

### CHAPTER 131 — H.F.No. 1062

*An act relating to port authorities; providing for the term of service of certain members of port authorities; amending Minnesota Statutes 1982, section 458.10, subdivision 2.*

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

Section 1. Minnesota Statutes 1982, section 458.10, subdivision 2, is amended to read:

Subd. 2. Upon resolution unanimously adopted by any such port authority, it shall consist of seven commissioners. Three commissioners shall be appointed in accordance with subdivision 1, two additional commissioners shall be appointed by the board of commissioners of the county in which said city shall be located, one for a term to expire January 1, 1956, and one for a term to expire January 1, 1958; and two shall be appointed by the governor, one for a term to expire January 1, 1960, and one for a term to expire January 1, 1961. If a county commissioner is appointed to be a commissioner of the authority, his service on the authority shall end if he ceases to be a county commissioner before the regular end of his appointed term. Any port authority expanded in accordance with the provisions of this subdivision shall be deemed to be a continuation of the former commission.

Approved May 10, 1983

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### CHAPTER 132 — S.F.No. 664

*An act relating to the city of St. Cloud; authorizing the creation of a downtown parking district; providing for its finances.*

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

Section 1. **DEFINITIONS.**

Subdivision 1. For the purpose of sections 1 to 7, the terms defined in this section have the following meanings.

Subd. 2. "Downtown parking district" means a geographic area within the city of St. Cloud, the boundaries of which shall be established by city ordinance.

Subd. 3. "Automobile parking facilities" include lots, lands, garages, ramps, and other structures and accessories used or useful for parking automobiles and other motor vehicles, and meters and other devices for collection of parking charges.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 4. "Parking service fee" means a pecuniary liability imposed upon persons owning property located in the downtown parking district or otherwise benefiting from the availability of automobile parking facilities within the district.

**Sec. 2. ESTABLISHMENT OF DISTRICT.**

The governing body of the city of St. Cloud may adopt an ordinance creating a downtown parking district in which it may acquire, construct, contract for, or otherwise provide, equip, maintain, and operate automobile parking facilities. The boundaries of the downtown parking district may be changed by ordinance.

**Sec. 3. ADVISORY COMMISSION.**

The governing body of the city shall appoint an advisory commission to advise the governing body regarding the acquisition, construction, and operation of automobile parking facilities within the downtown parking district established pursuant to section 2. Seventy-five percent of the members of the advisory commission shall be owners of property located within the downtown parking district or their representatives.

**Sec. 4. PARKING SERVICE FEES.**

Subdivision 1. The governing body of the city may impose parking service fees upon persons owning property within the downtown parking district at a rate or amount sufficient to produce the revenues required to provide and operate automobile parking facilities within the district. Rates or amounts to be charged to individual owners shall be apportioned on a combination of factors, including but not limited to use and square footage.

Subd. 2. Before the first imposition of parking service fees in the district, a public hearing shall be held on the proposed fees. Notice of the hearing, which shall include the maximum proposed rate or amount of parking services fees to be imposed in any year and the number of years they may be imposed, shall be given by publication in two issues of the official newspaper of the city. The two publications shall be a week apart and the hearing shall be held at least three days after the last publication. Not less than ten days before the hearing, notice shall also be mailed to the owners of property within the downtown parking district. For the purpose of giving mailed notice, owners shall be assumed to be those shown on the records of the county auditor, but other appropriate records may also be used. Every property owner whose name does not appear on the records of the county auditor shall be deemed to have waived mailed notice. For properties which are tax exempt or subject to taxation on a gross earnings basis in lieu of property tax and are not listed on the records of the county auditor, the owners shall be ascertained by any practicable means.

Subd. 3. Within six months of the public hearing and after the advisory commission has had an opportunity to review and comment on the proposed fee

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schedule, the governing body may adopt a resolution fixing maximum parking service fees within the downtown parking district not exceeding the rate or amount expressed in the notice required by subdivision 2.

