



COUNCIL CONFERENCE MEETING

April 25, 2022

5:30 PM

Fridley Civic Center, 7071 University Avenue NE

AGENDA

1. Firefighters Labor Agreement (No written report.)
2. Recodification Update: Title 2 (Administration)
3. Proposed Resolution No. 2022-40, Deeming All Funds Received Under ARPA as Reimbursement of Lost Revenue
4. Park System Improvement Plan Bond Issuance Discussion

The City of Fridley will not discriminate against or harass anyone in the admission or access to, or treatment, or employment in its services, program, or activities because of race, color, creed, religion, national origin, sex, disability, age, marital status, sexual orientation or status with regard to public assistance. Upon request, accommodation will be provided to allow individuals with disabilities to participate in any of Fridley's services, programs, and activities. Hearing impaired persons who need any interpreter or other persons with disabilities who require auxiliary aids should contact Roberta Collins at (763) 572-3500. (TTD/763-572-3534).



AGENDA REPORT

Meeting Date: April 25, 2022

Meeting Type: City Council Conference Meeting

Submitted By: Melissa Moore, City Clerk

Title

Recodification Update: Title 2 (Administration)

Background

Pursuant to Minnesota Statute § 415.02 and Fridley City Charter (Charter) § 1.02, the City Council (Council) may codify and publish ordinances that carry the force and effect of law for the City of Fridley (City), which may be arranged into a system generally referred to as the Fridley City Code (Code).

On August 23, 2021 the Council authorized and directed efforts related to recodification of the Code by adopting Resolution No. 2021-67. Following the process established by the City Manager for revising each chapter of the Code, staff are ready to present drafts of several chapters to be found in Title 2 (Administration) of the Code: Administration, Personnel, Background Investigations, Penalties, Ordinance Enforcement, Reasonable Accommodation, Assessments, Absentee Ballot Board, and Flags. At this time staff are not prepared to present drafts of the Administrative Citations or Fees chapters. These chapters will be presented to the Council for comment at a later Conference Meeting date.

To explain proposed revisions to chapters, and the rationale for the proposed revisions, the City Manager created Recodification Reports that will accompany any chapter amendment that propose substantive changes to the Code. If a chapter does not propose substantive changes, there will be no corresponding Recodification Report. Staff will present proposed changes to Title 2 to the Council, take questions and solicit feedback and further direction. Based on such feedback and direction, staff will make additional changes to Title 2.

Attachments and Other Resources

- Chapter 200, Administration and Recodification Report
- Chapter 201, Personnel and Recodification Report
- Chapter 202, Background Investigations and Recodification Report
- Chapter 204, Penalties and Recodification Report
- Chapter 205, Ordinance Enforcement and Recodification Report
- Chapter 206, Reasonable Accommodation
- Chapter 207, Assessments and Recodification Report
- Chapter 208, Absentee Ballot Board
- Chapter 802, Flags and Recodification Report

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



RECODIFICATION REPORT

Introduction

To aid accessibility and clarity in understanding of proposed updates to large, and sometimes complicated chapters of the Fridley City Code (Code), this Recodification Report (Report) will accompany select ordinances as they are introduced to the City Council. The Report will illuminate substantive changes to the Code (e.g., addition or removal of a section, fee changes, policy updates, etc.). It will not point out grammatical, punctuation, renumbering, or stylistic changes.

Title Placement

- ☐ Title 1 – General Provisions
- ☒ Title 2 – Administration
- ☐ Title 3 – Licensing
- ☐ Title 4 – Health, Safety and Welfare
- ☐ Title 5 – Public Nuisance

- ☐ Title 6 – Lands and Buildings
- ☐ Title 7 – Zoning
- ☐ Title 8 – Franchises, Utilities and Right-of-Way
- ☐ Title 9 – Public Ways and Places
- ☐ Appendices

Chapter Information

Chapter Title: Administration

Recodification Liaisons: Melissa Moore, City Clerk

Current Chapter Number: 2

New Chapter Number: 200

Substantive Changes

Section Number	Current Code	Proposed Changes
200.06.02	This section requires the City to have an initial insurance fund of \$50,723.	Upon recommendation of the City Attorney, this section is removed as the fund is established in the preceding section. Establishing a required dollar amount is not necessary.

