

458.10, subdivision 1, or other law, the city may appoint a seven-member commission.

**Sec. 2. BRECKENRIDGE; MUNICIPAL HOUSING AND REDEVELOPMENT AUTHORITY.**

If the city of Breckenridge establishes a port authority commission under section 1, the commission may exercise the same powers as a municipal housing and redevelopment authority established under Minnesota Statutes, section 462.425 or other law. The city shall then exercise all the powers relating to the municipal housing and redevelopment authority granted to a city by Minnesota Statutes, chapter 462 or other law.

Approved May 23, 1985

**CHAPTER 206 — S.F.No. 1506**

*An act authorizing the city of Waseca to establish and provide taxes and service charges for a special service district; authorizing the city of Albert Lea to establish a port authority; authorizing the city of Austin to establish a port authority.*

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

**Section 1. WASECA; SPECIAL SERVICE DISTRICT.**

Subdivision 1. DEFINITIONS. For the purpose of this section the terms defined in this subdivision have the following meanings.

(a) "City" means the city of Waseca.

(b) "Special services" means parking services rendered or contracted for by the city.

Special services shall not include services that are ordinarily provided throughout the city from general fund revenues of the city unless an increased level of the service is provided in the special service district.

(c) "Special service district" means a defined area within the city in which special services are rendered and the costs of the special services are paid from revenues collected from taxes and service charges imposed within that area.

(d) "Assessed value" means the assessed value as most recently certified by the commissioner of revenue on the effective date of the ordinance or resolution adopted pursuant to subdivision 2 or 3.

(e) "Land area" means the land area located within the district which is subject to property taxation.

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

Subd. 2. ESTABLISHMENT. The governing body of the city may adopt an ordinance establishing a special service district in the part of the city of Waseca that is bounded on the north by 6th Ave. N.E., on the west by the north-south tracks of the Chicago Northwestern rail line, on the south by 5th Ave. S.E., and on the east by 3rd St. N.E. and S.E. Only property that is zoned for commercial, business, or industrial use under a municipal zoning ordinance may be included in the district. The ordinance shall describe with particularity the area within the city to be included in the district and the special services to be furnished within the district. The ordinance may not be adopted until after a public hearing has been held on the question. Notice of the hearing shall include:

- (a) The time and place of hearing;
- (b) A map showing the boundaries of the proposed district; and
- (c) A statement that all persons owning property in the proposed district will be given opportunity to be heard at the hearing.

Notice of the hearing 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 owner of each parcel within the area proposed to be included in the district. For the purpose of giving mailed notice, owners shall be those shown on the records of the county auditor. Other records may be used to supply the necessary information. 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 and mailed notice given them. At the public hearing any person affected by the proposed district may be heard orally in respect to any issues embodied in the notice. The hearing may be adjourned from time to time and the ordinance establishing the district may be adopted at any time within six months after the date of the conclusion of the hearing by a vote of the majority of the governing body of the city.

Subd. 3. TAXES. Ad valorem taxes may be levied on taxable nonhomestead property or service charges may be imposed by the city within the special service district at a rate or amount sufficient to produce revenues required to provide special services within the district. For purposes of determining the appropriate mill rate, taxable property or value shall be determined without regard to captured or original assessed value under Minnesota Statutes, section 273.76 or to the distribution or contribution value under Minnesota Statutes, section 473F.08. Taxes and service charges shall not be imposed to finance a special service if the service is ordinarily provided by the city from general fund revenues of the city unless the service is provided in the district at an increased level, in which case only an amount to pay for the increased level may be imposed. A service charge shall not be imposed on the receipts from the sale of

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

intoxicating liquor, food, or lodging. Prior to the levy of taxes or imposition of service charges in a district, for each calendar year, notice shall be given and hearing shall be held pursuant to subdivision 2 except that notice shall also be mailed to any individual or business organization subject to a service charge. For purposes of this subdivision the notice shall also include:

(a) A statement that all interested persons will be given an opportunity to be heard at the hearing regarding a proposed tax levy or service charge.

