed. All assessments and interest thereon shall be collected and paid over in the same manner as other municipal taxes. The owner of any property so assessed may, at any time prior to certification of the assessment or the first installment thereof to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the municipal treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption thereof; and, except as hereinafter provided, the owner may at any time prior to November 15 of any year, prepay to the treasurer of the municipality having levied said assessments, the whole assessment remaining due with interest accrued to December 31 of the year in which said prepayment is made. If the assessment roll is retained by the municipal clerk, the installment and interest in process of collection on the current tax list shall be paid to the county treasurer and the remaining principal balance of the assessment, if paid, shall be paid to the municipal treasurer. The council may by ordinance authorize the partial prepayment of assessments, in such manner as the ordinance may provide, prior to certification of the assessment or the first installment thereof to the county auditor.



Subd. 4. **Collection, tax-exempt property.** On the confirmation of any assessments the clerk shall mail to the county auditor a notice specifying the amount payable by any county, to the clerk or recorder of any other political subdivision a notice specifying the amount payable by the political subdivision and to the owner of any right-of-way, at its principal office in the state, a notice specifying the amount payable on account of any right-of-way. The amount payable on account of any right-of-way or public property shall be payable to the municipality's treasurer and shall be payable in like installments and with like interest and penalties as provided for in reference to the installments payable on account of assessable real property, except that interest accruing shall not begin to run until the notice provided in this subdivision has been properly given and 30 days thereafter have elapsed. The governing body of any such political subdivision shall provide for the payment of these amounts and shall take appropriate action to that end. If the assessment is not paid in a single installment, the municipal treasurer shall annually mail to the owner of any right-of-way and, as long as the property is publicly owned, to the owner of any public property a notice stating that an installment is due and should be paid to the municipal treasurer of the municipality which levied the special assessment. The municipality may collect the amount due on account of the right-of-way of any railroad or privately owned public utility by distress and sale of personal property in the manner provided by law in case of taxes levied upon personal property or by suit brought to enforce the collection of this indebtedness unless a different method of collecting such amounts is provided for by any contract between the owner of any right-of-way and the municipality.

Subd. 5. **Special assessments; administrative expenses.** Notwithstanding any general or special law to the contrary, a municipality shall pay to the county auditor all administrative expenses incurred by the county under subdivision 3 for each special assessment of any local improvement certified by the municipality to the county auditor.

**History:** 1953 c 398 s 6; 1955 c 811 s 2; 1957 c 510 s 2; 1957 c 699 s 1; 1961 c 77 s 1; 1961 c 525 s 5-7; 1963 c 771 s 2-4; 1965 c 877 s 3; 1969 c 1045 s 1; 1969 c 1095 s 1; 1974 c 314 s 2; 1976 c 195 s 2; 1976 c 324 s 18; 1980 c 509 s 164; 1980 c 560 s 5; 1980 c 607 art 11 s 1,2; 1984 c 478 s 2; 1984 c 543 s 50; 1Sp1985 c 16 art 1 s 3; 1986 c 315 s 2; 1986 c 444; 1986 c 473 s 10,11; 1987 c 344 s 3; 1987 c 386 art 6 s 2; 1991 c 342 s 8; 1993 c 375 art 5 s 33; art 17 s 17; 2005 c 4 s 106

**429.071 SUPPLEMENTAL ASSESSMENTS; REASSESSMENT.**

Subdivision 1. **Supplemental assessments.** The council may make supplemental assessments to correct omissions, errors, or mistakes in the assessment relating to the total cost of the improvement or any other particular. A supplemental assessment shall be preceded by personal or mailed notice to the owner of each parcel included in the supplemental assessment and a hearing as provided for the original assessment.

Subd. 2. **Reassessment.** When an assessment is, for any reason whatever, set aside by a court of competent jurisdiction as to any parcel or parcels of land, or in event the council finds that the assessment or any part thereof is excessive or determines on advice of the municipal attorney that the assessment or proposed assessment or any part thereof is or may be invalid for any reason, the council may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to such parcel or parcels.

