

City Code

Chapter 2

Administration

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Article 1. General Conditions

Sec. 2-1. City Boundaries.

The corporate limits of the City shall be as shown and indicated on the official map on file at City Hall. (Code 1966; Code of 2001)

Sec. 2-2. Special Assessments.

(1) The City deems it necessary to enact this Section because the State of Minnesota enacted Chapter 1095 in 1969 which amended Minnesota Statutes, Section 429.061, Subdivision 3. This amendment provides that the remaining balance of an assessment if paid in advance of the regular scheduled procedure for payment shall be paid to the City.

(2) When an assessment has been certified for collection to the County and a person desires to pay the remaining unpaid installments, the County is hereby authorized to establish the necessary procedures to make possible the payment of the balance to the County. This procedure shall be in lieu of making payment to the City as provided in Minnesota Statutes 1967, Section 429.061, Subdivision 3, as amended. The County is designated as an agent of the City in this matter.

(3) The County is authorized to collect installments for assessments along with the general property taxes. The purpose of this authorization is to afford the public the convenience of making payments at the same time. (Code 1966, Ord. No. 258, 11-25-69; Code of 2001)

Sec. 2-3. Deferment of Special Assessments.

At its discretion, the City Council may defer the payment of a special assessment adopted by the City when it determines by a 3/5 vote of all Council members that each of the following conditions are present:

- (1) The property upon which the assessment has been or is to be levied is homestead property.
- (2) One or more of the property owners is 65 years of age or older.
- (3) Payment of the assessment would be a hardship for the property owner. (Ord. No. 381, 1-11-77; Code of 1988; Code of 2001)

Sec. 2-4. Hardship Defined.

A hardship shall be deemed to prima facie exist when the average annual payment for all assessments levied against the subject property exceeds 1% of the adjusted gross income of the applicant as evidenced by the applicant's most recent Federal income tax return.

The average annual payment of an assessment shall be the total cost of the assessment, excluding interest, divided by the number of years over which it is spread.

The City Council may consider assessment deferral for other eligible applicants not meeting the prima facie test of this Section. (Ord. No. 381, 1-11-77; Code of 1988; Code of 2001)

Sec. 2-5. Determination of Interest Rate.

Deferred assessments shall carry an interest rate equal to the interest rate imposed on all other assessments for the same public improvement. (Ord. No. 381, 1-11-77; Code of 1988; Code of 2001)

Sec. 2-6. Application.

Application for a deferral shall be made on a form as prescribed by the City. (Ord. No. 381, 1-11-77; Code of 1988; Code of 2001)

Sec. 2-7. Termination of Deferment.

The deferment of payment of a special assessment shall cease and all amounts accruing plus interest shall become due and payable upon the occurrence of any of the events specified in this Section. At its discretion, the City Council may, at the time of termination of the deferral, provide for payment of the deferred sum in accordance with the terms of the original assessment.

- (1) The death of the property owner provided that the spouse is unable to qualify for deferment.
- (2) The sale, transfer, or subdivision of the property or any part thereof.
- (3) The homestead status of the property is lost.

(4) The City Council determines that immediate or partial payment of the assessment would no longer be a hardship. (Ord. No. 381, 1-11-77; Code of 1988; Code of 2001)

2-8. Personal Liability and Special Assessments.

- (1) **Authority.** This section is adopted pursuant to Minnesota Statutes Section 429.101.
- (2) **Personal liability.** Except as otherwise provided by law, the owner of property on which (or adjacent to which) a service has been performed under this Article, is personally liable for the cost of the service. As soon as the service has been completed and the cost is determined, the Finance Director or other designated City official will prepare a bill and mail it to the owner and thereupon the amount will be due and payable in the office of the Finance Director.
- (3) **Assessment.** On or before September 15th of each year, the Finance Director will list the total unpaid charges for current services against each separate lot or parcel to which they are attributable to under this section. The City Council may then levy the unpaid charges against the property as a special assessment under Minnesota Statutes Section 429.101 and other pertinent statutes, for certification to the county auditor, and collection along with current taxes the following year or in annual installments, not exceeding 10, as the Council determines.

