

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1161**

February 26, 2009

Authored by Dill

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform,
Technology and Elections

1.1 A bill for an act
1.2 relating to special assessments; expanding county authorization to abate certain
1.3 improvements; amending Minnesota Statutes 2008, sections 429.011, subdivision
1.4 2a; 429.021, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2008, section 429.011, subdivision 2a, is amended to
1.7 read:

1.8 Subd. 2a. **Municipality; certain counties.** "Municipality" also includes the
1.9 following:

1.10 (1) a county in the case of construction, reconstruction, or improvement of a county
1.11 state-aid highway ~~or~~;

1.12 (2) a county highway as defined in section 160.02 including curbs and gutters and
1.13 storm sewers;

1.14 (3) a county exercising its powers and duties under section 444.075, subdivision
1.15 1; ~~and~~

1.16 (4) a county for expenses not paid for under section 403.113, subdivision 3,
1.17 paragraph (b), clause (3);

1.18 (5) a county in the case of the abatement of nuisances; and

1.19 (6) a county in the case of the correction of environmental, wetland, or land use
1.20 violations.

1.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.22 Sec. 2. Minnesota Statutes 2008, section 429.021, subdivision 1, is amended to read:

2.1 Subdivision 1. **Improvements authorized.** The council of a municipality shall have
2.2 power to make the following improvements:

2.3 (1) To acquire, open, and widen any street, and to improve the same by constructing,
2.4 reconstructing, and maintaining sidewalks, pavement, gutters, curbs, and vehicle parking
2.5 strips of any material, or by grading, graveling, oiling, or otherwise improving the same,
2.6 including the beautification thereof and including storm sewers or other street drainage
2.7 and connections from sewer, water, or similar mains to curb lines.

2.8 (2) To acquire, develop, construct, reconstruct, extend, and maintain storm and
2.9 sanitary sewers and systems, including outlets, holding areas and ponds, treatment plants,
2.10 pumps, lift stations, service connections, and other appurtenances of a sewer system,
2.11 within and without the corporate limits.

2.12 (3) To construct, reconstruct, extend, and maintain steam heating mains.

2.13 (4) To install, replace, extend, and maintain street lights and street lighting systems
2.14 and special lighting systems.

2.15 (5) To acquire, improve, construct, reconstruct, extend, and maintain water works
2.16 systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs,
2.17 tanks, treatment plants, and other appurtenances of a water works system, within and
2.18 without the corporate limits.

2.19 (6) To acquire, improve and equip parks, open space areas, playgrounds, and
2.20 recreational facilities within or without the corporate limits.

2.21 (7) To plant trees on streets and provide for their trimming, care, and removal.

2.22 (8) To abate nuisances and to drain swamps, marshes, and ponds on public or private
2.23 property and to fill the same.

2.24 (9) To construct, reconstruct, extend, and maintain dikes and other flood control
2.25 works.

2.26 (10) To construct, reconstruct, extend, and maintain retaining walls and area walls.

2.27 (11) To acquire, construct, reconstruct, improve, alter, extend, operate, maintain, and
2.28 promote a pedestrian skyway system. Such improvement may be made upon a petition
2.29 pursuant to section 429.031, subdivision 3.

2.30 (12) To acquire, construct, reconstruct, extend, operate, maintain, and promote
2.31 underground pedestrian concourses.

2.32 (13) To acquire, construct, improve, alter, extend, operate, maintain, and promote
2.33 public malls, plazas or courtyards.

2.34 (14) To construct, reconstruct, extend, and maintain district heating systems.

3.1 (15) To construct, reconstruct, alter, extend, operate, maintain, and promote fire
 3.2 protection systems in existing buildings, but only upon a petition pursuant to section
 3.3 429.031, subdivision 3.

3.4 (16) To acquire, construct, reconstruct, improve, alter, extend, and maintain highway
 3.5 sound barriers.

3.6 (17) To improve, construct, reconstruct, extend, and maintain gas and electric
 3.7 distribution facilities owned by a municipal gas or electric utility.

3.8 (18) To purchase, install, and maintain signs, posts, and other markers for addressing
 3.9 related to the operation of enhanced 911 telephone service.

3.10 (19) To improve, construct, extend, and maintain facilities for Internet access and
 3.11 other communications purposes, if the council finds that:

3.12 (i) the facilities are necessary to make available Internet access or other
 3.13 communications services that are not and will not be available through other providers or
 3.14 the private market in the reasonably foreseeable future; and

3.15 (ii) the service to be provided by the facilities will not compete with service provided
 3.16 by private entities.

3.17 (20) To assess affected property owners for all or a portion of the costs agreed to
 3.18 with an electric utility, telecommunications carrier, or cable system operator to bury or
 3.19 alter a new or existing distribution system within the public right-of-way that exceeds the
 3.20 utility's design and construction standards, or those set by law, tariff, or franchise, but only
 3.21 upon petition under section 429.031, subdivision 3.

3.22 (21) To correct environmental, wetland, or land use violations.

3.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.