

# City Code

## Chapter 2

### Administration

**Article 1. General Conditions, §§ 2-1--2-15**

**Article 2. City Council, §§ 2-16-- 2-30**

**Article 3. Eminent Domain Legislation §§ 2-31--2-33**  
**Reserved, §§ 2-34--2-55**

**Article 4. Commissions, §§ 2-56--2-149**

*Division 1. General Conditions, §§ 2-56--2-76*

*Division 2. Parks, Recreation, and Environmental Commission, §§ 2-77--2-89*

*Division 3. Public Policy Commission, § 2-90--2-99*

*Division 4. Economic Development Commission, §§ 2-100--2-109*

*Division 5. Communication Advisory Commission, §§ 2-110--2-119*

*Division 6. Planning Commission, §§ 2-120--2-129*

*Division 7. Public Safety Commission, §§ 2-130--2-139*

**Article 5. Licenses and Permits, §§ 2-150--2-159**

**Article 6. Sale of Long Lake Park, §§ 2-160--2-169**

**Article 7. Development Fund, §§ 2-170--2-179**

**Article 8. Requests for Municipal Development Financial Assistance §§ 2-180--2-189 (Ord 774-3-10-2009)**

### 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 purpose of this Article is to establish various advisory commissions. 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. As City Council make up changes from time to time, it is appropriate that the membership of each commission changes to reflect the direction of the City Council. The general operating principles in this Division shall apply to all commissions. (Ord. No. 610, 12-13-94; Code of 2001; Ord. 854, 9.26.2017)

#### **Sec. 2-57. Name.**

All boards, committees, and commissions will be named "commissions". (Ord. No. 610, 12-13-94; Code of 2001)

#### **Sec. 2-58. Commission Size.**

All commissions will have a maximum of nine members with the exception of the Public Safety Commission. The Public Safety Commission shall be comprised of nine members. Council may appoint student members to any commission from time to time. (Ordinance No. 813; 04-24-2012; Ord. No. 854, 9.26.2017)

#### **Sec 2-59. Appointment.**

Commission members will be appointed by the City Council. (Ord. No. 610, 12-13-94; Code of 2001)

#### **Sec. 2-60. Removal from a Commission.**

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

#### **Sec. 2-61. Compensation.**

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

#### **Sec. 2-62. Terms for Commission Members.**

(1) New 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 1<sup>st</sup> to March 31<sup>st</sup>.

(3) 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.

(4) To the extent practical, Commission appointments will be varied so the terms of approximately 1/3 of the members of each commission shall expire every year. (Ord. No. 610, 12-13-94; Ord. No 617, 11-14-95; Code of 2001; Ord. No. 854, 9.26.2017)

**Sec. 2-63. Chairperson and Vice-Chairperson.**

(1) Each commission shall annually recommend a chairperson and vice-chairperson to the Council for formal approval. The City Council may appoint any member, regardless of the Commission's recommendation. The City Council shall annually confirm a chairperson and vice-chairperson to represent each commission.

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.

- (2) 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.
  - €. 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.
  - Đ. 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.

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

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

**Sec. 2-64. Recruitment of Commissioners.**

(1) Under the City Manager's direction, the City Clerk will advertise for new members at least once per year to create a candidate pool for future vacancies.

(2) All commission candidates are required to complete a City application form in order to be considered for a commission appointment.

(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. In addition, the City Council will strive to make appointments that reflect the diversity of the community. (Ord. No. 610, 12-13-94; Code of 2001)

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

(5) When conducting recruitments for the City's various commissions, members of the City Council will place an emphasis on variety of individual skills, aptitudes, and geographic location throughout the City when evaluating the individual applications.

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

(7) The City Council will evaluate the application materials submitted by each candidate. There is no implied guarantee of appointment or reappointment to any City Commission or task force. The sole responsibility for appointment resides with the City Council as the confirming authority. (Ord 781, 7-14-2009)

#### **Sec. 2-65. Council Representation.**

The City Council shall appoint one of its members as an ex officio member of the 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. At its discretion, the Council also may appoint other ex officio members. (Ord. No. 610, 12-13-94; Code of 2001)

#### **Sec. 2-66. Reports.**

The chairperson of each commission shall make a report to the City Council once a year. The report will be made at a regular Council meeting and will include a summary of issues and accomplishments of the commission during the past year. Also, the report shall preview future issues and projects. (Ord. 811, 03-27-2012)

#### **Sec. 2-67. Rules and Procedures.**

(1) Each commission shall follow and adhere to the commission code of conduct.

(2) The rules, directives or codes of conduct may be amended from time to time by the City Council.

(3) All meetings shall comply with-Minnesota's open meeting laws.