2-9. Charges for Emergency Services; Collection; Collection of Unpaid Service Charges and Fees

- (1) **Authority.** This section is adopted pursuant to Minnesota Statutes Sections 415.01, 366.011, and 366.012.
- (2) **Charges for emergency services; collection.** The City may impose a reasonable service charge for emergency services, including fire, rescue, medical, and related services provided by the City or contracted for by the City. If the service charge remains unpaid for 30 days after a notice of delinquency is sent to the recipient of the service or the recipient's representative or estate, the City or its contractor on behalf of the City may use any lawful means allowed to a private party for collection of an unsecured delinquent debt. The City may also use the authority of Section 17-8(3) to collect unpaid service charges of this kind from delinquent recipients of services who are owners of taxable property in the City, or areas served by the City for emergency services.

The powers conferred by this section are in addition and supplemental to the powers conferred by any other law for a City to impose a service charge or assessment for a service provided by the City or contracted for by the City.

- (3) **Collection of unpaid service charges and fees.** If the City is authorized to impose a service charge or fee on the owner, lessee, or occupant of property, or any of them, for a governmental service provided by the City, the City may certify to the county auditor, on or before October

15th for each year, any unpaid service charges or fees which shall then be collected together with property taxes levied against the property. A charge or fee may be certified to the auditor only if, on or before September 15th, the City has given written notice to the property owner of its intention to certify the charge or fee to the auditor. The service charges or fees shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes. This section is in addition to any other law authorizing the collection of unpaid costs and service charges or fees. (Ord. 867, 9-24-19)

Section 2-10 – Section 2-15. Reserved.

Article 2. Council

Sec. 2-16. Date of Regular Election.

Commencing with the 2020 City election, the regular election for City officials shall be held annually on the first Tuesday after the first Monday in November of each even-numbered year. The 2019 City election is hereby cancelled. This provision is made pursuant to Minnesota Statutes, Section 205.07. (Code 1966; Ord. No. 336, 8-27-74; Code of 2001; Ord. No. 857, 12-12-2017)

Sec. 2-17. Effect of Change.

Whenever the change in the election year results in the expiration of any current term of office at a time when no City election is held in the months immediately prior thereto, each term is extended until the date for taking office following the next scheduled City election. (Code 1966; Ord. No. 336, 8-27-74; Code of 2001)

Sec. 2-18. Compensation for the Council.

Effective January 1, 1996, the annual compensation for the Mayor shall be \$8600 and the annual compensation for each of the Council members shall be \$7000. These salary amounts are set in accordance with Minnesota Statutes, Section 415.11. (Code 1966; Ord. No. 340, 9-24-74; Ord. No. 466, 10-23-79; Ord. No. 485, 10-27-81; Ord. No. 512, 10-25-83; Ord. No. 570, 7-11-89; Ord. 614, 10-10-95; Ord. No. 693, 10-9-01; Code of 2001)

Sec. 2-19. Rules.

The rules of procedure for the Council shall be established by resolution. (Code 1966; Code of 2001)

Secs. 2-20--2-30. Reserved.

Article 3. Eminent Domain Legislation

Sec. 2-31. General.

- (1) The purpose of this article is to establish the guidelines that the City Council will use in the future regarding the utilization of eminent domain or condemnation within the City of New Brighton.
- (2) In 2005, the United States Supreme Court decision in *Kelo v. City of New London* determined that a local government can utilize eminent domain to enhance its tax base and that economic development may qualify as a “public use” if a legislative body makes such a determination. The United States Supreme Court emphasized in its opinion that state or local municipalities may place further restrictions on its utilization of eminent domain or condemnation authority.
- (3) In 2006, the Minnesota Legislature amended Chapter 117 of the Minnesota Statutes in response to the *Kelo* decision to further restrict the power of the state, its agencies, and municipality’s use of eminent domain and condemnation for private or economic development.
- (4) The New Brighton City Council has determined that it is in the best interest of its citizens to limit the utilization of eminent domain or condemnation.

Sec. 2-32 Legal Authorization.

The City of New Brighton is a municipal corporation and a subdivision of the State of Minnesota organized and operating under Minnesota law, and is authorized by Minn. Stat., Secs. 412.211 and 465.01 and Ch. 469 to acquire real estate by exercising the power of eminent domain under and pursuant to Minn. Stat. , Ch. 117.

Sec. 2-33. Rules and Procedures.

- (1) In exercising the authority to utilize eminent domain or condemnation, the City Council’s termination of public use or public purpose shall be limited to the uses and purposes stated in Minnesota Statutes, Chapter 117.
- (2) Three public hearings must be held by the City Council prior to a formal vote authorizing the initiation of eminent domain or condemnation proceedings. An affirmative vote of two-thirds of the members of the entire City Council shall be required to make any finding that the proposed condemnation is for a proper public purpose and is not primarily for the purpose of economic development.
- (3) In exercising the powers of eminent domain or condemnation under Minnesota Statutes, a two-thirds vote of the entire City Council shall be required to authorize the initiation of eminent domain or condemnation proceedings. Only the New Brighton City Council may use eminent domain or condemnation to take property from private owners for a

public use or public purpose. Eminent domain or condemnation shall not be used by any other agency or instrumentality of the City of New Brighton.

