

(d) runway strengthening other than routine maintenance to determine compliance with federal air regulation part 36,

(e) construction or expansion of passenger handling or parking facilities which would permit a 25 percent or greater increase in passenger enplanement levels,

(f) land acquisition associated with any of the above items or which would cause relocation of residential or business activities.

Sec. 5. STATE PLANNING AGENCY; REPORT.

The director of the state planning agency, in consultation with the metropolitan council and the metropolitan airports commission, shall prepare a report recommending specific definitions of the terms "metropolitan significance" and "significant effect on the orderly and economic development of the metropolitan area" as those terms are used in laws governing the operation of the metropolitan airports commission. The report shall be delivered to appropriate committees of the legislature, and shall become effective upon approval by law no later than June 1, 1985.

Sec. 6. REPEALER.

Section 4 is repealed effective July 1, 1985, if the report required in section 5 is approved by law by June 1, 1985.

Sec. 7. APPLICATION.

This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 8. EFFECTIVE DATE.

This act is effective July 1, 1984.

Approved April 25, 1984

CHAPTER 562 — S.F.No. 2072

An act relating to local government; providing for the conduct of the business of towns; providing for certain town debt; revising various other town laws; providing penalties; amending Minnesota Statutes 1982, sections 6.54, as amended; 6.55; 117.011; 160.02, subdivision 6; 160.05, subdivision 1; 160.17, subdivisions 1 and 2; 164.06; 164.11; 164.14, by adding a subdivision; 340.14, subdivision 5; 365.10; 365.15; 365.37; 365.53; 366.01, subdivisions 2, 3, 4, 7, and by adding subdivisions; 366.015; 366.07; 367.02; 367.05, subdivision 1; 367.10; 367.15; 367.19; 367.23; 367.24; 367.30, subdivision 2; 367.31, subdivision 6; 368.01, subdivisions 1, 1a, 21, 22, and 26; 368.121; 450.19; and 624.51;

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Minnesota Statutes 1983 Supplement, sections 365.52; 366.20; and 367.11; proposing new law coded in Minnesota Statutes, chapters 365; 366; and 368; repealing Minnesota Statutes 1982, sections 365.105; 365.106; 365.12; 366.06; 367.035; 367.05, subdivision 2; 368.01, subdivisions 17 and 28; 368.02; 368.03; 368.04; 368.05; 368.06; 368.07; 368.08; 368.09; 368.10; 368.11; and 368.86.

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

Section 1. Minnesota Statutes 1982, section 6.54, as amended by Laws 1983, chapter 314, article 7, section 2, is amended to read:

6.54 EXAMINATION OF MUNICIPAL RECORDS PURSUANT TO PETITION.

The registered voters in a home rule charter or statutory city or the electors at an annual or special town meeting of a town may petition the state auditor to examine the books, records, accounts, and affairs of the home rule charter or statutory city, town, or of any organizational unit, activity, project, enterprise, or fund thereof; and the scope of the examination may be limited by the petition, but the examination shall cover, at least, all cash received and disbursed and the transactions relating thereto, provided that the state auditor shall not examine more than the six latest years preceding the circulation of the petition, unless it appears to the state auditor during the examination that the audit period should be extended to permit a full recovery under bonds furnished by public officers or employees, and may if it appears to the auditor in the public interest confine the period or the scope of audit or both period and scope of audit, to less than that requested by the petition. In the case of a home rule charter or statutory city ~~or town~~, the petition shall be signed by a number of registered voters at least equal to 20 percent of those voting in the last presidential election. The eligible voters of any school district, as defined in section 123.32, subdivision 1a, may petition the state auditor, who shall be subject to the same restrictions regarding the scope and period of audit, provided that the petition shall be signed by at least ten eligible voters for each 50 resident pupils in average daily membership during the preceding school year as shown on the records in the office of the commissioner of education. ~~In no case shall the petition for an examination of a town bear the names of less than 25 registered voters; and provided, that~~ In the case of school districts, the petition shall be signed by at least ten eligible voters. At the time it is circulated, every petition shall contain a statement that the cost of the audit will be borne by the city, ~~town~~, or school district as provided by law. Thirty days before the petition is delivered to the state auditor it shall be presented to the appropriate city, ~~town~~ or school district clerk and the county auditor. The county auditor shall determine and certify whether the petition is signed by the required number of registered voters or eligible voters as the case may be. The certificate shall be conclusive evidence

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thereof in any action or proceeding for the recovery of the costs, charges and expenses of any examination made pursuant to the petition.

