

### Sec. 3. LOCAL APPROVAL.

This act is effective separately for each county the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of each of Becker, Grant, Hubbard, Otter Tail, Stevens, Todd, Traverse, Wadena, and Wilkin counties.

Approved March 19, 1986

## CHAPTER 341—H.F.No. 1807

*An act relating to local government; providing for the coordination of various development authorities in the city of Moorhead and Clay county; providing an exception from the Moorhead police civil service system for the chief and deputy chief of police.*

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

### Section 1. LEGISLATIVE FINDINGS AND PURPOSE.

The legislature finds that the responsibilities for industrial and economic development, redevelopment, and housing are divided among several agencies and city departments in the city of Moorhead. The legislature further finds that increased coordination of these activities in the city would improve the efficiency and effectiveness of the city's industrial and economic development, redevelopment, and housing programs, and that as a border city, the city has special needs for a coordinated, well focused, and aggressive economic development and redevelopment strategy. The legislature further finds that the coordination, efficiency, and effectiveness of the city's economic development and redevelopment efforts would be enhanced by focusing the responsibilities for these activities in a single agency. It is the purpose of this act to enable the city to establish a single agency accountable to the mayor and city council that is responsible for promoting and assisting industrial and economic development and redevelopment in the city.

### Sec. 2. POWERS OF CITY.

Notwithstanding any contrary provision of law or charter, the city of Moorhead may, in addition to its other powers and without limiting them, exercise the powers granted to a governmental subdivision by Minnesota Statutes, chapters 458, 462, and 472. However, the city may not exercise the power to operate and maintain public housing as provided in Minnesota Statutes, chapter 462. It may exercise the powers assigned to redevelopment agencies pursuant to Minnesota Statutes, chapter 474, to further the purposes of Minnesota Statutes, sections 458.09 to 458.1991, 462.411 to 462.705, and Minnesota Statutes, chapters 472 and 472A. It may exercise the powers set forth in Minnesota Statutes, sections 458.09 to 458.1991, 462.411 to 462.705, and Minnesota Statutes, chapters 472 and 472A, to further the purposes and policies set forth in Minneso-

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ta Statutes, chapter 474. It may exercise the powers granted by this section and any other development or redevelopment powers authorized by other laws, including Minnesota Statutes, chapters 472A and 474, independently or in conjunction with each other as though all the powers had been granted to a single entity. Any project undertaken to accomplish the purposes of Minnesota Statutes, chapter 462, that qualifies as single family housing under Minnesota Statutes, section 462C.02, subdivision 4, is subject to Minnesota Statutes, chapter 462C.

### Sec. 3. DELEGATION OF CITY POWERS.

The city may, by adoption of an enabling resolution in compliance with section 4, grant to the Moorhead housing and redevelopment authority any of the powers granted to the city under section 2. If the city makes a grant of power to the authority under this section, the city may also continue to exercise all the powers granted to the city by section 2. Notwithstanding a grant of power, the city shall retain the same authority to review and approve the actions of the authority that any city has with respect to a port authority, housing and redevelopment authority, or other agency under Minnesota Statutes, chapters 458, 462, 472A, and 474.

### Sec. 4. ENABLING RESOLUTION.

Subdivision 1. PROCEDURAL REQUIREMENT. A grant of power by the city to the housing and redevelopment authority shall be by a written resolution known as the enabling resolution. Prior to adoption of the enabling resolution, the city council shall conduct a public hearing. Notice of the time and place of hearing, a statement of the purpose of the hearing, and a summary of the resolution must be published in a newspaper of general circulation within the city once a week for two consecutive weeks. The first publication must appear not more than 30 days before the date of the public hearing.

Subd. 2. CHANGES IN HRA NAME AND BOARD. Notwithstanding any contrary provisions of law, the enabling resolution shall establish the terms and numbers of the commissioners of the Moorhead housing and redevelopment authority and may provide for a change in the name of the authority. The term for commissioners shall not be less than two years and not more than five years. The number of commissioners shall not be less than seven and not more than 11, and not more than one-third of the commissioners shall be city council members.

Subd. 3. LIMITATIONS. The enabling resolution may impose the following limitations upon the actions of the housing and redevelopment authority:

(1) that the authority shall not exercise any specified powers contained in Minnesota Statutes, chapters 458, 472, 472A, and 474;

(2) that the authority shall not exercise certain powers without the prior approval of the city council;

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(3) that the levy of any tax by the authority be approved by the city council by resolution prior to the levy of the tax;

(4) that the sale of all bonds or obligations issued by the authority be approved by the city council before issuance;

(5) that the authority follow the budget process for city departments as provided by the city charter and as implemented by the city council and mayor;

(6) that all official actions of the authority must be consistent with the adopted comprehensive plan of the city and any official controls implementing the comprehensive plan;

(7) that the authority submit to the city council for approval by resolution any proposed project as defined in Minnesota Statutes, section 273.73, subdivision 8;

(8) that the authority submit all planned activities for influencing the action of any other governmental agency, subdivision, or body to the city council for approval; or

(9) any other limitation or control established by the city council by the enabling resolution.