- (4) Any future changes to Chapter 2 Article 8 of the City Code shall require three city-wide public hearings and an affirmative vote of two-thirds of the entire City Council before final adoption.
- (5) All areas of the existing New Brighton City Code that are in conflict with this article are hereby repealed. All areas of the City Code that are not in conflict herewith are hereby continued in full force and effect.
- (6) If any portion, clause, phrase, sentence, or classification of this article is held or declared to be unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the article.

(Ordinance No 762, adopted 7/22/2008.)

Article 2-34 - 2-53 Reserved.

Article 4. Commissions

Division 1 - General Conditions

Sec. 2-56. General.

The commissions are intended to utilize members of the community in an advisory capacity to assist the City Council and staff with achieving goals and objectives for the City and to ensure that the ideas of citizens are well represented in the policy making process. Commissioners serve at the pleasure of the City Council and membership of each commission should reflect the diverse community in which we live. The general operating principles in this Division shall apply to all commissions, committees, boards and task forces. (Ord. No. 610, 12-13-94; Code of 2001; Ord. 854, 9.26.2017)

Sec. 2-57. Definitions

(1) **Commission.** All boards, committees, task forces and commissions. (Ord. No. 610, 12-13-94; Code of 2001)

Sec. 2-58. Commission Size.

Unless otherwise noted, all commissions will have a maximum of nine members, a maximum of one student member, and an ex-officio member as set forth in this section. (Ordinance No. 813; 04-24-2012; Ord. No. 854, 9.26.2017)

Sec 2-59. Appointment.

The City Council shall appoint the members of all commissions and may fill vacancies for unexpired terms. (Ord. No. 610, 12-13-94; Code of 2001)

Sec. 2-60. Compensation.

Commission members shall serve without compensation. (Ord. No. 610, 12-13-94; Code of 2001)

Sec. 2-61. Terms for Commission Members.

(1) Unless otherwise noted, commission members will be appointed to a term of three years. Council may choose to shorten or modify a commissioner's term length for any reason at any time.

(2) The time period for each three-year term will be April 1st to March 31st.

(3) Commission terms will be staggered so the terms of approximately 1/3 of the members of each commission shall expire every year.

(4) In the event of death, removal, or ineligibility of a commission member to participate on an appointed body, the Mayor shall declare a vacancy in the position and shall appoint a person to fill the vacancy as soon as conveniently possible for the remainder of the term subject to approval by a

majority vote of the City Council present. (Ord. No. 610, 12-13-94; Ord. No 617, 11-14-95; Code of 2001; Ord. No. 854, 9.26.2017)

Sec. 2-62. Recruitment of Commissioners.

(1) The City Clerk will advertise for new members at least once per year and as directed by the City Manager.

(2) All commission candidates are required to complete a City application form in order to be considered for a commission appointment. This does not pertain to appointments to the Absentee Ballot Board whose members will be appointed from the roster of election judges approved by the City Council.

(3) In order to attract qualified members, existing commissioners will assist the City in identifying knowledge, skills, and abilities important to accomplishing its assigned duties and responsibilities. (Ord. No. 610, 12-13-94; Code of 2001)

(4) The City Council will evaluate the application materials submitted by each candidate and will consider the overall balance of diversity as well as the variety of individual skills, abilities, and geographic location throughout the City when evaluating the individual applications.

(5) Formal interviews are not required but may be used by the City Council when appointing individuals to a particular commission.

(6) The sole responsibility for appointment resides with the City Council as the confirming authority. There is no-guarantee of appointment or reappointment to any commission. (Ord 781, 7-14-2009)

Sec. 2-63. Student Commissioners

(1) The City Council may appoint student members to each commission.

(2) Student commission members will be appointed to a term of one year that begins in April 1st and ends March 31st.

(3) Student members have full discussion and voting rights. (Ord. No. 856, 11.14.2017; Ord. No. 882, 4.8.2021)

Sec. 2-64. Council Representation.

(1) The City Council shall appoint one of its members as an ex officio member of each commission for a term of one year. This member shall have full rights of discussion but will not be a voting member of the commission.