Subd. 3. **Reapportionment upon land division.** When a tract of land against which a special assessment has been levied is thereafter divided or subdivided by plat or otherwise, the council may, on application of the owner of any part of the tract or on its own motion equitably apportion among the various lots or parcels in the tract all the installments of the assessment against the tract remaining unpaid and not then due if it determines that such apportionment will not materially impair collection of the unpaid balance of the original assessment against the tract. The council may, and if the special assessment has been pledged to the payment of improvement warrants shall, require the owner or owners, as a condition of such apportionment, to furnish a satisfactory surety bond fully protecting the municipality against any loss resulting from failure to pay any part of the reapportionment assessment when due. Notice of such apportionment and of the right to appeal shall be mailed to or personally served upon all owners of any part of the tract. Within 30 days after the mailing or service of the notice of such apportionment any such owner may appeal as provided in section 429.081.

Subd. 4. **Reassessment, tax-forfeited land.** When a parcel of tax-forfeited land is returned to private ownership and the parcel is benefited by an improvement for which special assessments were canceled because of the forfeiture, the municipality that made the improvement may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to the parcel in an amount equal to the amount remaining unpaid on the original assessment.

**History:** 1953 c 398 s 7; 1957 c 366 s 1; 1961 c 525 s 8; 1965 c 877 s 4; 1976 c 259 s 1

**429.081 APPEAL TO DISTRICT COURT.**

Within 30 days after the adoption of the assessment, any person aggrieved, who is not precluded by failure to object prior to or at the assessment hearing, or whose failure to so object is due to a reasonable cause, may appeal to the district court by serving a notice upon the mayor or clerk of the municipality. The notice shall be filed with the court administrator of the district court within ten days after its service. The municipal clerk shall furnish appellant a certified copy of objections filed in the assessment proceedings, the assessment roll or part complained of, and all papers necessary to present the appeal. The appeal shall be placed upon the calendar of the next general term commencing more than five days after the date of serving the notice and shall be tried as other appeals in such cases. The court shall either affirm the assessment or set it aside and order a reassessment as provided in section 429.071, subdivision 2. If appellant does not prevail upon the appeal, the costs incurred shall be taxed by the court and judgment entered therefor. All objections to the assessment shall be deemed waived unless presented on such appeal. This section provides the exclusive method of appeal from a special assessment levied pursuant to this chapter.

**History:** 1953 c 398 s 8; 1961 c 525 s 9; 1978 c 749 s 2; 1980 c 607 art 11 s 3; 1Sp1986 c 3 art 1 s 82

**429.091 FINANCING.**

Subdivision 1. **Authority.** At any time after one or more improvements are ordered as contemplated in section 429.031, the council may issue obligations in such amount as it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making the improvement or improvements, including every item of cost of the kinds authorized in section 475.65. In the event of any omission, error, or mistake in any of the proceedings required precedent to the ordering of any improvement, the validity of the obligations shall not be affected thereby. The council shall cause all further actions and proceedings to be taken with due diligence that are required for the construction of each improvement financed wholly or partly from the proceeds of obligations issued hereunder, and for the final and valid levy of special assessments and the appropriation of any other funds needed to pay the obligations and interest thereon when due.

Subd. 2. **Types of obligations permitted.** The council may by resolution adopted prior to the sale of obligations pledge the full faith, credit, and taxing power of the municipality for the payment of the principal and interest. Such obligations shall be called improvement bonds and the council shall pay the principal and interest out of any fund of the municipality when the amount credited to the specified fund is insufficient for the purpose and shall each year levy a sufficient amount to take care of accumulated or anticipated deficiencies, which levy shall not be subject to any statutory or charter tax limitation. Obligations for the payment of which the full faith and credit of the municipality is not pledged shall be called assessment revenue notes or, in the case of bonds for fire protection, revenue bonds and shall contain a promise to pay solely out of the proper special fund or funds pledged to their payment. It shall be the duty of the municipal treasurer to pay maturing principal and interest on warrants or revenue bonds out of funds on hand in the proper funds and not otherwise.