Notwithstanding clauses (1) to (9) the enabling resolution shall not impose limitations on the exercise of powers granted to the authority pursuant to Minnesota Statutes, chapter 462, except that the enabling resolution may limit the exercise of powers granted pursuant to Minnesota Statutes, section 462.445, subdivision 1, clauses (2) and (3).

Subd. 4. AMENDMENTS. The enabling resolution may be modified at any time, subject to subdivision 6. Any modification shall be made in accordance with the procedural requirements of subdivision 1.

Subd. 5. REPORTS. Without limiting the right of the authority to petition the city council at any time, each year, within 60 days of the anniversary date of the initial adoption of the enabling resolution, the authority shall submit to the city council a report stating whether and how the enabling resolution should be modified. Within 30 days of receipt of the recommendation, the city council shall review the enabling resolution, consider the recommendations of the authority, and make any modification it considers appropriate. Any modification shall be made in accordance with the procedural requirements of subdivision 1.

Subd. 6. INTERPRETATION AND RESTRICTIONS. A determination by the city council that the limitations imposed under this section have been complied with by the authority shall be conclusive.

Limitations imposed under this section must not be applied in a manner which impairs the security of any bonds issued or contracts executed before the imposition of the limitation. The city council shall not modify any limitations

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in effect at the time any bonds or obligations are issued or contracts executed to the detriment of the holder of the bonds or obligations or any contracting party.

#### Sec. 5. BUDGET AND PERSONNEL.

If the city adopts an enabling resolution pursuant to section 4, it may, by resolution of the city council, provide the authority with personnel and staff, on the terms and conditions as it may deem appropriate, and may appropriate and budget money for the administration of the authority as it shall deem necessary and appropriate. The money shall be budgeted, used, and accounted for in accordance with the charter and ordinances of the city.

#### Sec. 6. PUBLIC HOUSING.

Subdivision 1. RESOLUTION ESTABLISHING AGENCY; BOARD OF COMMISSIONERS. If the city adopts an enabling resolution pursuant to section 4, it may, by resolution of the city council adopted in compliance with the same procedural requirements contained in section 4, subdivision 1, establish an independent public housing agency. The agency shall be a public corporation and political subdivision of the state and be governed by a board of commissioners. The number of commissioners, terms of office, the appointing authority of the commissioners, and other matters relating to the composition of the board of commissioners for the public housing agency shall be the same as for commissioners of a housing and redevelopment authority established pursuant to Minnesota Statutes, section 462.425. Appointments shall be made in the same manner as provided in section 462.425, after adoption of the resolution establishing the public housing agency. The city council shall, by resolution, designate the name for the agency. As used in this section, the term "agency" means the agency established pursuant to this subdivision.

Subd. 2. DEFINITIONS. Unless the context clearly indicates otherwise, the terms used in subdivisions 1 to 4 have the meanings given them in Minnesota Statutes, section 462.421.

Subd. 3. POWERS AND DUTIES. Except as provided in subdivision 5, the public housing agency shall have the powers necessary or convenient to carry out the purposes of Minnesota Statutes, sections 462.415 to 462.581, with respect to public housing and to provide and manage housing facilities and services for persons of low and moderate income, including the power:

- (1) to sue and be sued;
- (2) to have perpetual succession;
- (3) to make, amend, and repeal rules consistent with law or city ordinance;
- (4) to employ necessary officers, agents, and employees, both permanent and temporary, except for the agency's executive director appointed pursuant to subdivision 7, and designate their qualifications, duties, and compensation;

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(5) to accept transfer of housing employees from the housing and redevelopment authority of the city; and

(6) to lease, construct, reconstruct, purchase, repair, maintain, administer, and operate existing and future public housing facilities, and programs providing housing and services to persons of low and moderate income.

**Subd. 4. TRANSFER OF RIGHTS AND LIABILITIES.** The agency shall have all the rights, duties, titles, and obligations relating to the provisions for and administration of the housing program undertaken by the housing and redevelopment authority of the city of Moorhead acquired or incurred by that authority before the establishment of the agency pursuant to subdivision 1. Specifically, all contracts, debts, obligations, existing collective bargaining agreements, and fringe benefit plans affecting employees transferred from the housing and redevelopment authority of the city before the establishment of the agency and relating to the authority's housing program shall be assumed and performed by the public housing agency and shall not be impaired by the adoption of this section.

**Subd. 5. LIMITATIONS.** Notwithstanding the provisions of any other law, the agency may not:

(1) levy and collect taxes or special assessments with respect to any existing or future public housing;

(2) make a final determination, by rule or otherwise, or extend funds or incur an obligation with respect to or for the purpose of any construction, reconstruction, purchase, site selection, site acquisition, clearance and preparation, or determination of need for public housing without approval by the city council; or

(3) enact a rule or regulation, perform an act, expend funds or incur an obligation inconsistent with law or city ordinance.

**Subd. 6. DIVISION OF DUTIES AND POWERS.** Notwithstanding section 4, the resolution establishing a public housing agency pursuant to subdivision 1 may limit the duties and powers of the housing and redevelopment authority with respect to public housing.