(2) The City Council may designate an alternate ex officio member from among their members to attend and participate in a commission meeting in the event of an absence of the regularly appointed

ex officio member. (Ord. No. 610, 12-13-94; Code of 2001)

Sec. 2-65. Staff Liaison.

The City Manager shall appoint one staff member to assist each commission. Unless otherwise noted, the staff liaison to each commission shall have full rights of discussion but will not be a voting member of the commission.

Sec. 2-66. Chairperson and Vice-Chairperson.

(1) Each commission shall annually recommend a chairperson and vice-chairperson from among their members to the Council for formal approval. The City Council shall annually designate a chairperson and vice-chairperson to serve as the presiding officer at meetings of the commission. The City Council may designate any member regardless of the commission's recommendation.

(2) As the presiding officer, the chairperson will be expected to provide leadership for the commission and to facilitate the conduct at regular meetings. The vice-chairperson is expected to prepare for a future chairperson role and to fill-in for the current chairperson in the event of an absence.

(3) All the following criteria shall be met when selecting the chairperson and vice-chairperson:

A. The member has demonstrated in-depth knowledge of the Commission's roles and responsibilities or has an applicable background that demonstrates an ability to lead a commission

B. If the member has previously served on the commission or any commission, the member has a good attendance record and expects to be able to make all meetings while serving as chairperson or vice-chairperson.

C. The member has demonstrated leadership and involvement in past activities of the commission or has other applicable experiences that would qualify them to lead a commission.

D. The member has demonstrated the ability to understand and further the City Council's overall mission, specifically relating to the commission's responsibilities.

E. A chairperson or vice chairperson understands and agrees to manage commission business in a fair and impartial fashion and in a manner consistent with any training provided by staff or Council directives.

(4) A commission chairperson or vice-chairperson that is appointed by the Council shall serve one year in this capacity and may be reappointed.

(5) Any commission chairperson or vice-chairperson may be removed from office by a majority vote of the City Council. (Ord. 856, 9.26.2017)

Sec. 2-67. Record of Action.

In accordance with Minnesota State Statute 15.17, each commission will work with City staff to maintain a public record of its discussions, recommendations and other activities. Minutes will be kept of each meeting and forwarded to the City Council upon approval by a majority of a quorum of the commission. (Ord. No. 610, 12-13-94; Code of 2001)

Sec. 2-68. Reports.

The chairperson of each commission shall present an annual report to the City Council at a regular Council business meeting in the first quarter of the City's budgetary year. This annual report must include a summary of activities and accomplishments of the commission during the previous year in addition to the commission's work plan for the current year. (Ord. 811, 03-27-2012)

Sec. 2-69. Qualifications and Expectations

(1) Unless otherwise specified, each member of any Commission shall be a resident of the City during their term of service.

(2) Each commission and its individual members are responsible for complying with applicable state laws including open meeting and data practice laws.

(3) All commission members shall refrain from bidding or entering into any contracts, agreements, or other engagements with the City while serving on a commission or creating or participating in any situation where a real or perceived conflict of interest may exist. (Ord. No. 735, 1-24-06, Code of 2001; Ord. 854, 9.26.2017)

(4) Each commission and its individual members are responsible for conducting their business consistent with city policies as described in the Commissioner Handbook as it is amended from time to time.

(5) Each commission is expected to operate in alignment with the City's Strategic Priorities and the City's Equity Strategic Action Plan as they are amended from time to time.

(6) Any member of a commission may be removed from office by a majority vote of the City Council for any reason. (Ord. No. 610, 12-13-94; Code of 2001)

Sec. 2-70. Absence of Members.

Attendance at meetings is of the utmost importance in carrying out the work of a commission. If a member misses four of the scheduled meetings during the commission calendar year (April through March), the member's seat may become vacated and the City Council can begin the process of filling the vacated seat. The City Manager shall be responsible for notifying the member of the intended and resulting action. (Ord 781, 7-14-2009, Ord. 797, 03-22-2011, Ord. 811, 03-27-2012))

Sec. 2-71. Leaves of Absence.

For a variety of reasons, commission members may need to take a leave of absence for period of time. Members of any commission or committee may request in writing to the City Council a leave of absence not to exceed four months from their appointed position. Leaves of absence will be granted at the discretion of the City Council. (Ord 781, 7-14-2009)

Sec. 2-72. Task Forces and Subcommittees.