Sec. 2. Minnesota Statutes 1982, section 6.55, is amended to read:

6.55 EXAMINATION OF RECORDS PURSUANT TO RESOLUTION OF GOVERNING BODY.

The governing body of any city, town, county or school district, by appropriate resolution may ask the state auditor to examine the books, records, accounts and affairs of their government, or of any organizational unit, activity, project, enterprise, or fund thereof; and the state auditor shall examine the same upon receiving, pursuant to said resolution, a written request signed by a majority of the members of the governing body; and the governing body of any public utility commission, or of any public corporation having a body politic and corporate, or of any instrumentality joint or several of any city, town, county, or school district, may request an audit of its books, records, accounts and affairs in the same manner; provided that the scope of the examination may be limited by the request, but such examination shall cover, at least, all cash received and disbursed and the transactions relating thereto. Such written request shall be presented to the clerk, or recording officer of such city, town, county, school district, public utility commission, public corporation, or instrumentality, before being presented to the state auditor, who shall determine whether the same is signed by a majority of the members of such governing body and, if found to be so signed, shall certify such fact, and the fact that such resolution was passed, which certificate shall be conclusive evidence thereof in any action or proceedings for the recovery of the costs, charges and expenses of any examination made pursuant to such request. Nothing contained in any of the laws of the state relating to the state auditor, shall be so construed as to prevent any city, town or school district from employing a certified public accountant to examine its books, records, accounts and affairs. For the purposes of this section, the governing body of a town is the town board.

Sec. 3. Minnesota Statutes 1982, section 117.011, is amended to read:

117.011 RIGHT OF EMINENT DOMAIN.

All bodies, public or private, who have the right of eminent domain, when exercising ~~such~~ the right, shall do so in the manner prescribed by this chapter, even though a different procedure may be provided by charter provisions, ordinance or statute, but nothing herein shall apply to the taking of property under laws relating to drainage or to town roads when ~~such~~ those laws themselves expressly provide for ~~such~~ the taking and specifically prescribe the procedure ~~connected therewith~~.

Sec. 4. Minnesota Statutes 1982, section 160.02, subdivision 6, is amended to read:

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Subd. 6. **TOWN ROADS.** "Town roads" includes those roads and cartways which have heretofore been or which hereafter may be established, constructed, or improved under the authority of the several town boards, roads established, constructed, or improved by counties that have been maintained by the towns for a period of at least one year prior to July 1, 1957, and all roads lying within the town established by user.

Sec. 5. Minnesota Statutes 1982, section 160.05, subdivision 1, is amended to read:

Subdivision 1. **SIX YEARS.** When any road or portion of a road has been used and kept in repair and worked for at least six years continuously as a public highway by a road authority, it shall be deemed dedicated to the public to the width of the actual use and be and remain, until lawfully vacated, a public highway whether it has ever been established as a public highway or not. Nothing contained in this subdivision shall impair the right, title, or interest of the water department of any city of the first class secured under Special Laws 1885, Chapter 110. This subdivision shall apply to roads and streets except platted streets within cities.

Sec. 6. Minnesota Statutes 1982, section 160.17, subdivision 1, is amended to read:

Subdivision 1. **PLANS AND SPECIFICATIONS TO BE FILED IN CERTAIN CASES.** No contract for the construction or improvement of any road by a county or town ~~wherein in which~~ in which the contract price exceeds \$3,500 ~~the amount for which sealed bids are required as provided in section 471.345~~ shall be let unless the plans and specifications for ~~such~~ the construction or improvement are on file in the office of the county auditor and a true copy ~~thereof of them~~ thereof available for reference in the office of the county highway engineer with respect to county and county state-aid highways, and with the town clerk with respect to town roads.

Sec. 7. Minnesota Statutes 1982, section 160.17, subdivision 2, is amended to read:

Subd. 2. **ADVERTISEMENT FOR BIDS.** No county or town road contract for construction or improvement exceeding \$3,500 ~~the amount for which sealed bids are required as provided in section 471.345~~ shall be let without first advertising for bids in a newspaper of general circulation published in the county where the construction or improvement is proposed to be done. The advertisement shall be published once a week for three successive weeks, the last publication to be made at least ten days before the time fixed for receiving bids and letting the contract. It shall specify, generally, the work to be done, the place where the plans and specifications are on file, and the time and place of receiving bids and awarding the contract.

Sec. 8. Minnesota Statutes 1982, section 164.06, is amended to read:

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164.06 ESTABLISH ~~OR~~, ALTER, OR VACATE BY RESOLUTION.

In addition to the methods herein provided, the A town board, when ~~thereunto~~ duly authorized by a vote of the electors at any the annual meeting, or at any a special meeting called for that purpose, may establish ~~or~~, alter, or vacate a town road by resolution, and may acquire ~~such~~ the right of way as may be necessary for ~~such~~ the road by gift, purchase or eminent domain proceedings as provided in ~~chapter 117~~ and acts amendatory thereto section 164.07.

Sec. 9. Minnesota Statutes 1982, section 164.11, is amended to read:

164.11 LANDS DEDICATED AS ROADS OR STREETS; IMPROVEMENT.

Land dedicated to public use as a street, road or cartway, if not less than 30 feet in width, shall be deemed a legal cartway and ~~subject to improvement by the town board as in the case of cartways two or more rods in width.~~

Sec. 10. Minnesota Statutes 1982, section 164.14, is amended by adding a subdivision to read:

Subd. 4. INEQUITABLE AGREEMENTS. If an agreement for the division, as provided in subdivision 2, has proved to be inequitable, either the town board or the governing body of the city may petition the county board, or where the road is on a county line, the county boards of the counties concerned, to resolve the matter, and the county board or boards shall determine the proper division of responsibility. Where deemed necessary, the services of the county engineer may be used.