#### **Sec. 2-68. 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. 2-69. 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. 2-70. Record of Action.**

Each commission will keep a public record of its resolutions, transactions, and findings. 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. 2-71. 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 citizens 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.

**Sec. 2-72. Commissioner involvement with City business/contracts**

(1) 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)

**Sec. 2-73. Student Commissioners**

The City Council may appoint student members to each commission. Students are voting members of each commission except for the Planning Commission. The student member of the Planning Commission shall act as an ex officio member of the commission. The member shall have full rights to discussions and opinions, but shall not be a voting member. (Ord. No. 856, 11.14.2017)

**Secs. 2-74--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 purpose of this Commission is to advise the City Council on:

- (1) The proper use and care of the parks and the natural environment.
- (2) Policies covering recreation activities. (Ord. No. 610, 12-13-94; Code of 2001)

**Sec. 2-82. Duties and Responsibilities.**

The duties and responsibilities of this Commission shall be to:

- (1) Oversee the activities of public and private agencies in New Brighton with concern for their effects on the quality of the parks and environment.
- (2) Raise issues and concerns for staff and the City Council to consider regarding these activities.
- (3) Consider current and proposed plans and operations of municipal activities as they affect or concern parks, the environment, and recreation activities.
- (4) Seek community opinion as appropriate on recommendations to improve plans and operations.
- (5) Monitor the condition of park property and community environmental conditions and practices and evaluate and recommend actions for improvement.
- (6) Keep the School District informed and seek its participation and cooperation in the use of schools and 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 this 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 Economic Development Commission shall consist of nine (9) members appointed by the City Council. The membership 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.

(2) The City's Community Development Director shall serve as ex officio members of 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 mission of the Economic Development Commission is:

(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.

The duties and responsibilities of this Commission shall be to:

(1) 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.

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

(3) Cooperate with and coordinate activities with New Brighton business organizations.

(4) 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 this Commission shall be to advise the City Council on all land use planning matters. (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.
- (2) Members will be appointed for a term of three years.
- (3) All Planning Commission members shall be selected by the City Council.
- (4) The City Council may require the drafting of minimum standards which must be met for a person to be eligible to serve as a member of the Planning Commission.
- (5) An appointee shall hold office until a successor is appointed and qualified. (Ord. No. 610, 12-13-94; Code of 2001)

**Sec. 2-123. Chairperson.**

During the annual organization meeting, the City Council shall appoint a member of the Planning Commission to serve as the chairperson giving consideration to the criteria of Section 2-64. The term of the chairperson shall be one year. (Ord. No. 610, 12-13-94; Code of 2001)

**Sec. 2-124. Duties and Responsibilities.**

The duties and responsibilities of this Commission shall be to:

- (1) Develop, maintain, and review the comprehensive plan and make recommendations on this document prior to its submission to the City Council.
- (2) Review all planning matters as required by the which the City Code. The Planning Commission shall report the results of such reviews to the City Council by means of a resolution making findings of fact and recommending action to be taken.
- (3) Further review and make recommendations on other planning matters when so directed by the City Council.
- (4) Maintain ongoing relationships with and awareness of the activities of the Economic Development Commission including agendas, discussions, and actions through attendance at meetings, staff updates, and sharing of meeting minutes.
- (5) Perform other duties as directed by the City Council. (Ord. No. 610, 12-13-94; Code of 2001)

**Sec. 2-125. State Law.**

The operations and procedures of the Planning Commission shall be carried out in compliance with Minnesota Statutes, Sections 462.351 through 462.365. (Ord. No. 610, 12-13-94; Code of 2001)

**Secs. 2-126--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 and human rights issues, and maintain a liaison with the Police Civil Service Commission. (Ord. No. 610, 12-13-94; Ord. No. 626, 2-11-97; Code of 2001)

**Sec. 2-132. Duties and Responsibilities.**

The duties and responsibilities of this Commission shall be to:

- (1) Assist the Public Safety Department in assessing community attitudes towards 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)

**Sec. 2-133. Members of the Commission.**

The Public Safety Commission shall consist of ten (10) members appointed by the City Council. One of the council appointees to the Public Safety Commission shall be a current member of the Volunteers in Public Safety (VIPS). (Ord. No. 610, 12-13-94; Ord. No. 626, 2-11-97; Code of 2001. Ordinance No. 813; 04-24-2012))

**Sec. 2-134. Human Rights.**

Up to three members of the Commission shall be appointed to assume the duties and responsibilities necessary to oversee human rights issues for the City including:

- (1) Participation in regional human rights organizations and endeavors on behalf of New Brighton, particularly with the Minnesota League of Human Rights Commission.
- (2) Monitor and advise the City Council on efforts to create equal opportunity and eliminate discrimination. (Ord. No. 610, 12-13-94; Code of 2001)

**Secs. 2-135--139. 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