(1) With prior approval of the City Council, a commission may organize a task force to study and report to the Commission, and ultimately the City Council, on specific matters. After reporting its findings to the City Council, the task force shall terminate unless the City Council directs further action by the task force. A task force may include members of commissions, as well as other qualified residents or business representatives.

(2) Commissions may appoint a subcommittee consisting only of its members to complete special assignments. Reports of the subcommittee must be approved by the full commission before recommendations are made to the City Council.

(3) The City Council may appoint a task force to study and report on specific matters.

Secs. 2-73--2-79. Reserved.

Division 2 - Parks, Recreation, and Environmental Commission

Sec. 2-80. Established.

A Parks, Recreation, and Environmental Commission shall be established for the City. (Ord. No. 610, 12-13-94; Code of 2001)

Sec. 2-81. Purpose.

The Parks, Recreation and Environmental Commission shall advise and make recommendations to the City Council regarding environmental stewardship and sustainability, recreational programs, parks and open space in the community.

(Ord. No. 610, 12-13-94; Code of 2001)

Sec. 2-82. Duties and Responsibilities.

Specifically, the duties and responsibilities of the Parks, Recreation and Environmental Commission shall be to:

- (1) Advise the City Council on cooperative agreements and policies with other public and private agencies, groups or individuals relative to recreational programs and facilities; and,
- (2) Advise architectural engineers or other land use applicants on the preparation of specific plans related to parkland and needs prior to their presentation to the City Council for formal approval; and,
- (3) Initiate, research, periodically review and recommend policies and plans for parks, recreation programs, use of open space and trail systems; and,
- (4) Develop and make recommendations to maintain a Comprehensive Parks Plan in addition and provide comment to the Planning Commission regarding updates to the portion of the City's Comprehensive Plan relating to open space needs, parks and recreation programs, and trail systems; and,
- (5) Periodically update an assessment of current programs regarding open space, parks and recreation, and trail systems; and,
- (6) Keep the School District and other partnering agencies informed, seeking their participation and cooperation in the use of park land, buildings, and equipment.
- (7) Perform other duties as directed by the City Council. (Ord. No. 610, 12-13-94; Code of 2001)

Secs. 2-83--2-99. Reserved.

Division 3 - Economic Development Commission

Sec. 2-100. Established.

An Economic Development Commission shall be established for the City. (Ord. No. 610, 12-13-94; Code of 2001)

Sec. 2-101. Purpose.

The purpose of the Economic Development Commission shall be to advise the City Council on matters concerning industrial and commercial development in the City. (Ord. No. 610, 12-13-94; Code of 2001)

Sec. 2-102. Members of the Commission.

The Commission shall consist of:

(1) The membership of this commission may be open to any resident or non-resident affiliated with a New Brighton business who is interested in the business climate and economic direction of the City. There shall at least five (5) New Brighton residents represented on the Commission. (Ord. No. 610, 12-13-94; Ord. No. 653, 1-26-99; Ord. No. 666, 1-25-00; Code of 2001, Ord 781, 7-14-2009)

Sec. 2-103. Duties and Responsibilities.

The specific duties and responsibilities of the Economic Development Commission shall be to:

(1) Assist and advise the City in preparing economic development marketing plans, business retention programs, and developing different strategies that could be utilized in attracting real estate development opportunities to the City.

(2) Aid the City Council and Planning Commission in the proper strategic development of areas suitable for real estate development. Recommend long and short range plans and strategies for real estate development.

(3) Confer with and advise the City Council, Planning Commission, and staff of the Community Development Department on all matters concerning real estate development.

(4) Assist with and provide insight on developing, compiling, coordinating, and publicizing information on matters concerning industrial and commercial development. Provide advice and assist with the collection of data and information pertinent to the economic well-being of the City.

(5) Assist in the preparation and implementation of plans and strategies for business retention.

(6) Support the activities and endeavors of New Brighton business organizations.

(7) Perform other duties as directed by the City Council. (Ord. No. 610, 12-13-94; Code of 2001, Ord 781, 7-14-2009)

Secs. 2-104--2-119. Reserved.

Division 4 - Planning Commission

Sec. 2-120. Established.

A Planning Commission shall be established for the City. (Ord. No. 610, 12-13-94; Code of 2001)

Sec. 2-121. Purpose.

The purpose of the Planning Commission shall be to advise the City Council on all land use planning matters and perform operations and procedures outlined in Minnesota Statutes, Section 462.354. (Ord. No. 610, 12-13-94; Code of 2001)

Sec. 2-122. Members of the Commission.