Sec. 11. Minnesota Statutes 1982, section 340.14, subdivision 5, is amended to read:

Subd. 5. **SUNDAY SALES.** (a) Notwithstanding the provisions of subdivision 1, in any municipality establishments to which on sale licenses have been issued or hereafter may be issued for the sale of intoxicating liquors which are hotels or restaurants or clubs as defined in section 340.07, and which have facilities for serving not less than 30 guests at one time, may serve intoxicating liquors between the hours of 12 o'clock noon and 12 o'clock midnight on Sundays in conjunction with the serving of food. The governing body of any municipality within the seven county metropolitan area, as defined in section 473.121, subdivision 2, may adopt an ordinance that allows the licensees to serve intoxicating liquors between the hours of 10 o'clock a.m. and 12 o'clock midnight on Sundays in conjunction with the serving of food, provided that the licensee establishment is in conformance with the Minnesota Clean Indoor Air Act.

(b) It is unlawful for any such establishment, directly or indirectly, to sell or serve such intoxicating liquors as provided in paragraph (a) above, without having first obtained a special license from the municipality therefor. Such special license may be issued by the governing body of the municipality for a

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period of one year and for such a fee as it shall determine, but not exceeding \$200. The special license may be revoked by the governing body, for cause. The provisions of section 340.112 shall apply to such license. Application for the special license shall be made to the governing body of the municipality in the same manner as application for other licenses to sell intoxicating liquor are made.

(c) This subdivision shall not apply to any municipality until authorized by the voters of the municipality voting on the question at a special election called for such purpose or at the general election in the municipality, the election to be conducted in accordance with the applicable provisions of the Minnesota election law. Provided, however, that municipal voter approval shall not be required in the case of major airports operated by public corporations organized and existing under sections 473.601 to 473.679, which are operated by such public corporations as terminals for regular, scheduled air passenger service where the lands or any part thereof constituting the same have been detached from cities under and pursuant to sections 473.625 to 473.631, nor in the case of common carriers licensed under the provisions of sections 340.11, subdivision 3, and 340.12 and any license to sell intoxicating liquors on Sunday issued to a common carrier by the commissioner of public safety shall, in addition to all other license fees, require the payment to the commissioner of public safety of a fee of \$50 per annum plus a fee of \$5 for each duplicate of said license required to be posted in each place where intoxicating liquor is sold by said common carrier.

(d) An election conducted in a town on the question of the issuance by the county of Sunday sales licenses to establishments located in the town shall be held on the day of the annual election of town officers.

Sec. 12. Minnesota Statutes 1982, section 365.10, is amended to read:

365.10 TOWN MEETINGS, POWERS.

The electors of each town have power, at their annual town meeting:

(1) To determine the locations of pounds, and number of poundmasters, and to discontinue any such pounds;

(2) To select such town officers as are to be chosen;

(3) To make ~~such~~ lawful orders and bylaws as they deem proper for restraining horses, cattle, sheep, swine, and other domestic animals from going at large on the highways, ~~and~~ provide for impounding ~~such~~ those animals so going at large, ~~and to fix penalties for violations of the orders or bylaws;~~

(4) ~~To fix penalties for violations of any order or bylaw made by such town, except such as relate to the keeping and maintaining of fences;~~

(~~5~~) To vote money for the repair and construction of roads and bridges, ~~and determine the amount thereof to be assessed as labor tax,~~ and to vote such

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sums as they deem expedient for other town expenses, including the construction and maintenance of docks and breakwaters;

~~(6)~~ (5) When they deem it for the interest of the town to direct that a specified amount of the poll and road tax be expended, under the direction of their town board, on the roads of an adjoining town;

~~(7)~~ To authorize the town board to sell and convey or lease any real or personal property belonging to the town, not conveyed to and required to be held by the town for a special purpose;

~~(8)~~ (6) To authorize the town board to purchase or build a town hall or other building for the use of the town, and to determine, by ballot, the amount of money to be raised for that purpose; but, if a site for a town hall is once obtained, it shall not be changed for another site, except by vote therefor designating a new site by two-thirds of the votes cast at such election of the legal voters of the town;

~~(9)~~ (7) To authorize the town board, by vote, to purchase grounds for a town cemetery, and limit the price to be paid, and to vote a tax for the payment thereof;

~~(10)~~ (8) To authorize the town, either by itself or in conjunction with one or more other towns, to purchase grounds for a public park and to limit the price to be paid therefor, to authorize the town, alone or in conjunction with such other town or towns, to care for, improve, and beautify such parks, and to determine, by ballot, the amount of money to be raised for that purpose, and to vote a tax for the payment thereof;

~~(14)~~ (9) To vote money to aid in the construction of community halls, to be erected by farm bureaus, farmers clubs, or other like organizations;

~~(12)~~ (10) To vote a tax to purchase and maintain a public dumping ground;

~~(13)~~ (11) To authorize the town board, by resolution, to determine whether to open or maintain town roads upon which no maintenance or construction has been conducted for 25 years or more. For purposes of this clause the provisions of section 163.16 shall not apply to town roads described in this clause, nor shall the provisions of this clause apply to cartways;

(12) To authorize the town board to spend money in an amount as determined by the electors for the purpose of commemorating an event of historical significance to the town; and

(13) To authorize the town board to provide, by ordinance, for licensing and regulating the presence or keeping of dogs and cats and their running at large within the town.