Subd. 3. **Method of issuance.** All obligations shall be issued in accordance with the provisions of chapter 475, except as provided in this subdivision.

An election shall be required for bonds if less than 20 percent of the cost of the improvement to the municipality is to be assessed against benefited property.

If the full faith, credit, and taxing power of the municipality is not pledged and the bonds are issued to finance a fire protection system, a public sale shall not be required and the obligations may

(a) mature at any time or times within 30 years from date of issue; or 40 years or the useful life of the asset, whichever is less, for municipal water and wastewater treatment systems and essential community facilities financed or guaranteed by the United States Department of Agriculture;

(b) mature in the amount or amounts;

(c) be sold at a price equal to the percentage of their par value, plus accrued interest; and

(d) bear interest at the rate or rates,

as agreed by the purchaser and the municipality, notwithstanding any limitation of interest rate or cost or of the amounts of annual maturities contained in any other law.

The maturities shall be such as in the opinion of the council are warranted by the anticipated collections of assessments and ad valorem levies for the municipality's share of the cost; except that the council may in its discretion issue and sell temporary improvement bonds maturing and

subject to further conditions as set forth in subdivision 5. All obligations shall state upon their face the purpose of the issue and the fund from which they are payable. The amount of any obligations issued hereunder shall not be included in determining the net indebtedness of any municipality under the provisions of any law limiting such indebtedness.

Subd. 4. **Funds.** The proceeds from the sale of each issue of obligations and from collections of special assessments levied and other moneys appropriated for each improvement to be financed wholly or partly from such proceeds shall be credited to a separate construction fund which shall be used solely to defray expenses of such improvements and payment of principal and interest due upon the obligations prior to completion and payment of all costs of the improvements so financed. Any balance of the proceeds of bonds remaining therein may be used to pay the cost, in whole or in part, of any other improvement instituted pursuant to this chapter. A separate account shall be maintained in the construction fund to record expenditures for each improvement, and when the total cost thereof has been paid all subsequent collections of special assessments levied for the improvement shall be credited and paid into the debt service fund for the obligations issued to finance the improvement, as provided in section 475.61. Any taxes levied for improvements financed by an issue of obligations shall be credited directly to the debt service fund.

Subd. 5. **Temporary improvement bonds.** In anticipation of the issuance of improvement bonds, the council may by resolution issue and sell temporary improvement bonds maturing within not more than three years from their date of issue to pay any part or all of the cost of one or more improvements. To the extent that the principal of and interest on the temporary improvement bonds cannot be paid when due from receipts of special assessments, taxes, or other funds appropriated for the purpose, they shall be paid from the proceeds of improvement bonds or additional temporary improvement bonds which the council shall offer for sale in advance of their maturity but the indebtedness funded by an issue of temporary improvement bonds shall not be extended by the issue of additional temporary improvement bonds for more than six years from the date of the first issue. The holders of any temporary improvement bonds shall have and may enforce, by mandamus or other appropriate proceedings, all rights respecting the levy and collection of sufficient special assessments and taxes to pay the cost of the improvements financed by them which are granted by law to holders of improvement bonds, except the right to require the levies to be collected prior to the maturity of the temporary improvement bonds. If any temporary improvement bonds are not paid in full at maturity, the holders may require the issuance in exchange for them, at par, of new temporary improvement bonds maturing within one year from their date of issue (but not subject to any other maturity limitation), and bearing interest at the maximum rate permitted by law.