(1) The Planning Commission shall be composed of seven persons, a maximum of one student member, and an ex-officio member as set forth in Chapter 2, Article 4, Division 1 – General Provisions.

Sec. 2-123. Duties and Responsibilities.

The specific duties and responsibilities of the Planning Commission shall be to:

(1) Develop and make recommendations to the City Council regarding the maintenance of the Comprehensive Plan of the City.

(2) Develop and make recommendations to the City Council regarding land use regulations needed to implement the Comprehensive Plan of the City.

(3) Advise the City Council of findings of fact and recommend actions regarding applications and proposals concerning land use, comprehensive planning, zoning, platting, changes in streets and other matters of a general planning nature.

(4) Maintain ongoing relationships with and awareness of the activities of other City Commissions working in tandem to achieve the strategic goals and objectives of the City.

(5) Perform other duties as directed by the City Council. (Ord. No. 610, 12-13-94; Code of 2001)

Secs. 2-124--2-129. Reserved.

Division 5- Public Safety Commission

Sec. 2-130. Established.

A Public Safety Commission shall be established for the City. (Ord. No. 610, 12-13-94; Code of 2001)

Sec. 2-131. Purpose.

The purpose of this Commission shall be to advise the City Council on matters that relate to the goals, policies, and operation of public safety functions. (Ord. No. 610, 12-13-94; Ord. No. 626, 2-11-97; Code of 2001)

Sec. 2-132. Duties and Responsibilities.

The specific duties and responsibilities of the Public Safety Commission shall be to:

- (1) Assist the Public Safety Department in assessing community attitudes and concerns about public safety services.
- (2) Assist the Public Safety Department in developing long range strategic plans.
- (3) Assist the Public Safety Department in developing and monitoring achievement of performance measures regarding strategic plan goals and objectives.
- (4) Perform other duties as directed by the City Council. (Ord. No. 610, 12-13-94; Code of 2001)

Section 2-133--134. Reserved.

Division 6 –Equity Commission

Sec. 2-135. Established.

An *Equity Commission* shall be established for the City.

Sec. 2-136. Purpose.

The purpose of this Commission is to advise the City Council on: issues and goals related to diversity, equity and inclusion. It will focus city policy conversations and governance decisions with equity in mind.

Sec. 2-137. Definitions.

- (1) **Equity.** Freedom from systemic bias or favoritism; Parity across differences; Product and service access, opportunity, quality, and outcomes that do not vary by race, ethnicity, language, age, gender or other meaningful differences.

Sec. 2-137. Duties and Responsibilities.

The duties and responsibilities of the Equity Commission shall be to:

- (1) Advise the City Council regarding diversity, equity and inclusion representation, privileges, intercultural relations, race relations, cultural place-making and other situations affecting outcomes for underrepresented, marginalized populations in the City of New Brighton.
- (2) Analyze the impact of policy and budget decisions on equity outcomes.
- (3) Advise the City Council on good governance practice, policy, regulations, and ethics for improving equity.
- (4) Advocate for equity with all of the City’s governing environments and work in tandem with the Equity Strategy Team to ensure and support the organizational capacity of the city to operationalize equity.
- (5) Perform other duties as directed by the City Council. (Ord. No. 885, 5-25-21)
- (6) The Equity Commission may also address issues of Human Rights including supporting regional human rights organizations and endeavors.

Sec. 2-138 – Sec. 2 - 149. Reserved.

Article 5. Licenses and Permits

Sec. 2-150. General Conditions.

This Article provides general terms for licenses and permits required by the City including building permits, variances, rezonings, planned unit developments, plats, subdivisions, municipal licenses, and contractor licenses. (Ord. No. 380, 1-11-77; Code of 2001)

Sec. 2-151. Withdrawal of an Application.

This Section provides the terms for withdrawal by the applicant of a request for a license or permit.

(1) When issuance of the license or permit does not require approval by the City Council, the applicant may withdraw the application by submitting a written request to the City. The written request shall indicate that withdrawal is being made by the applicant and does not constitute a denial by the City.

(2) When issuance of the license or permit does require approval by the City Council, the applicant may withdraw the application by submitting a written request to the City Manager provided that the request is received before the item is placed on the final Council agenda. The written request shall indicate that withdrawal is being made by the applicant and does not constitute a denial by the City.

(3) When issuance of the license or permit does require approval by the City Council and the item appears on the agenda, the applicant may withdraw the application by submitting a written request to the City Council. The written request shall indicate that withdrawal is being made by the applicant and does not constitute a denial by the City. The City Council may accept or reject the request. (Ord. No. 380, 1-11-77; Code of 2001)

Sec. 2-152. Failure to Comply.