Sec. 13. [365.125] ENACTMENT OF ORDINANCES.

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Every ordinance shall be enacted by a majority vote of all the members of the town board unless a larger number is required by law. It shall be signed by the chairman of the town board, attested by the clerk, and published once in a qualified newspaper having general circulation within the town. If the town board determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the town board may by a two-thirds vote of its members, or a four-fifths vote in a town having a five-member board direct that only the title of the ordinance and a summary be published with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours of the town clerk and any other location which the town board designates. A copy of the entire text shall be posted in the community library, if there is one, or if not, in any other public location which the town board designates. Before the publication of the title and summary, the town board shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. The text of the ordinance shall be published in body type no smaller than brevier or eight-point type, as defined in section 331.07. Proof of the publication shall be attached to and filed with the ordinance. Every ordinance shall be recorded in the ordinance book within 20 days after publication of the ordinance or its title and summary. All ordinances shall be suitably entitled and shall be substantially in the style: "The Town Board of Supervisors of ordains:".

Sec. 14. Minnesota Statutes 1982, section 365.15, is amended to read:

365.15 FIRE AND POLICE PROTECTION; ACQUISITION OF APPARATUS.

The electors of each town shall have the power at any annual or special town meeting to authorize the town board to provide for fire protection or for police protection, or both, and for the purchase or acquisition of apparatus therefor, either by itself or jointly with any other town, city, or any number thereof, and for the maintenance and operation of such apparatus, and to determine by ballot the maximum amount of money to be raised in that year and each year thereafter for any or all of such purposes until changed in the same manner by the electors at a subsequent meeting.

Sec. 15. Minnesota Statutes 1982, section 365.37, is amended to read:

365.37 CONTRACTS; LET ON BIDS, OFFICERS NOT TO BE INTERESTED.

Except as provided in ~~Laws 1951, Chapter 379~~ sections 471.87 to 471.89, no supervisors, town clerk, or town board shall become a party to, or be directly or indirectly interested in, any contract made or payment voted by the town

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board and all contracts involving an expenditure of \$1000 or more ~~let on bid~~ shall be let to the lowest responsible bidder after ten days public notice, posted in the three most public places in the town or published for two weeks in a newspaper generally circulated in the town, of the time and place of receiving bids. ~~In cases of special emergency, amounts in excess of \$1000 may be expended without such notice being given. In towns having less than 25 legal voters, the officers may be employed upon road work by the day at such price as may have been fixed for such work by the town at its annual meeting.~~ Every contract made and payment voted or made contrary to the provisions of this section shall be void and any such officer violating the provisions of this section shall be guilty of a misdemeanor and, in addition to the provisions prescribed by law, removed from office.

Sec. 16. Minnesota Statutes 1983 Supplement, section 365.52, is amended to read:

365.52 SPECIAL TOWN MEETINGS; PRECINCT; POLLING PLACES.

A special town meeting may be held for the purpose of election to fill a vacancy when the town board has failed to fill the vacancy by appointment, or for transacting any other lawful business whenever the supervisors, and town clerk, or any two of them, together with at least 12 other freeholders of the town, file in the office of the town clerk a written statement setting forth the reasons and necessity for the meeting and the particular business to be transacted at it and that the interests of the town require that the meeting be held. A town meeting may also be called upon a petition of 20 percent of the eligible voters of the town, based upon the number of voters at the last general election. The town board may, with respect to an election by ballot at a special town meeting for the purpose of selecting town officers or of determining any matter of town business, provide for the casting of ballots in precincts and at polling places. The precincts and polling places shall be designated by the town board in the manner prescribed by sections 204B.14 and 204B.16.

Sec. 17. Minnesota Statutes 1982, section 365.53, is amended to read:

365.53 NOTICES; PUBLICATION.

When ~~such~~ the statement is so filed, the clerk shall record ~~the same~~ it, and ~~cause ten days' posted notice thereof to be given, specifying the purpose for which it is to be held, and if a newspaper is published in the town cause one week's published notice of such meeting to be given~~ give ten days' published notice specifying the time and place and the purpose for which the meeting is to be held in a qualified newspaper having general circulation within the town, or by posted notice, as the town board shall direct unless the voters at the annual town meeting direct otherwise. If a vacancy in an office is to be filled, the notice shall specify in what office it exists, how it occurred, who was the last incumbent, and when the legal term of ~~such~~ the office expires.

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

Sec. 18. Minnesota Statutes 1982, section 366.01, subdivision 2, is amended to read:

Subd. 2. They may by ordinance prohibit or license and regulate the keeping of billiard, pool, and pigeon-hole tables, games of amusement, games of skill, juke boxes, roller skating rinks, bowling alleys, circuses, shows, and theatrical performances, and the sale of fireworks, and may license and regulate public dancing places, fix the price and time of continuance of such the license, and, when in their opinion the public interest requires it, revoke the same license. They may license the sale of soft drinks and soft drink vending machines and may fix the price and duration of such the licenses and when in their opinion the public interest requires it, revoke the same license. Within any platted residential area of the town they may license and regulate the presence or keeping of dogs or domestic animal pets and may regulate or prohibit the discharge of firearms, when deemed to be in the public interest.