Subd. 6. **Investment of other municipal funds.** Funds of a municipality may be invested in its temporary improvement bonds in accordance with the provisions of section 118A.04, and may be purchased upon their initial issue, but shall be purchased only from funds which the council determines will not be required for other purposes before the maturity date, and shall be resold before maturity only in case of emergency. If purchased from a debt service fund securing other bonds, the holders of those bonds may enforce the municipality's obligations on the temporary improvement bonds in the same manner as if they held the temporary improvement bonds.

Subd. 7. **General obligation temporary improvement bonds.** The council may by resolution adopted prior to the sale of any temporary improvement bonds pledge the full faith, credit, and taxing power of the municipality for the payment of the principal and interest, in addition to all provisions made for their security in subdivision 5. In this event the bonds shall be designated as general obligation temporary improvement bonds, and the council shall levy

taxes for their payment in accordance with section 475.61. Proceeds of improvement bonds or temporary improvement bonds not yet sold may be treated as pledged revenues, in reduction of the tax otherwise required by section 475.61 to be levied prior to delivery of the obligations.

**Subd. 7a. Revolving fund bonds.** The council may by resolution establish a revolving fund for the payment of the costs of any improvement or any waterworks systems, sewer systems, or storm sewer systems described in section 444.075, the costs of facilities to maintain streets and water, sewer, and storm sewer systems and for the payment of any obligations issued to pay the costs of the facilities and systems referred to in this subdivision or to refund obligations issued for those purposes. The council may create within the revolving fund a separate construction account into which the municipality may deposit the proceeds of any obligations payable from the fund, the proceeds of any special assessments collected with respect to any improvement, any net revenues of a waterworks, sewer system, or storm sewer system described in section 444.075 or any other available funds of the municipality appropriated to it. Amounts on deposit in the construction account may be used to pay the costs of any improvement or any waterworks, sewer system, or storm sewer system described in section 444.075 or any street or water, sewer, or storm sewer maintenance facilities. No funds may be expended for an improvement unless at least 20 percent of the costs of each such improvement is to be assessed against benefited property. No funds may be expended for a waterworks, sewer system, or storm sewer system, other than a sewer system described in section 115.46, or maintenance facilities unless the council estimates that the costs will be recovered from the net revenues of the system or any combined waterworks, sewer systems, or storm sewer systems operated by the municipality. The council may also create a separate debt service account within the revolving fund for the payment of principal of and interest on any obligations payable therefrom. Notwithstanding subdivision 4, the council is not required to pledge any particular assessments or other revenues to the payment of the obligations. Collections of special assessments or net revenues may be deposited in either the construction account or the debt service account as the council or an officer designated by the council may determine, having due regard for anticipated collections of special assessments and net revenues from improvements or waterworks, sewer systems, or storm sewer systems financed in whole or in part from the construction account, and taxes levied for the payment of the obligations. The council may issue obligations that are payable primarily from the debt service account for the purpose of providing funds to defray in whole or in part any expenses incurred or estimated to be incurred in making the improvement or improvements or in constructing the waterworks, sewer system, or storm sewer system, including every item of cost of the kinds authorized by section 475.65, and street and water, sewer, and storm sewer maintenance facilities or to refund obligations previously issued under this section or section 115.46 or 444.075. The obligations may be general obligations to which the full faith and credit of the municipality are pledged. If the special assessments to be levied and net revenues estimated to be available for their payment are estimated to be at least 20 percent of the principal amount of the obligations, the obligations may be issued without an election and shall not be included in determining the net indebtedness of the municipality under the provisions of any law limiting net indebtedness. The cost of a maintenance facility that may be financed under this subdivision is limited only to the portion of the facility that is fairly allocable to the maintenance of streets and water, sewer, and storm sewer systems.

**Subd. 8. Application; limitations under federal tax law.** Sections 474A.01 to 474A.21 apply to any issuance of obligations under this section which are subject to limitation under a federal tax law as defined in section 474A.02, subdivision 8.