(b) When the tax or service charge is to pay for the cost of repairing, operating, or maintaining public improvements or facilities, the estimated cost of operating and maintaining the improvements during the first year after completion of the improvements, and the proposed method and source of financing the improvements and the annual cost of operating and maintaining the improvements.

(c) The proposed rate or amount of taxes to be extended or the proposed service charge to be imposed in the district during the calendar year and the nature and character of special services to be rendered in the district during the calendar year.

(d) A statement that the petition requirements of subdivision 8 have either been met or do not apply to the proposed taxes or service charge.

Within six months of the public hearing, the city may adopt a resolution levying a tax or imposing a service charge within the district not exceeding the amount or rate expressed in the notice issued pursuant to this section.

Property exempted from taxation by Minnesota Statutes, section 272.02, shall be exempted from any ad valorem taxes imposed pursuant to this section.

Taxes and service charges imposed pursuant to this section shall not be included in the calculation of levies or limits on levies provided by other law or home rule charter provision.

Taxes levied under this section shall not be reduced pursuant to Minnesota Statutes, section 273.13, subdivisions 6, 7, 7d, or 14a.

Subd. 4. ENLARGEMENT. Boundaries of a special service area may be enlarged only after hearing and notice as provided in subdivisions 2 and 3. Notice shall be served in the original district and in the area proposed to be added to the district. Property added to the district shall be subject to all taxes levied and service charges imposed within the district after the property becomes a part of the district. The petition requirement in subdivision 8 and the veto power in subdivision 9 shall only apply to owners and individuals and business organizations in the area proposed to be added to the district.

Subd. 5. COLLECTION OF TAXES. Ad valorem taxes levied within a special service district shall be collected and paid over as other ad valorem taxes,

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

but shall be spread only upon the assessed value of property described in the ordinance. Service charges imposed shall be collected as provided by ordinance. Taxes collected pursuant to this section shall not be included in computations under Minnesota Statutes, section 273.76, chapter 473F, or any other law that applies to general ad valorem levies.

Subd. 6. DEBT. The city council may issue certificates of indebtedness for purposes of any work or service authorized pursuant to this section. The certificates shall be payable in not more than five years and shall be issued on the terms and in the manner determined by the council. A tax levy shall be made on the taxable property within the special service district for the payment of the principal and interest on the certificates as in the case of bonds.

Subd. 7. ADVISORY BOARD. The governing body of the city may create and appoint an advisory board for the special service district to advise the governing body in connection with the construction, maintenance, and operation of improvements and the furnishing of special services in the district. The advisory board shall make recommendations to the governing body on the requests and complaints of owners, occupants, and users of property within the district and members of the public. Prior to the adoption of any proposal by the governing body to provide services or impose taxes or service charges within the district, the advisory board of the district shall have an opportunity to review and comment upon the proposal.

Subd. 8. PETITION. No public hearing may be held pursuant to subdivision 2 unless owners of 15 percent or more of the land area of the proposed special service district and owners of 15 percent or more of the assessed value of the proposed district file a petition requesting the public hearing with the city clerk. No public hearing may be held pursuant to subdivision 3 to impose an ad valorem tax unless owners of 15 percent or more of the land area subject to a proposed tax and owners of 15 percent or more of the assessed value subject to a proposed tax file a petition requesting the public hearing with the city clerk. No public hearing may be held pursuant to subdivision 3 to impose a service charge unless 15 percent or more of the individual or business organizations subject to the proposed service charge file a petition requesting the public hearing with the city clerk. If the boundaries of the proposed district are changed or the land area or assessed value subject to a tax or the individuals or business organizations subject to a service charge are changed after the public hearing, a petition meeting the requirements of this section must be filed with the city clerk before the ordinance establishing the district or resolution imposing the tax or service charge may become effective.