Fridley City Code
Chapter 2-~~200~~ Administration

~~2.01-200.01~~ City Manager

The Fridley City Council (Council) shall exercise administrative control exclusively through the City Manager. As such, the City Manager is the Chief Administrative Officer of the City and is empowered and obligated to perform and enforce the provisions of the Charter of the City and all the laws, ordinances and resolutions of the City. The subordinate officers of the City and its employees are obligated to carry out and perform the duties and functions of their office or employment, including the enforcement of the Fridley City Charter (Charter) and all laws, ordinances and resolutions of the City where appropriate to the duties and functions of their office or employment, or as may be assigned or delegated to them.

~~2.02-200.02~~ Organizational Structure

The City Manager shall develop and be responsible for an organizational structure which best meets the needs of the City. The various departments and divisions which comprise the organizational structure shall be confirmed by resolution of the ~~City-Council~~. The City Manager shall have the sole authority to appoint, create, contract for, and remove the positions necessary to complete the required duties for the authorized departments.

~~2.03-200.03~~ Deputy City Clerk

The City Manager may designate an employee of the City as a "Deputy City Clerk" who shall have authority to act for and ~~in~~ on behalf of the City Clerk during the absence of the City Clerk from the City Hall.

~~2.04-200.04~~ Compensation

The City Manager and all subordinate officers and employees of the City receive such reasonable compensation as may be fixed by the Council under ordinance or resolution establishing and fixing such compensation separately or as a part of a schedule for all officers and employees.

~~2.05-200.05~~ Legal Defense

In the lawful and good faith performance of the functions and duties of their respective offices and employment and the enforcement of the Charter ~~of the City~~, and all the laws, ordinances and resolutions and regulations of the City, as a part thereof, the officers and employees of the City, including the police officers, act as agents and representatives of the City and are entitled to all rights, privileges and immunities to their persons and properties as are accorded by law of the State of Minnesota and the Charter ~~of the City of Fridley~~. No officer or employee is or shall be held personally liable to any person for any claim or loss arising from or out of the lawful and good faith performance of the duties and functions of such officer or employee; ~~and whenever~~ Whenever a claim of loss or damage is made against an officer or employee personally by

reason of an act or omission done in the lawful and good faith performance of the duties and functions of such officer or employee; and whenever a claim of loss or damage is made against an officer or ~~employment~~employee, the City is authorized to and shall defend such officer or employee against the same, provide legal counsel as necessary to such defense, and pay such losses and damages as may be necessary to hold such officer or employee free of claim therefor, except as prohibited by law. (Ref. Minnesota Statutes, Section 471.44)

~~2.06~~200.06 Self Insurance Fund

1. Purpose

The City hereby establishes a self-insurance fund to provide self-insurance against liability of the City and its officers, employees, agents and servants under Minnesota Statutes, Chapter 466, Section 340A.603 and 340A.801 and any other laws for damages resulting from its torts, including torts for which the City has immunity, and those torts of its officers, employees, agents and servants. The establishment of the fund, the allocation of funds to it or the expenditure of funds, or any other act in conjunction with the establishing or operation of the fund shall not waive any immunity granted to a political subdivision, nor shall it waive any statutory limitation on liability afforded a political subdivision.

~~2. Funding~~

~~The City hereby establishes an initial fund in the amount of \$50,723. The City shall appropriate, from time to time, sufficient funds to maintain or increase the initial balance.~~

~~3~~2. Authorized Expenditures

The ~~City~~ Council hereby authorizes expenditures from the fund established for any one or more of the following purposes:

~~A.~~(a) Payment of losses;

~~B.~~(b) Costs of defense and investigation;

~~C.~~(c) Premiums and deductible amounts when commercial insurance is purchased for risk;

~~D.~~(d) Costs of loss control activities; or

~~E.~~(e) Any other costs customarily borne by commercial insurers under conventional insurance policies.



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- ☐ Title 5 – Public Nuisance

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- ☐ Title 9 – Public Ways and Places
- ☐ Appendices

Chapter Information

Chapter Title: Personnel

Recodification Liaisons: Melissa Moore, City Clerk;
Mikey Oman, Employee Resources Specialist; Becca Hellegers, Employee Resources Director

Current Chapter Number: 3

New Chapter Number: 201

Substantive Changes

Section Number	Current Code	Proposed Changes
201.01	Establishes the purpose of the chapter.	The proposed change updates the purpose of the chapter.
201.02	This section describes how the City Manager will apply administrative policies to different classes of employees.	The proposed change removes different classes of employees and makes note that the Chapter applies to all City employees.
201.03	N/A	This is a new section to note that the Chapter applies to all City employees, and does not apply to elected officials, members of the City's advisory commissions, or volunteers.

