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**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By B. Johnson and Glidden**

**Amending Title 2, Chapter 24 of the Minneapolis Code of Ordinances relating to  
Administration: Public Works.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 24.180 of the above-entitled ordinance be amended and renumbered as Section 24.110 to read as follows:

**24.180 24.10. Public hearing Special assessment procedure.** ~~Prior to the adoption of assessments for local improvements pursuant to Chapter 10, Section 8~~ Special assessments shall be adopted pursuant to the authority set out at Article IX, Section 9.6(c)1 of the City Charter. ~~Prior to adoption,~~ a public hearing shall be conducted by the city council or a committee of the council to which the matter of the assessment has been referred. Notice of such hearing shall be published in the official newspaper of the city not less than twenty-one (21) days prior to the public hearing and shall be mailed at least fourteen (14) days prior to the date set for the public hearing to the owners of the properties to be assessed as shown on the list presented to the council by the city engineer. The notice of public hearing mailed to the owners of the property to be assessed shall include the amount of the proposed assessment, together with a statement that if after the city council adopts the assessments the owner of the property is dissatisfied with the assessment against his property he may appeal to the district court ~~by serving a notice upon the mayor or the city clerk within thirty (30) days after the city council has adopted the assessments and by filing the notice with the clerk of the district court within ten (10) days after its service pursuant to Section 24.120.~~ The notice must also state that no appeal may be taken as to the amount of any assessment unless a written objection signed by the affected property owner is filed with the clerk prior to the assessment hearing or presented to the presiding officer at the hearing.

Section 2. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.120 to read as follows:

**24.120. Appeal of assessments.** Any person aggrieved, who objected prior to or at the assessment hearing, may appeal by serving a notice upon the mayor or the city clerk within thirty (30) days after the city council has adopted the assessments and by filing the notice with the clerk of the district court within ten (10) days after its service. The court shall either affirm the assessment or set it aside and order a reassessment. If appellant does not prevail upon the appeal, the costs incurred shall be taxed by the court and judgment entered therefor.

Section 3. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding a new Section 24.130 to read as follows:

**24.130. Irregularities and reassessments.** The city council may cancel, decrease, or refund assessments at any time and without public hearing. The city council may increase assessments to correct omissions, mistakes or erroneous estimates relating to the total cost of the improvement or any other particular, using the same procedure as required for holding a public hearing and notification of affected property owners as for the original assessment. The city council may assess anew any whole or partial annulment or vacation by judgment of any court using the same procedure as required for holding a public hearing and notification of affected property owners as for the original assessment. Nothing in this section shall authorize any new assessments in cases where a court has determined that the lots of land are not subject to assessment.

No omission, informality or irregularity in proceedings in or preliminary to the making of any special assessment shall affect the validity of the same, where the assessment roll has been adopted by the city council. And the assessment roll, and the record thereof kept by the city clerk, shall be competent and sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted, and that all other proceedings antecedent to the adoption of such assessment roll were duly had, taken and performed, as required by the Charter. No failure of the city clerk to record the assessment roll, or to deliver the same to the county auditor on or before the time prescribed for such delivery, or to do any other act or thing of him required, shall in any way invalidate any assessment; and no variance from the directions herein contained, as to the form or manner of any of the proceedings, shall be held material, unless it be clearly shown that the party objecting was materially injured thereby.

Section 4. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.140 to read as follows:

**24.140 Assessment rolls.** The City Council may, by resolution, direct the County Auditor of Hennepin County, to cancel, on any record, where the same appears, any special assessments theretofore assessed and levied by said City Council, whether because the same be irregular or erroneous, or because the improvement, for the cost of which said special assessment shall have been assessed and levied, shall have been constructed by the owner of the property against which said special assessment shall have been assessed and levied, and in any such case of the cancellation of any such special assessment the Auditor shall make the necessary credits of the amounts of such special assessment so canceled on the proper books and to the proper officers. The City Council may provide by ordinance or resolution that the certificate of an officer of the Department of Public Works or other proper officer, that any improvement, for which any such special assessment shall have been made, has so been constructed by the owner of the property against which any such special assessment shall have been made, presented to the said County Auditor, shall be sufficient authority for said Auditor to cancel the special assessment so assessed and levied for the cost of such improvement against the property named in said certificate, and for authority in that case for the said Auditor to make said proper credits. The City Council may also direct, by resolution or motion, the said County Auditor to divide any special assessment and place parts thereof on any part of the real estate against which the same is assessed and levied, and to make the necessary corrections and records thereof.

When the total cost of any improvement, for which special assessments have been assessed and levied, shall be less than the total special assessments assessed, levied and collected for the same, said City Council may refund out of the permanent improvement fund to the owners of the real estate against which said special assessments have been made, who have paid the same, their proportionate share of the excess of such special assessments so collected over the

total cost of such improvements. After any improvement has been ordered and the special assessments for the cost thereof have been assessed and levied, if any person or persons desirous of having such improvement constructed before the collection of such special assessment shall advance the cost of such improvement and pay the same to the City Finance Officer for the credit of the permanent improvement fund, such money so advanced to construct such improvement shall not be used or appropriated for any other purpose; that said City Council may then cause the immediate construction of such improvement and shall, when said special assessments assessed and levied to pay for the same are collected, cause the same to be paid to such person or persons advancing the money for the cost of such improvement.

Section 5. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.150 to read as follows:

**24.150. Assessment liens to have priority.** Assessments shall be a lien against property. No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment, for any tax or for any improvements chargeable to or assessed against the property under the Charter, although the confirmation of such assessment may be subsequent to the lien of such judgment, decree or other lien or to such transfer or mortgage.