**History:** *1953 c 398 s 9; 1955 c 811 s 3-5; 1957 c 385 s 1; 1965 c 877 s 5; 1976 c 324 s 19-21; 1981 c 171 s 1-4; 1984 c 548 s 6; 1984 c 582 s 5,6,23; 1984 c 591 s 4,5; 1984 c 633 s 4; 1Sp1985 c 14 art 8 s 63; 1986 c 465 art 1 s 3; 1987 c 344 s 4,5; 1992 c 545 art 2 s 4; 1996 c 297 s 1; 1996 c 399 art 2 s 12; 2000 c 260 s 57; 2001 c 214 s 11*

**463.15 DEFINITIONS.**

Subdivision 1. **Coverage.** For purposes of sections 463.15 to 463.26 the terms defined in this section have the meanings given them.

Subd. 2. **Building.** "Building" includes any structure or part of a structure.

Subd. 3. **Hazardous building or hazardous property.** "Hazardous building or hazardous property" means any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

Subd. 3a. **Municipality.** "Municipality" means a county, city, or town.

Subd. 4. **Owner, owner of record, and lienholder of record.** "Owner," "owner of record," and "lienholder of record" means a person having a right or interest in property described in subdivision 3 and evidence of which is recorded in the office of the county recorder or registrar of titles in the county in which the property is situated.

**History:** 1965 c 393 s 1; 1967 c 324 s 1; 1976 c 181 s 2; 1989 c 328 art 6 s 5,6; 2004 c 147 s 1; 2005 c 4 s 113



**463.26 LOCAL ACTS AND CHARTER PROVISIONS.**

Sections 463.15 to 463.26 are supplementary to other statutory and charter provisions and do not limit the authority of any city to enact and enforce ordinances on the same subject.

**History:** *1965 c 393 s 12; 1973 c 123 art 5 s 7*

**475.51 DEFINITIONS.**

Subdivision 1. **Terms.** For the purposes of this chapter, the terms defined in this section shall have the meanings given them.

Subd. 2. **Municipality.** "Municipality" means a city of any class, county, town, or school district.

Subd. 3. **Obligation.** "Obligation" means any promise to pay a stated amount of money at a fixed future date or upon demand of the obligee, regardless of the source of funds to be used for its payment, made for the purpose of incurring debt, including the purchase of property through an installment purchase contract or any other deferred payment agreement, for which funds are not appropriated in the current year's budget.

Subd. 4. **Net debt.** "Net debt" means the amount remaining after deducting from its gross debt the amount of current revenues which are applicable within the current fiscal year to the payment of any debt and the aggregate of the principal of the following:

(1) Obligations issued for improvements which are payable wholly or partly from the proceeds of special assessments levied upon property specially benefited thereby, including those which are general obligations of the municipality issuing them, if the municipality is entitled to reimbursement in whole or in part from the proceeds of the special assessments.

(2) Warrants or orders having no definite or fixed maturity.

(3) Obligations payable wholly from the income from revenue producing conveniences.

(4) Obligations issued to create or maintain a permanent improvement revolving fund.

(5) Obligations issued for the acquisition, and betterment of public waterworks systems, and public lighting, heating or power systems, and of any combination thereof or for any other public convenience from which a revenue is or may be derived.

(6) Debt service loans and capital loans made to a school district under the provisions of sections 126C.68 and 126C.69.

(7) Amount of all money and the face value of all securities held as a debt service fund for the extinguishment of obligations other than those deductible under this subdivision.

(8) Obligations to repay loans made under section 216C.37.

(9) Obligations to repay loans made from money received from litigation or settlement of alleged violations of federal petroleum pricing regulations.

(10) Obligations issued to pay pension fund or other postemployment benefit liabilities under section 475.52, subdivision 6, or any charter authority.

(11) Obligations issued to pay judgments against the municipality under section 475.52, subdivision 6, or any charter authority.

(12) All other obligations which under the provisions of law authorizing their issuance are not to be included in computing the net debt of the municipality.