Sec. 19. Minnesota Statutes 1982, section 366.01, subdivision 3, is amended to read:

Subd. 3. They may appropriate out of the general fund of the town and draw orders on the treasurer for the disbursement of money to pay the annual dues in the Minnesota unit of the national association of township officers association of townships or a county unit that belongs to the Minnesota unit state association and the actual and necessary expenses of such delegates as the town board may designate to attend meetings of any such association township officers for meetings relating to town business including meetings of township associations.

Sec. 20. Minnesota Statutes 1982, section 366.01, subdivision 4, is amended to read:

Subd. 4. They may select and designate a bank as the depository of town money for a time not extending beyond their official term, on the execution by such bank of a sufficient bond to the town, in double the sum deposited, to be approved by the board and filed in the office of the town clerk, and thereupon may require the treasurer to deposit all or any part of the town money in such bank. Such designation shall be in writing, and set forth all the terms and conditions upon which the deposits are made, be signed by the chairman and clerk, and filed with the clerk. The town treasurer shall not be liable for the loss of money while so deposited, and all interest thereon shall belong to the town.

Sec. 21. Minnesota Statutes 1982, section 366.01, subdivision 7, is amended to read:

Subd. 7. ~~The board of supervisors shall have power to~~ They may provide for the prosecution or defense of actions at law or other proceedings in which the township may be interested, and ~~it~~ they may employ counsel for the purpose.

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Nothing contained ~~herein~~ in this subdivision shall limit any powers conferred on township town boards of supervisors by any other provision of law.

Sec. 22. Minnesota Statutes 1982, section 366.01, is amended by adding a subdivision to read:

Subd. 8. They shall designate one or more places in the town as public places at which legal notices shall be posted, and provide facilities for posting notices at the places; provided, that in a town which is located within the geographical limits of a city, one or more notices may be posted in the city. The town board may waive the posted notice requirements of any law but shall then instead provide for notice to be published once each week for two successive weeks in a newspaper of general circulation in the town.

Sec. 23. Minnesota Statutes 1982, section 366.01, is amended by adding a subdivision to read:

Subd. 9. They may sell and convey or lease real or personal property belonging to the town, not conveyed to and required to be held by the town for a special purpose.

Sec. 24. Minnesota Statutes 1982, section 366.01, is amended by adding a subdivision to read:

Subd. 10. They may declare that a violation of an ordinance shall be a penal offense and may prescribe the penalties for violations, except as otherwise provided by law. No penalty shall exceed that which is provided by law for a misdemeanor, but the costs of prosecution may be added.

Sec. 25. Minnesota Statutes 1982, section 366.015, is amended to read:

366.015 VOTE REQUIRED ON WEED DESTRUCTION.

Subdivision 1. **BALLOT, CONTENTS.** The town board at the annual town meeting may submit to a vote by ballot the following question: "Shall persons owning or occupying real estate adjoining a town road and not a part of any an incorporated municipality be required to remove rocks in excess of five inches in diameter from and to cut, destroy or remove all weeds and grass and other plants of up to three inches in diameter growing upon the town road adjacent to their land? Yes No"

Subd. 2. **COST, LIEN ON LAND.** If a majority of the electors voting on such the question shall vote "Yes," ~~any~~ a person owning or occupying real estate adjoining a town road and not a part of any an incorporated municipality shall cut, destroy or remove all weeds or grass growing the material described on the ballot located upon the town road adjacent to his land. ~~Any~~ A person who erects or maintains a mail-box on land not owned by him shall cut, destroy or remove all weeds or grass the material within five feet of such mail-box. If any such person fails to comply with this provision, the town board of the town in

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which his real estate is located may, after ten days notice in writing, order the local weed inspector or other person to cut, destroy or remove the weeds or grass and the expense thus incurred shall be a lien on such real estate. The town board shall certify to the county auditor an itemized statement of the amount of the expense paid by the town and the county auditor shall enter such amount on the tax books as a tax upon the land, which shall be collected in the same manner as other real estate taxes.

Sec. 26. Minnesota Statutes 1982, section 366.07, is amended to read:

366.07 TREASURER MAY SELECT DEPOSITORY.

If the town board ~~shall refuse~~ refuses or ~~fail fails~~ to act, as provided in section ~~366.06~~ 366.01, subdivision 4, within 30 days after the annual town meeting, the treasurer shall select one or more depositories, ~~not exceeding four in number,~~ for the deposit and the safekeeping of town funds and deposit town funds therein, in the name of the town, ~~to the extent of not more than \$10,000 in each depository so selected without requiring security therefor,~~ providing that such bank is insured by the federal deposit insurance corporation obtaining security for the funds as provided in section 366.01, subdivision 4.

Sec. 27. [366.095] FINANCING PURCHASE OF CERTAIN EQUIPMENT.

The town board may issue certificates of indebtedness within the existing debt limits for the purpose of purchasing fire or police equipment or ambulance equipment or road construction or maintenance equipment. The certificates shall be payable in not more than five years and shall be issued on the terms and in the manner as the board may determine. If the amount of the certificates to be issued to finance the purchase exceeds one percent of the assessed valuation of the town, excluding money and credits, they shall not be issued for at least ten days after publication in a newspaper of general circulation in the town of the board's resolution determining to issue them; and if before the end of that time, a petition asking for an election on the proposition signed by voters equal to ten percent of the number of voters at the last regular town election is filed with the clerk, the certificates shall not be issued until the proposition of their issuance has been approved by a majority of the votes cast on the question at a regular or special election. A tax levy shall be made for the payment of the principal and interest on the certificates as in the case of bonds.