Section 6. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.160 to read as follows:

**24.160. Assessment installments and transmittals.** Whenever the city council shall determine to cause to be made any improvement authorized by Chapter 10, Section 8 of the City Charter for which assessments may be made against properties benefited by such improvement, the council shall fix the number of successive equal annual installments, not in excess of twenty, in which assessments for such improvement may be paid, and shall fix the interest rate to be paid annually on all unpaid installments at a rate not to exceed the prevailing maximum rate of interest provided for in Minnesota Statutes, Section 429.061, subdivision 2. The first installment shall be payable in the year following completion in the same manner as real estate taxes. Thereafter all subsequent installments shall also be payable in the same manner as real estate taxes.

The Council shall transmit to the County Auditor of Hennepin County any assessment rolls adopted by the Council whereby it shall assess and levy any special assessments against lots and parcels of property for the purpose of paying the assessed share of the cost of any such improvement. Any such assessment roll shall show the number of installments in which the assessment may be paid, and the annual rate of interest to be paid on all unpaid installments. Said Auditor shall include in the taxes for each year one of the installments, together with one year's interest on that installment and all subsequent installments, provided that the owner of any property so assessed may within thirty days of the adoption of the assessment roll, pay the entire amount of the assessment on such property without any charge for interest, and may thereafter pay at any time the entire amount of the assessment remaining unpaid with accrued interest. Said Auditor shall so keep books that the Treasurer of said County can and shall at the time of the proper settlements with said City of Minneapolis, or with its proper City Finance Officer or other officers, report the amount of the interest on said deferred installments separately from the amounts of the installments paid in any year.

For keeping all of the information which may be required of the County Auditor under the various special assessment plans which have now or may thereafter be adopted by the City

Council, which shall include every kind of entry whether ordered or requested by said City Council or any Court, the city shall pay the County Auditor the sum of two dollars and fifty cents (\$2.50) for each entry of a special assessment entered by the Auditor upon the tax list of the County, the same to be payable upon the completion of the tax list for each year.

Section 7. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.170 to read as follows:

**24.170. Improvements made by contract or city.** Any improvements, the means to make or construct which may be raised by special assessment, may be performed by contract let in the ordinary way, or directly by the city by the employment of labor and purchase of material, or in any other manner in which the City Council may deem proper in each particular case. And the City Council may in its discretion, in any case, instead of causing the special assessment to be made entirely upon estimates as hereinbefore provided for, wait until the letting of the contract for such improvement, or until such improvement shall be made before determining and fixing upon the cost and expense of such improvement.

Section 8. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.180 to read as follows:

**24.180. Timing of collection.** The City Council may, at the time of ordering any improvement for which any assessment may be made, determine whether to proceed at once with such improvement or await the collection of such assessment.

Section 9. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.190 to read as follows:

**24.190. Deficiency paid from permanent improvement funds.** No special assessment shall be questioned or held to be invalid, because the amount of such special assessment shall happen to be either more or less than the amount of money actually required for the improvement for which such assessment shall be made. If the amount raised by such special assessment shall happen to be less than the amount required for such improvement, the balance shall be paid from the permanent improvement fund; and upon any assessment rolls or other papers made or used in any of the proceedings, it shall not be necessary that words shall be written out in full, but abbreviations, letters, figures and recognized characters may be used whenever their use shall be convenient, and no error or mistake as to the name of the owner of any property shall be regarded as material in any proceedings under this chapter.

Section 10. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.200 to read as follows:

**24.200. Special assessment funds to be kept separate.** In case any assessment for improvement is collected before the making of such improvement, the money so collected shall be kept separate from the funds of the city and not devoted to any other purpose than for such improvement.

Section 11. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.210 to read as follows:

**24.210. Assessments may be paid to city finance officer.** After any special assessment roll shall have been adopted by the City Council and before the same shall be delivered to the County Auditor for collection, any assessment thereon may be paid direct to the City Finance Officer of said city; and upon the production of the City Finance Officer's receipt therefor to the City Clerk, he or she shall enter upon such assessment roll, opposite the assessment so paid, the words, "Paid to City Finance Officer," which entry shall cancel the assessment so paid. In case interest shall have been included in such assessment, so much of such interest as shall not have accrued on such assessment at the time of such payment, shall be deducted therefrom.

Section 12. That Chapter 24 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 24.220 to read as follows:

**24.220. Permanent improvement revolving fund.** The special fund called "The Permanent Improvement Revolving Fund," heretofore created and existing in and for the City of Minneapolis at the time of the adoption of the Charter, is hereby continued and recreated as a special fund of said city. To said fund shall be credited the proceeds of all municipal bonds heretofore or hereafter issued by the City of Minneapolis for the purpose of paying the assessed portion of the cost of making and constructing local improvements except water mains in advance of the collection of the special assessments assessed and levied to defray such assessed portion of the cost of such local improvements except water mains, and also the proceeds of each of the installments of all special assessments heretofore or hereafter assessed and levied by the City Council, which are to be paid in equal annual installments as provided in the next preceding section of this chapter. The portion of the cost of any improvement except water mains which is not to be assessed against benefited property shall be paid from the Permanent Improvement [Revolving] Fund of the City from the proceeds of bonds issued for that purpose or from such other moneys as may be available for such purpose. The payment out of said Permanent Improvement Revolving Fund shall be only that portion of the cost of improvements the payment of which has been provided for by such special assessments against benefited property and said fund shall be diverted to no other purposes except temporary loans, and any refunding of excess assessments as authorized in Section 26 and for repayment of any debt incurred to finance the improvements.

Section 13. That this ordinance shall take effect on January 1, 2015.