Subd. 5. **Net tax capacity.** "Net tax capacity" means the latest valuation for purposes of taxation, as finally equalized, of all property taxable within the municipality.

Subd. 6. **Debt service fund.** "Debt service fund" means any money and investments in the treasury of a municipality appropriated to pay the principal, interest, or premiums for the

redemption of any of its obligations. "Sinking fund" means debt service fund. A separate balance sheet need not be maintained for any debt service fund, and the fund need not be segregated from other funds of the municipality in a separate bank deposit account or in a separate investment fund or account, unless so provided in a resolution or other instrument securing obligations payable from the debt service fund; but a separate bookkeeping account or accounts shall be maintained in the official financial records of the municipality reflecting all receipts and disbursements of money and investments of principal and income appropriated for the purposes of each debt service fund.

Subd. 7. **Acquisition.** "Acquisition" includes purchase, condemnation, construction, and acquisition of necessary land, easements, buildings, structures, machinery or equipment.

Subd. 8. **Betterment.** "Betterment" includes reconstruction, extension, improvement, repair, remodeling, lighting, equipping, and furnishing.

Subd. 9. **Governing body.** "Governing body" means the board, council, commission, or other body of the municipality charged with the general control of its financial affairs; provided, that where any charter or law confers bond issuing power on a particular board or body of a municipality, such board or body is the governing body under the provisions of sections 475.51 to 475.74.

Subd. 10. **General obligations.** "General obligations" means any obligations which pledge the full faith and credit of the municipality to their payment.

Subd. 11. **Reporting dealer to the Federal Reserve Bank of New York.** "Reporting dealer to the Federal Reserve Bank of New York" means a securities broker-dealer licensed pursuant to chapter 80A, or an affiliate thereof, which makes primary markets in United States government securities and reports daily to the Federal Reserve Bank of New York its position with respect to such securities held by it and amounts borrowed thereon.

Subd. 12. **Reverse repurchase agreement.** "Reverse repurchase agreement" means an obligation incurred by a municipality to repurchase at a fixed future date and price a security sold by it to a financial institution on the date of the agreement, or another security identical as to the issuer, source of payment, principal amount, interest rate, maturity, and redemption provisions. The principal amount of the obligation is the sale price of the security, excluding any accrued interest thereon paid to the municipality. The interest payable by the municipality on the obligation is the difference between the sale price and the repurchase price of the security, excluding any accrued interest thereon received by the financial institution.

Subd. 13. **Other governmental unit.** "Other governmental unit" means any public corporation, authority, governmental unit, or other political subdivision of the state of Minnesota that is not a municipality.

Subd. 14. **Bond reinvestment program.** "Bond reinvestment program" means a program under which a municipality, either directly or through an agent employed for the purpose, offers and sells its obligations to the holders of other obligations of the municipality. These offers and sales are directed at the reinvestment in new obligations of funds derived from maturing principal and interest and may also include offers and sales of additional newly issued obligations in addition to the reinvestment of principal and interest paid or to be paid on outstanding obligations and provision for the temporary investment of funds received for the purchase of new obligations in tax-exempt securities pending the issuance of the new obligations.

**History:** (1936) RL s 778; 1943 c 656 s 30 subd 3; 1947 c 296 s 2; 1949 c 682 s 1; 1951 c 422 s 1; 1961 c 752 s 8; 1971 c 903 s 1; 1973 c 123 art 5 s 7; 1974 c 380 s 1; 1976 c 324 s

*1,2,26; 1977 c 259 s 1; 1978 c 674 s 41; 1987 c 289 s 4; 1987 c 312 art 1 s 10; 1987 c 344 s 17; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1989 c 355 s 15,16; 1990 c 562 art 11 s 6; 1995 c 256 s 24; 1996 c 399 art 2 s 11; 1997 c 7 art 1 s 158; 1998 c 397 art 11 s 3; 2005 c 152 art 1 s 23; 2008 c 154 art 10 s 21*