The application from any applicant who indicates an interest in withdrawing the application but does not comply with the provisions of Section 2-151 shall be considered to be denied. (Ord. No. 380, 1-11-77; Code of 2001)

Sec. 2-153. Refund of Fees.

The terms of this Section shall apply to the refunding of an application fee.

(1) No application fee shall be refunded unless specifically authorized by the City manager or his/her designee. An applicant must submit a written request which includes the reason for the refund to be eligible for a refund.

(2) In receiving the request for a refund, the City Manager or his/her designee shall consider the costs incurred in processing the application. A partial refund up to \$10,000 may be authorized by the City Manager. In its discretion, the City Manager may deny a request for a refund.

(3) An application which is denied for failure to comply as specified in Section 2-152 shall not be eligible for a refund. (Ord. No. 380, 1-11-77; Code of 2001; Ord No 755 2-20-2008)

Sec. 2-154. Exceptions.

Whenever the provisions of this Article shall be in conflict with a part of the Code which specifically regulates a particular license or permit, the specific section shall apply. (Ord. No. 380, 1-11-77; Code of 2001)

Secs. 2-155--2-159. Reserved.

Article 6. Sale of Long Lake Park

Sec. 2-160. General Conditions.

The City Council has determined that revenues derived from the sale of the Long Lake Park lands and the interest generated by the investment of those revenues shall be used in a manner consistent with the purpose of the 1967 Park Bond issue. (Ord. No. 507, 6-14-83; Code of 2001)

Sec. 2-161. Management of the Proceeds.

The following terms shall apply in the management of the sale proceeds:

- (1) The principal shall be deposited in an interest earning account and shall not be reduced.
- (2) Procedures established in this Section may not be changed except by a 4/5 vote of the Council.
- (3) The Parks, Recreation, and Environmental Commission shall be given an opportunity to review and comment on proposed changes to this Article.
- (4) Interest earned from the investment of the proceeds shall be expended in the following manner:
 - A. The Parks Capital Improvement Fund shall be reimbursed for the Long Lake Park attorney fees charged to that account.
 - B. The General Fund shall be reimbursed from the Proceeds Fund for expenses incurred in the operation and maintenance of Long Lake Regional Park.
 - C. Interest from the Proceeds Fund which is not expended in the previously described manner shall be used in the Parks Capital Improvement Fund as a first priority and then for expenses of the Parks and Recreation Department as a second priority. (Ord. No. 507, 6-14-83; Ord. No. 610, 12-13-94; Code of 2001)

Secs. 2-162--2-169. Reserved.

Article 7. Development Fund

Sec. 2-170. Declaration of Intent.

The City shall maintain a Development Fund as a revolving fund which shall be used at the discretion of the City Council for the benefit of all projects and programs. To the extent possible, the Fund shall be maintained as an ongoing fund which shall be replenished in accordance with the terms of this Article. (Ord. No. 527, 2-26-85; Code of 2001)

Sec. 2-171. Purpose.

The Development Fund shall be used for the following purposes:

- (1) To provide support for projects that require unexpected or interim financial assistance.
- (2) To provide a source of funding that can be used to avoid the need for or reduce the extent of long-term debt.
- (3) To provide a single depository for any short-term debt.
- (4) To centralize financial control of assisted projects and programs.
- (5) To provide a depository for monies.
- (6) To facilitate the establishment of accounts including:
 - A. *Housing Account.* Monies in this account shall be used to promote the City's housing goals, especially the development of elderly housing.
 - B. *Project Account.* This account shall be a depository of all monies not placed in the housing account. (Ord. No. 527, 2-26-85; Code of 2001)

Sec. 2-172. Regulation and Process.

Use of the Development Fund must adhere to the following:

- (1) The expenditure of any monies from an account and the transfer of monies between accounts shall require a 4/5 vote of the City Council.
- (2) The removal of any monies from the Development Fund for purposes other than those specified in Section 2-171 shall require a 4/5 vote of the City Council.
- (3) Any project or program to be financed using the Development Fund must be within a project area as defined in Minnesota Statutes, Chapter 472(A) or 462.
- (4) Development Fund monies should be adequately secured by liens, ownership options, tax increment, security bonds, guarantees, development agreements, and other similar means.
- (5) To reduce risk, the money should be allocated to a number of projects and programs if possible. (Ord. No. 527, 2-26-85; Code of 2001)

(6) Reasonable interest rates should be charged for use of the money and the credit worthiness of the borrower shall be assured. The current rate for general obligation bonds shall be used as an indicator of the minimum appropriate interest rate.