Subject to the limits provided in the resolution, parking service fees may then be imposed without additional hearings. Fees may not be extended or imposed at a higher rate or amount or for a longer period than that specified in the resolution. Fees may be increased to a rate or amount greater than that in the resolution or the period specified may be extended if notice is given and a new public hearing is held in accordance with subdivisions 2 and 3.

Subd. 4. Property exempt from taxation by Minnesota Statutes, section 272.02, shall be subject to the parking service fees imposed pursuant to sections 1 to 7.

Subd. 5. The fees shall be collected as provided by ordinance.

#### **Sec. 5. BONDS.**

At any time the governing body of the city of St. Cloud may issue obligations in the amount it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred to make improvements to automobile parking facilities, including every item of cost from inception to completion and all fees and expenses incurred in connection with the improvement or its financing. The obligations shall be payable primarily out of the proceeds of the parking service fees imposed pursuant to section 4. The governing body may, by resolution adopted prior to the sale of obligations, pledge the full faith, credit, and taxing power of the municipality to assure payment of the principal and interest if the proceeds of the parking service fees in the district are insufficient to pay the principal and interest. Obligations shall be issued in accordance with Minnesota Statutes, chapter 475, except that an election shall not be required and the amount of the obligations shall not be included in determining the net indebtedness of the city under any provision of law or charter limiting indebtedness.

#### **Sec. 6. SPECIAL ASSESSMENTS.**

The governing body may also levy special assessments as provided in Minnesota Statutes, chapters 429 and 459 against properties located in the downtown parking district specifically benefited by improvements to automobile parking facilities.

#### **Sec. 7. DOWNTOWN PARKING AUTHORITY.**

The governing body may establish by ordinance a local authority to govern and oversee the operation of the downtown parking district and the use of parking service fees and to otherwise discharge the duties which the governing body is charged with in sections 4 and 5.

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**Sec. 8. LOCAL APPROVAL.**

This act takes effect the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of St. Cloud.

Approved May 12, 1983

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**CHAPTER 133 — S.F.No. 987**

*An act relating to natural resources; eliminating obsolete material and updating certain provisions relating to decorative trees; amending Minnesota Statutes 1982, sections 88.641, subdivision 1; 88.642; 88.644; and 88.648; repealing Minnesota Statutes 1982, sections 88.641, subdivision 3; 88.643; 88.646; and 88.649.*

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

Section 1. Minnesota Statutes 1982, section 88.641, subdivision 1, is amended to read:

Subdivision 1. For the purposes of sections 88.641 to ~~88.649~~ 88.648 the following words, terms and phrases shall have the meanings herein given, unless otherwise specifically defined, or unless another intention clearly appears or the context otherwise requires.

Sec. 2. Minnesota Statutes 1982, section 88.642, is amended to read:

**88.642 DECORATIVE TREES; CUTTING, REMOVAL OF; TRANSPORTATION; PROHIBITIONS; EXCEPTIONS.**

No person shall cut, remove, or transport for decorative purposes or for sale in natural condition and untrimmed, any more than three decorative tree trees as defined herein, without the written consent of or a bill of sale provided by the owner of the land on which the same are grown and whether such land be publicly or privately owned. ~~Such~~ The written consent shall be on a form furnished and approved by the department of natural resources, ~~which form and~~ shall contain the legal description of the land where the decorative trees were cut, as well as the name of the legal owner, or his duly authorized agent or agents, thereof. ~~Such~~ The written consent or bill of sale, or a copy thereof certified as a true copy by the person to whom ~~such the~~ consent was given or sale made, or by the county recorder of the county in which the land is situated, if recorded in his office, shall be carried by every person cutting, removing, or transporting any ~~such~~ decorative trees, untrimmed or in their natural condition, or in any way aiding therein, and shall be exhibited to any officer of the law, forest ranger, forest patrolman, conservation officer, or other officer of the department of natural resources, at his request at any time. Any ~~such~~ officer shall have power

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