DRAFT Synopsis of Improvement Procedures  
Proposed Charter Amendment Comparison  
City of Lino Lakes

Topic	Minn. Stat. Chapter 429	Citation	Charter	Citation	Charter Amendment Proposal Option One	Citation	Charter Amendment Proposal Option Two	Citation
<b>1. Scope/Applicability</b>	Governs only improvements paid, in part, with special assessments	Chapter 429	Same as Ch. 429	Section 8.02	Same as Ch. 429	Section 8.01, Subd. 1	Same as Ch. 429	Section 8.01, Subd. 1
<b>2. Measurement/Allocation of Special Assessments</b>	Benefits = Market Value Increase. Roughly proportionate.	429.051	Same as Ch. 429	Section 8.01	Same as Ch. 429	Section 8.01, Subd. 3	Same as Ch. 429	Section 8.01, Subd. 3
<b>3. Process by 100% Petition</b>	If initiated by 100% of abutting property owners and 100% costs assessed.	429.031, Subd. 3	If initiated by 100% of benefitted property owners and 100% costs assessed.	Section 8.06	Same as Ch. 429	Section 8.02, Subd. 1	Same as Ch. 429	Section 8.02, Subd. 8
<b>Reports, Hearings, Notices &amp; Subsequent Petitions</b>	No feasibility report required.	429.031, Subd. 3	Feasibility report required.	Section 8.04, Subd. 1	Same as Ch. 429	Section 8.02, Subd. 1	Same as Ch. 429	Section 8.01, Subd. 1
	No public hearing required.	429.031, Subd. 3	Public hearing required. Two weeks mailed, published notice of hearing.	Section 8.06	Same as Ch. 429	Section 8.02, Subd. 1	Same as Ch. 429	Section 8.02, Subd. 8
	Council may order improvement by majority vote	429.031, Subd. 3	60 day waiting period before any action can be taken (50 of the 60 days are waivable by subsequent petition). Council may order project by majority vote.	Section 8.06	Same as Ch. 429	Section 8.02, Subd. 1	Same as Ch. 429	Section 8.02, Subd. 8
<b>4. Process by less than 100% Petition</b>	If initiated by 35% of abutting frontage, Council may order project by majority vote.	429.031, Subd. 1 (f)	If petition received by 25% or more of benefitted owners simple majority vote of council to initiate.	Section 8.04, Subd. 1	If initiated by 35% of abutting owners Council may order project by majority vote.	Section 8.02, Subd. 3	If initiated by 35% of owners within area to be assessed Council may order project by majority vote.	Section 8.02, Subd. 6
<b>Reports, Hearings, Notices &amp; Subsequent</b>	If initiated by less than 35% of abutting frontage, Council may order project by 4/5 (super majority) vote.	429.031, Subd. 1 (f)	If petition received by less than 25% of benefitted property owners a 4/5 vote (super majority) vote is required to initiate project.	Section 8.04, Subd. 1	If initiated by less than 35% of abutting owners Council may order project by 4/5 (super majority) vote.	Section 8.02, Subd. 3	If initiated by less than 35% of owners within area to be assessed Council may order project by 4/5 (super majority) vote.	Section 8.02, Subd. 6
	Feasibility report is required.	429.031, Subd. 1 (b)	Feasibility report is required	Section 8.04, Subd. 1	Feasibility report is required	Section 8.02, Subd. 1	Feasibility report is required	Section 8.02, Subd. 1
	10 days mailed, two weeks published notice of hearing.	429.031, Subd. 1	Two weeks mailed, published notice of hearing.	Section 8.04, Subd. 1	10 days mailed, two weeks published notice of hearing.	Section 8.02, Subd. 1	10 days mailed, two weeks published notice of hearing.	Section 8.02, Subd. 1
	Notice must state time and place of hearing; general nature of the improvement, the estimated cost and the area proposed to be assessed.	429.031, Subd. 1	Notice must include time, place of hearing and include estimate unit prices and estimated total price	Section 8.04, Subd. 1	Notice same as 429.	Section 8.02, Subd. 1	Notice same as 429 with additional requirement to include estimate of assessment for each parcel	Section 8.02, Subd. 1 & Section 8.02, Subd. 2
	Public hearing is required	429.031, Subd 1	Public hearing is required	Section 8.04, Subd. 1	Public hearing is required	Section 8.02, Subd. 1	Public hearing is required	Section 8.02, Subd. 1
			No action may be taken by council for 60 days	Section 8.04, Subd. 1	If greater than 50% of abutting owners object before or at hearing, special meeting is held at least 45 days later.	Section 8.02, Subd. 2	No action may be taken by council for 60 days	Section 8.02, Subd. 3
<b>Hearings, Notices &amp; Subsequent Petitions (continued)</b>	Council may order project within 6 months of hearing	429.031, Subd 1(f)	Property owners, proposed to be assessed, have 60 days following hearing to petition against/for project.	Section 8.04, Subd. 1	Council may order project within 6 months of special meeting.	Section 8.02, Subd. 3	Property owners, proposed to be assessed, have 60 days following hearing to petition against/for project.	Section 8.02, Subd. 3
		If petition against is received signed by a majority of owners proposed to be assessed the project cannot proceed at the expense of property benefitted.	Section 8.04, Subd. 1	If greater than 50% of abutting owners file petition against within 30 days of council ordering project the project cannot proceed.	Section 8.02, Subd. 3	If petition against is received signed by a majority of owners proposed to be assessed the project cannot proceed at the expense of property benefitted.	Section 8.02, Subd. 3	