Sec. 28. Minnesota Statutes 1983 Supplement, section 366.20, is amended to read:

366.20 MEETINGS.

The town board shall constitute a board of audit and shall meet each year, on the Tuesday preceding the annual town meeting a date fixed by the town board, for the purpose of auditing and settling all charges against the town. All

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unpaid accounts of town officers for services rendered since the last annual meeting of the board shall be presented at the meeting. It may also meet at any other times for the purpose of auditing and settling charges against the town. No allowance of any account shall be made which does not specifically itemize the account. ~~If any supervisor fails to attend, the remaining supervisors shall fill the vacancy by appointment. If they are unable to agree, the senior county or municipal court judge having jurisdiction over the town shall fill the vacancy by appointment. The person appointed must be a resident of the town~~ A quorum for transacting business by the board of audit shall be the same as for the board of supervisors.

Sec. 29. Minnesota Statutes 1982, section 367.02, is amended to read:

367.02 RESIGNATIONS.

The town board, for sufficient cause shown to it, ~~may~~ shall accept the resignation of any town officer, in which case the board shall forthwith give notice thereof to the town clerk.

Sec. 30. Minnesota Statutes 1982, section 367.05, subdivision 1, is amended to read:

367.05 COMPENSATION; TOWN OFFICERS AND EMPLOYEES.

Subdivision 1. ~~ASSESSORS.~~ The town assessors, except in towns wherein special laws set the salary and compensation of the assessor, shall be compensated in an amount to be determined by the town board. The town board is also authorized to reimburse any town assessor for expenses and mileage ~~The town board shall set the compensation of supervisors, town assessors, the treasurer, clerk, deputy clerk, if one is employed, the road overseer, and other employees of the town in an amount to be determined by the town board. In addition to the compensation provided pursuant to this section, supervisors, assessors, treasurers, clerks, deputy clerks, road overseers, and other employees of the town shall be entitled to mileage for the use of the person's own automobile at a rate to be determined by the town board for each mile necessarily traveled on official town business. The town board may fix the hours of employment for town employees, and reimburse a town assessor for expenses.~~

Sec. 31. Minnesota Statutes 1982, section 367.10, is amended to read:

367.10 TOWN CLERK; BOND; OATH.

Every person elected or appointed to the office of town clerk, before he enters upon the beginning the duties of his the office, shall give bond to the town, with sureties approved by the town treasurer, in such penal sum as in an amount to be determined by the town board directs, conditioned for the faithful discharge of his the duties of clerk. The bond, with his the oath of office, shall be filed with the county auditor, and an action may be maintained thereon by the town or any person aggrieved.

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

Sec. 32. Minnesota Statutes 1983 Supplement, section 367.11, is amended to read:

367.11 DUTIES.

It shall be the duty of the town clerk:

(1) to act as clerk of the town board, and to keep in his office a true record of all of its proceedings;

(2) unless otherwise provided by law, to have the custody of the records, books, and papers of the town, and to file and safely keep all papers required by law to be filed in his office;

(3) to record minutes of the proceedings of every town meeting in the book of town records, and to enter in them at length every order or direction and all rules and regulations made by the town meeting;

(4) to file and preserve all accounts audited by the town board or allowed at a town meeting, and to enter a statement of them in the book of records;

(5) to transmit to the clerk of the district court, immediately after the election of any town constable, a written notice stating the name of the person elected; the term for which he was elected; if elected to fill a vacancy, the name of the last incumbent of the office; and after a constable is qualified, and, upon the resignation of a constable, to immediately notify the clerk;

(6) to record every request for any special vote or special town meeting, and properly post the requisite notices of them;

(7) to post, as required by law, fair copies of all bylaws made by the town, and enter, over his signature, in the town records, the time when and the places where they were posted and keep an ordinance book in which shall be recorded in full all ordinances passed by the town board;

(8) to furnish to the annual meeting of the town board of audit every statement from the county treasurer of money paid to the town treasurer, and all other information about fiscal affairs of the town in his possession, and all accounts, claims, and demands against the town filed with him; and

(9) to perform any other duties required by law.

Sec. 33. Minnesota Statutes 1982, section 367.15, is amended to read:

367.15 TOWN TREASURER; BOND.

Every town treasurer, before ~~he enters upon~~ beginning the duties of ~~his~~ the office, shall give bond to the town in an amount to be determined by the board, conditioned for the faithful discharge of ~~his~~ the duties as ~~such~~ of treasurer.

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~~Within six days thereafter the chairman shall file such bond, with his approval endorsed thereon, The bond shall be filed~~ for record with the county auditor.

Sec. 34. Minnesota Statutes 1982, section 367.19, is amended to read:

367.19 ORDER OF PAYMENT; INTEREST.

Town orders shall bear interest at the rate of ~~not to exceed six percent~~ provided in section 475.55 from the date when presented to the treasurer for payment, and shall be paid in the order in which they are registered, out of the first money that comes into the treasurer's hands for that purpose.