**Subd. 7. EXECUTIVE DIRECTOR; APPOINTMENT; REMOVAL.** The chief administrative officer of the agency shall be its executive director. The city manager shall appoint and may suspend and remove the executive director in accordance with city personnel rules applicable to city department heads. Appointment and removal of the executive director shall require approval by a majority vote of the city council and the public housing agency board. The executive director may be appointed as an employee of the agency or as an employee of the city.

**Sec. 7. MOORHEAD-CLAY COUNTY AREA REDEVELOPMENT AUTHORITY.**

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

Subdivision 1. CESSATION OF OPERATIONS. Notwithstanding Laws 1980, chapter 461, the Moorhead-Clay county area redevelopment authority shall cease to exercise its powers, its board of commissioners shall be dissolved, and the city council of the city of Moorhead and the board of Clay county commissioners shall not appoint commissioners to the Moorhead-Clay county area redevelopment authority board except as provided in subdivision 2.

Subd. 2. REESTABLISHMENT OF BOARD. If, after the effective date of this section, the city council of the city of Moorhead and board of Clay county commissioners adopt resolutions appointing commissioners to the Moorhead-Clay county area redevelopment authority board as provided in Laws 1980, chapter 461, for new appointments, the Moorhead-Clay county area redevelopment authority shall be reestablished and operate as provided in chapter 461.

#### Sec. 8. POWER OUTSIDE CITY.

If the city council of the city of Moorhead and the board of Clay county commissioners adopt resolutions requesting the Moorhead housing and redevelopment authority to exercise its powers in areas outside the city boundaries but within Clay county, in connection with a specific economic development or redevelopment project, the authority may do so. If the project is located within another city, the city council of that city must also adopt a resolution requesting the authority to exercise its powers there.

#### Sec. 9. POWER OUTSIDE STATE.

The powers granted to the city by section 2 may be exercised with respect to any project located in a city located outside the state but contiguous to the city of Moorhead. In furtherance of the exercise of the powers granted to the city in section 2, and notwithstanding any other provision of law or charter, the city or the authority may enter into a joint powers agreement with another political subdivision located within or without the state or a nonprofit or for-profit organization to provide for the ownership and operation of facilities located outside the state.

#### Sec. 10. MOORHEAD POLICE.

Notwithstanding any other law or charter provision, the chief of police and deputy chief of police of the city of Moorhead are not subject to the jurisdiction of the Moorhead police civil service commission and are exempt from the police civil service system adopted by the city of Moorhead pursuant to Minnesota Statutes, chapter 419.

#### Sec. 11. LOCAL APPROVAL.

Sections 1 to 6 and 9 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Moorhead.

Sections 7 and 8 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing bodies of the city of Moorhead and Clay county.

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Section 10 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Moorhead. Section 10 shall not apply to any incumbent holding the position of chief of police or deputy chief of police on the effective date of section 10.

Approved March 19, 1986

## CHAPTER 342—H.F.No. 1821

*An act relating to real property; requiring condominium plats after July 31, 1986; requiring certification by a registered land surveyor only, that condominium plat accurately depicts certain required information in 515A.2-110; amending Minnesota Statutes 1984, sections 515A.1-102; 515A.1-103; 515A.2-105; 515A.2-110; 515A.2-114; 515A.2-115; 515A.2-116; 515A.4-102; 515A.4-107; 515A.4-116; and 515A.4-117; and Minnesota Statutes 1985 Supplement, sections 389.09; 508.82; and 508A.82.*

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

Section 1. Minnesota Statutes 1985 Supplement, section 389.09, is amended to read:

### **389.09 APPROVAL OF PLATS AND SURVEYS AND CONDOMINIUM FLOOR PLANS PLATS IN CERTAIN COUNTIES.**

Subdivision 1. **PLATS AND SURVEYS IN CERTAIN COUNTIES.** In any county in which there is a county surveyor and the surveyor maintains an office on a full-time basis in a building maintained by the county for county purposes, the county board may by ordinance adopted in accordance with section 375.51 require that each subdivision plat or registered land survey plat shall be approved by the county surveyor before recording. The proprietor of the plat shall be charged a fee for the service in accordance with a schedule established by the board of commissioners of the county.

Subd. 2. **CONDOMINIUM FLOOR PLANS PLATS.** A county board may, by ordinance adopted in accordance with section 375.51, require that each condominium ~~floor plan~~ plat submitted for recordation after July 31, 1985, be approved by the county surveyor or other licensed surveyor hired for this purpose by the county, for compliance with section 515A.2-110, before recording. The process of approving the ~~floor plans~~ condominium plat must be conducted in an expeditious manner so as not to unduly delay the recording of the ~~floor plans~~ condominium plat. The proprietor of the condominium ~~floor plan~~ plat may be charged a reasonable fee for the service in accordance with a schedule established by resolution passed by the governing body of the county.

Sec. 2. Minnesota Statutes 1985 Supplement, section 508.82, is amended to read:

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