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Topic	Minn. Stat. Chapter 429	Citation	Charter	Citation	Charter Amendment Proposal Option One	Citation	Charter Amendment Proposal Option Two	Citation
<b>5. Referendum</b>	None Required.		Must hold referendum if funded, in part, from general fund.	Section 8.04, Subd. 2	Subject to reverse referendum if funded in part from ad valorem taxes. Referendum required only if a petition received signed by 5% of the votes cast in the last general city election is filed within 45 days after the project is ordered.	Section 8.02, Subd. 5	Must hold referendum if funded in part from ad valorem taxes (property tax) unless the Street Reconstruction requirements of Mn Stat. 475.58, subd. 3b are met. Reverse Referendum provided for in state law.	Section 8.02, Subd. 4 and Subd. 5
<b>6. Reconsideration</b>	Not applicable		If project is disallowed by petition or vote council shall not vote on same improvement within 1 year of the public hearing.	Section 8.04, Subd. 4	If disallowed by election the question may not be resubmitted for 180 days from date of election. If disallowed a second time may not be resubmitted for 1 year from date of 2nd election	Section 8.02, Subd. 6	If disallowed by election the question may not be resubmitted for 180 days from date of election. If disallowed a second time may not be resubmitted for 1 year from date of 2nd election	Section 8.02, Subd. 7
<b>7. Cost Increase</b>	Not Applicable		Bids cannot exceed estimate by greater than 10%. Only allowed to rebid once.	Section 8.04, Subd. 3	Not Applicable		Not Applicable	
<b>8. Assessment for Services</b>	Provides for the collection of unpaid special charges as a special assessment against the property benefited.	429.101	Same as 429.	Section 8.05	Same as 429	Section 8.02, Subd. 1	Same as 429	Section 8.03
<b>9. Special Areas</b>	Not Applicable		Minn Stat. Chapter 429 governs in 3 special areas. Exception: Provides for opt out for single family owner occupied dwellings.	Section 8.07	Minn Stat. Chapter 429 governs in 3 special areas. Exception: Provides for opt out for single family owner occupied dwellings.	Section 8.04	Minn Stat. Chapter 429 governs in 3 special areas. Exception: Provides for opt out for single family owner occupied dwellings.	Section 8.04