Sec. 35. Minnesota Statutes 1982, section 367.23, is amended to read:

367.23 BONDS, HOW EXECUTED.

Every bond required of a town officer shall be executed to the town by its name and, when no other provision is made, shall be in a sum fixed by the town board; and, if none ~~be is~~ fixed, then in the sum of the bond of the last incumbent of the office. Every bond shall be approved by the chairman, ~~in writing thereon,~~ and filed with the town clerk within the time prescribed for filing the oath of office, except the bonds of the clerk and the treasurer, which shall be filed with the ~~clerk of the district court and the county recorder, respectively~~ county auditor. Whenever the town board deems any bond insufficient, it may require an additional bond to be made and filed, in a sum, and within a time not less than ten days, to be fixed by it.

Sec. 36. Minnesota Statutes 1982, section 367.24, is amended to read:

367.24 FEES AND DUTIES OF POUNDMASTERS.

Poundmasters shall be allowed fees as follows in amounts as determined by the town board for the following:

- (1) ~~For Taking animals into the pound and discharging the same: them;~~
 - (a) ~~Sheep, three cents each,~~
 - (b) ~~Hogs, five cents each,~~
 - (c) ~~All other animals, ten cents each;~~
- (2) Keeping animals in pound, 20 cents for each 24 hours; and
- (3) ~~For Selling impounded animals, two percent of the amount of sale.~~

The poundmaster shall have a lien on impounded animals for his fees, which shall be paid before such animals are discharged. If not discharged within four days, they shall be advertised by the poundmaster for sale at public auction to the highest bidder, at the place where impounded, upon 15 days' posted notice. At the time and place fixed by the notice the poundmaster shall sell the same pursuant thereto. Out of the moneys received from such sale he shall deduct his

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fees and charges, and pay the balance to the chairman of the town board and, at the same time, deliver to the chairman a correct written description of each animal sold and a statement of the amount received for the same. He shall take duplicate receipts therefor, one of which shall be filed with the clerk. If the owner of any animal so sold appears within ~~six months~~ 30 days, the money received by the chairman shall be paid to him. If not claimed within that time, it shall be paid into the town treasury.

Sec. 37. Minnesota Statutes 1982, section 367.30, subdivision 2, is amended to read:

Subd. 2. **OPTION B; APPOINTMENT OF CLERK AND TREASURER.** Any town may provide for the appointment by the town board of its clerk ~~and~~ or treasurer, or both, or clerk-treasurer, as hereinafter provided for in Laws 1975, Chapter 274. This option shall be referred to as option B.

Sec. 38. Minnesota Statutes 1982, section 367.31, subdivision 6, is amended to read:

Subd. 6. **ABANDONMENT OF OPTIONS; THREE-YEAR LIMITATION.** At any time more than three years after the adoption of an option, the question of abandonment of the option may be submitted to the electors, in the same manner as provided for the submission of the question of adoption, except that in the statement of the question on the ballot, the word "abandoned" shall be substituted for the word "adopted". If a majority of the votes cast on the question is in favor of abandonment, the plan shall be abandoned. Subject to the provisions for transition back to the regular form of town government, the form of town government existing prior to adoption of the abandoned option shall be resumed in the town. ~~Option A shall not be abandoned in any town exercising the powers of a statutory city pursuant to section 368.01 or pursuant to a special law granting substantially similar powers.~~

Sec. 39. Minnesota Statutes 1982, section 368.01, subdivision 1, is amended to read:

Subdivision 1. **TOWNS DESCRIBED.** Any town having therein platted portions in which there reside 1,200 or more people or any towns having platted area within 20 miles of the city hall of a city of the first class having over 200,000 population shall have and possess the powers enumerated in this section. The town board thereof may adopt, amend, or repeal ordinances, and rules, ~~and~~ bylaws for any purposes enumerated as it deems expedient.

Sec. 40. Minnesota Statutes 1982, section 368.01, subdivision 1a, is amended to read:

Subd. 1a. **CERTAIN OTHER TOWNS.** Any town with a population of 1,000 or more according to the most recent federal decennial census or special census or population estimate as provided in section 44 that does not otherwise

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qualify pursuant to subdivision 1 to exercise the powers enumerated in this section, shall have and possess the enumerated powers upon an affirmative vote of the electors of the town at the annual town meeting.

Sec. 41. Minnesota Statutes 1982, section 368.01, subdivision 21, is amended to read:

Subd. 21. **ENACTMENT OF ORDINANCES.** Every ordinance shall be enacted by a majority vote of all the members of the town board except where a larger number is required by law. It shall be signed by the chairman of the town board, attested by the clerk and published once in the official a qualified newspaper having general circulation within the town. If the town board determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the town board may by a two-thirds vote of its members, or a four-fifths vote of its members in a town having a five-member board direct that only the title of the ordinance and a summary be published with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours of the town clerk and any other location which the town board designates. A copy of the entire text of the ordinance shall be posted in the community library, if there is one, or if not, in any other public location which the town board designates. ~~Prior to~~ Before the publication of the title and summary the town board shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. The text of the summary shall be published in a body type no smaller than brevier or eight-point type, as defined in section 331.07. Proof of the publication shall be attached to and filed with the ordinance. Every ordinance shall be recorded in the ordinance book within 20 days after publication of the ordinance or its title and summary. All ordinances shall be suitably entitled and shall be substantially in the style: "The Town Board of Supervisors ordains:".