(7) An annual status report on the Fund shall be prepared for the City Council. (Ord. No. 527, 2-26-85; Code of 2001)

Secs. 2-173--2-179. Reserved.

Article 8. Requests for Municipal Development Financial Assistance

Sec. 2-180. General Conditions

The City is authorized to conduct certain economic development activities under Minnesota Statutes, Chapter 469. The purpose of this Article is to regulate how the City processes requests for economic development assistance by private parties, including private for-profit and non-profit entities,

Sec. 2-181. Regulation and Process.

- (1) All requests for assistance shall be made in writing on forms approved by the City Manager or the Manager's designee.
- (2) The City Council shall establish by resolution the amount of all application fees and related charges to be paid at the time of application. These fees and charges are non-refundable, unless waived by the City Council.
- (3) All requests for assistance shall be handled in a two step process, as described below:
 - Step 1:
 - (A) Interested parties shall complete an exploratory application and pay a fee to the City.
 - (B) The exploratory application shall provide a written narrative of the proposed project and an explanation of the financial assistance that is needed.
 - (C) The City shall refer the exploratory application to the City Council for discussion at a available work session. If the City Council shows interest in the project, the Applicant shall be directed to complete the process described in Step 2. The City Council reserves any and all rights with respect to providing or declining to provide financial assistance to the project.
 - Step 2:
 - (D) The Applicant shall pay a separate fee for the Step 2 review process.
 - (E) The Applicant shall provide additional background information on the project, which at a minimum must include a project sources and uses statement, a cash flow statement and other information deemed appropriate by the City.
 - (F) The Applicant shall provide a description of the project goals, such as the scope of Development; number of jobs created and/or housing units to be built; and the proposed development schedule.
 - (G) The Applicant shall provide a list of the project team members including the principal developer, partners, architects, engineers, attorneys and other professionals. This should also include a summary of their experiences on development projects.
 - (H) The Applicant shall provide a description of at least three (3) previous projects that have been completed by the Applicant or are in process at the time of application.
 - (I) Other information, as deemed appropriate by the City.
 - (J) All Step 2 applications shall be referred to the Economic Development Commission for review and recommendation, prior to consideration by the City Council.
- (4) If the City Council approves the Step 2 application, City Council may authorize the preparation of a term sheet and/or contract for private redevelopment. The Applicant shall make a cash

deposit to the City for payment of professional services required by the City, including preparation of legal agreements; public notices; tax increment financing plans; document recordings and other costs incurred by the City.

- (5) In the event an Applicant does not proceed with a project, the City shall refund any monies held in the escrow account, but only after deducting sufficient funds to pay outstanding bills for professional services. All Step 1 and 2 application fees are non-refundable, unless waived by the City Council.

Sec. 2-183. Types of Assistance

The City may provide municipal development financial assistance as authorized under Minnesota law. The City Council may adopt a separate policy with regard to the criteria for selecting projects and determining the level of financial assistance. (Ord No 774, 3-10-2009.)

Sec. 2-184—2-189. Reserved.

Editor's Comments
City Code-Chapter 2
Administration

This Chapter has been renumbered to be consistent with the numbering system used throughout the Code:

The first division within a Section is numbered "(1)" followed by "(2), etc.

The next division of a Section is numbered with an "A" followed by "B", etc.

Sections 2-3 through 2-7. These sections originally were contained in Chapter 27.5. The change permits all discussion of assessments to be handled within a single Article.

Sections 2-31-2-55. These sections deal with matters of maintenance and construction of the Code. The sections have been moved to Chapter 1 (Sections 1-12 through 1-19) to consolidate discussion of this topic in a single location.

Section 2-45. The statutory privilege to publish a summary of an ordinance has been incorporated into the Code.

Section 2-92 (4). The assignment of "other duties" to the Public Policy Commission has been added as a duties and responsibilities. A similar assignment has been provided for all of the other Commissions.

Section 2-123. The criteria for selection of the Chairperson for the Planning Commission is expanded to include consideration of the general terms for selection of all other Chairpersons.

Margaret A. Egan
Finance Director/City Clerk
February 3, 2000

Sections 2-140, 141 and 142 – Division 5 – Police Civil Service Commission were dissolved by Ord. No. 842 on February 23, 2016

Terri Haarstad, City Clerk
March 10, 2016