Subd. 9. VETO POWERS OF OWNERS. Except as provided in subdivision 10, the effective date of any ordinance or resolution adopted pursuant to subdivisions 2 and 3 shall be at least 45 days after it is adopted. Within five days after adoption of the ordinance or resolution, a copy of the ordinance or

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

resolution shall be mailed to the owner of each parcel included in the special service district and any individual or business organization subject to a service charge in the same manner that notice is mailed pursuant to subdivision 2. The mailing shall include a notice that owners subject to a tax and individuals and business organizations subject to a service charge have a right to veto the ordinance or resolution by filing the required number of objections with the city clerk before the effective date of the ordinance or resolution.

If owners of 35 percent of the land area in the district or owners of 35 percent of the assessed value in the district file an objection to the ordinance adopted by the city pursuant to subdivision 2 with the city clerk before the effective date of the ordinance, the ordinance shall not become effective. If owners of 35 percent of the land area subject to a tax or owners of 35 percent of the assessed value subject to a tax file an objection to the resolution adopted levying an ad valorem tax pursuant to subdivision 3 with the city clerk before the effective date of the resolution, the resolution shall not become effective. If 35 percent of individuals and business organizations subject to a service charge file an objection to the resolution adopted imposing a service charge pursuant to subdivision 3 with the city clerk before the effective date of the resolution, the resolution shall not become effective.

**Subd. 10. EXCLUSION FROM PETITION AND VETO.** The petition requirement of subdivision 8 and the right of owners and those subject to a service charge to veto a resolution in subdivision 9 shall not apply to second or subsequent years' applications of a tax or service charge which is authorized to be in effect for more than one year pursuant to a resolution which has met the petition requirements of subdivision 8 and which has not been vetoed under subdivision 9 for the first year's application. A resolution levying a tax or imposing a service charge for more than one year shall not be adopted unless the notice of public hearing required by subdivision 3 and the notice mailed with the adopted resolution pursuant to subdivision 9 include the following information:

(a) In the case where the costs of repairing, operating, or maintaining of public improvements or facilities are to be paid by a tax or service charge, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years the taxes will be levied or service charges imposed to pay for the improvement.

(b) In the case of operating and maintenance services, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years, or a statement that the tax will be imposed for an indefinite number of years, the taxes will be levied or service charges imposed to pay for operation and maintenance services.

The resolution may provide that the maximum amount of tax to be levied or maximum service charge to be imposed in any year will increase or decrease

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

from the maximum amount authorized in the preceding year based on an indicator of increased cost or a percentage amount established by the resolution.

**Sec. 2. ALBERT LEA; PORT AUTHORITY.**

The city of Albert Lea may establish a port authority commission that has the same powers as a port authority established under Minnesota Statutes, section 458.09, or other law. If the city establishes a port authority commission, the city shall exercise all the powers relating to the port authority granted to a city by Minnesota Statutes, chapter 458, or other law. Notwithstanding Minnesota Statutes, section 458.09, subdivision 1, or other law, the city may choose the name of the commission. Notwithstanding Minnesota Statutes, section 458.10, subdivision 1, or other law, the city may appoint a seven-member commission.

**Sec. 3. AUSTIN; PORT AUTHORITY.**

The city of Austin may establish a port authority commission that has the same powers as a port authority established under Minnesota Statutes, section 458.09, or other law. If the city establishes a port authority commission, the city shall exercise all the powers relating to the port authority granted to a city by Minnesota Statutes, chapter 458, or other law. Notwithstanding Minnesota Statutes, section 458.09, subdivision 1, or other law, the city may choose the name of the commission. Notwithstanding Minnesota Statutes, section 458.10, subdivision 1, or other law, the city may appoint a seven-member commission.

**Sec. 4. EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment.

Approved May 23, 1985

---

**CHAPTER 207 — H.F.No. 58**

*An act relating to the town of Moorhead; allowing the town certain powers.*

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

**Section 1. TOWN OF MOORHEAD; CLAY COUNTY.**

The town of Moorhead in Clay county may exercise the powers of a town described in Minnesota Statutes, section 368.01, subdivision 1.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Approved May 23, 1985

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