Sec. 42. Minnesota Statutes 1982, section 368.01, subdivision 22, is amended to read:

Subd. 22. **PENALTIES.** The town board of supervisors shall have the power to declare that the violation of any ordinance shall be a penal offense and to prescribe penalties therefor. No such penalty shall exceed a fine of \$300 or imprisonment in a statutory city or county jail for a period of 90 days, or both that which is provided by law for a misdemeanor, but in either case the costs of prosecution may be added.

Sec. 43. Minnesota Statutes 1982, section 368.01, subdivision 26, is amended to read:

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Subd. 26. **FINES AND PENALTIES.** All fines, forfeitures, and penalties recovered for the violation of any statute or ordinance to which the town is entitled by law shall be paid into the town treasury. Every court or officer receiving ~~such moneys~~ money for the violation, shall ~~make return thereof~~ it under oath ~~on or before the tenth day after the last day of the month during which the moneys were received in accordance with law~~, and be entitled to duplicate receipts for the amounts paid. One of the receipts shall be filed with the town clerk.

Sec. 44. **[368.015] TOWNS; CENSUS.**

A town board may by resolution, in any year, request the state demographer to take a special census of the town or make an estimate of the population of the town for the purpose of being eligible to exercise the powers contained in section 368.01 as provided in section 368.01, subdivision 1a. A cost for the special census or estimate shall be borne by the town.

Sec. 45. Minnesota Statutes 1982, section 368.121, is amended to read:

368.121 EMPLOYMENT OF ATTORNEY; FEES.

The town board of ~~supervisors~~ in any town may employ an attorney and pay ~~up to \$5,000~~ \$15,000 in attorney's fees annually without an affirmative vote of or approval by the electors of the town.

Sec. 46. Minnesota Statutes 1982, section 450.19, is amended to read:

450.19 TOURIST CAMPING GROUNDS.

All cities and towns in the state are hereby authorized and empowered to establish and maintain public tourist camping grounds and the council or other legislative or governing body thereof is hereby empowered to acquire, by lease, purchase, or by gift, suitable lands located either within or without the corporate limits for use as public tourist camping grounds and to provide for the equipment, operation, and maintenance of the same. ~~The amount expended for the acquisition of public tourist camping grounds shall not exceed the sum of \$6,000.~~ The amount that may be expended for the maintenance, improvement, or operation of tourist camping grounds shall not exceed, in any one year, a sum equal to the amount which may be raised by a one-third of one mill tax upon the taxable property of the municipality and ~~in no event to exceed the sum of \$5,000 per annum.~~

Sec. 47. Minnesota Statutes 1982, section 624.51, is amended to read:

624.51 HOURS.

No public dance shall be held or conducted between the hours of one o'clock and six o'clock a.m., of any day; provided, that no public dance shall be held or conducted on Sunday between the hours of one o'clock a.m. and 12 o'clock noon thereof. In all other cases the public authorities issuing the permit

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herein provided for may, if they so desire, fix the hours within which public dances may be held, not inconsistent herewith, and shall also have authority, by ordinance, or resolution, or by law, to regulate or to prohibit the same on Sunday, within the limits of the city or territory within which such public authorities may grant permits for public dancing as herein provided.

Sec. 48. **REPEALER.**

Minnesota Statutes 1982, sections 365.105; 365.106; 365.12; 366.06; 367.035; 367.05, subdivision 2; 368.01, subdivisions 17 and 28; 368.02; 368.03; 368.04; 368.05; 368.06; 368.07; 368.08; 368.09; 368.10; 368.11; and 368.86, are repealed.

Approved April 25, 1984

CHAPTER 563 — S.F.No. 2165

An act relating to public finance; authorizing additional investment alternatives; providing for the delivery of municipal obligations in certificated or uncertificated form; providing restrictions on the use of certain data; providing a formula for determining limitations on interest rates on municipal obligations; providing an alternative procedure for conducting a public sale of municipal obligations; amending Minnesota Statutes 1982, sections 471.56, by adding a subdivision; 475.55, subdivisions 1, 4, and by adding a subdivision; 475.60, subdivision 3, and by adding a subdivision; repealing Minnesota Statutes 1982, sections 475.71; and 475.76, subdivision 5.

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

Section 1. Minnesota Statutes 1982, section 471.56, is amended by adding a subdivision to read:

Subd. 5. In addition to other authority granted by this section, a county containing a city of the first class, a statutory or home rule charter city of the first or second class, and a metropolitan commission, as defined in section 473.121, may sell futures contracts but only with respect to securities owned by it, including securities which are the subject of reverse repurchase agreements under section 475.76 which expire at or before the due date of the futures contract.

Sec. 2. Minnesota Statutes 1982, section 475.55, subdivision 1, is amended to read:

Subdivision 1. **INTEREST; FORM.** All obligations shall be signed by officers authorized by resolution of the governing body or by persons authorized to sign on behalf of a bank designated by the resolution as authenticating agent, and shall express the amount and the terms of payment. Interest on obligations

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