Fridley City Code
Chapter ~~3~~201 Personnel

~~3.01.~~—201.01 Purpose

~~The purpose of the City formal personnel policies are to establish standards, conditions and regulations of work and pay in City employment within the City of Fridley, to be applicable to all non-union employees of the City.~~This Chapter will establish and maintain a uniform personnel administration system for City of Fridley (City) employees while also ensuring the efficient and effective performance of the work of the City. To achieve these goals, this Chapter assigns administrative powers, duties and responsibilities, and provides for the establishment of personnel policies.

~~3.02.~~—201.02 Administration of Policies

The City Manager shall have the power to formulate and execute such ~~administrative personnel~~ policies and to make rules and regulations for the employment of ~~full-time, temporary/seasonal, part-time, paid, on-call firefighters, and~~ all City employees, contract employees, as well as consultants, and independent contractors for services. Such administrative policies, rules, and regulations shall apply to all City employees unless there is a specific provision to the contrary in this Chapter or in a collective bargaining agreement entered into by the City. The administrative policies shall provide for verification and investigation of facts set forth in employment applications, ~~including examination of criminal and traffic records.~~

The City Manager, ~~or respective Department Manager,~~or their designee shall have the power to update these policies at ~~his/her~~their discretion so long as any changes are in compliance with any relevant federal or state laws, rules and regulations, or other guidelines. The City Manager ~~or their designee~~ shall effectively communicate any changes in policy to the Fridley City Council and City employees.

~~Future significant personnel-related contracts and renewals must be approved by Council.~~

201.03 Scope of Persons Covered

The directives of this Chapter apply to all City employees, except elected officials, advisory commission members and volunteers.



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| ☐ Title 5 – Public Nuisance | ☐ Appendices |

Chapter Information

Chapter Title: Background Investigations

Recodification Liaisons: Trent Homard, Administrative Intern; Andy Todd, Administrative Sergeant; Melissa Moore, City Clerk

Current Chapter Number: 8

New Chapter Number: 202

Substantive Changes

Section Number	Current Code	Proposed Changes
202.02	Authorized the Fridley Police Department to conduct background checks on applicants for employment, selected appointees and volunteers.	Rewritten to simplify the language and make clear that the Public Safety Department is authorized to access data provided by the State to administer this function.
202.04 (1)	Covers the collection, storage and handling of data from background checks.	Rewritten to simplify language and more closely align with comparable cities.
202.04 (3)	N/A	Staff propose adding this section to state that social media posts and public document repositories will be included in background check processing.

Fridley City Code

Chapter 8 202: ~~Criminal History Background Investigations for City Employment and Licensing~~

8.01.—202.01 Purpose

The purpose and intent of this Chapter is to establish regulations that will allow the City of Fridley ~~(City) Police Public Safety~~ Department access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment and licensing background investigations.

8.02.—202.02 Criminal Background Investigations ~~for City Employees and Appointees~~

~~The City of Fridley Police Department is authorized to do a criminal history background investigation on the applicants for all regular full-time, regular part-time, seasonal, and temporary employees who are finalists for paid positions; and selected appointees, volunteers, agents and independent contractors who work with the public involving at risk populations such as vulnerable adults, children or the disabled; or who manage, handle or coordinate significant city assets, sensitive data or financial materials. In conducting the background investigation to screen employment finalists, certain volunteer applicants, certain contractors/consultants and certain appointees, the Public Safety Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension (BCA) Computerized Criminal History information system in accordance with BCA policy.~~

8.03.—202.03 Criminal Background Investigation for City Licensing

The City's ~~of Fridley Police Public Safety~~ Department is authorized to do a ~~criminal history~~ background investigation on any applicants for business licensing ~~as a matter of public safety.~~

8.04.—202.04 Process of Criminal Background Investigation

1. When conducting the criminal history background investigation to screen applicants for employment, and license applicants for a City license, certain volunteers, and certain independent contractors, the ~~Police Public Safety~~ Department is authorized to access only Code "E" data—data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information, BCA databases. Any data that is accessed and acquired shall be maintained by the ~~Police Public Safety~~ Department under the care and custody of the chief law enforcement official, or designee pursuant to the City's Data Practices Policy and Minnesota Statutes, as may be amended from time to time, ~~and retained as required by the General Records Retention Schedule for the City of Fridley Police Department.~~ A summary of the results of the Computerized Criminal History data may be released by the ~~Police Public Safety~~ Department to any relevant parties as appropriate.

2. Before the investigation is undertaken, the applicant must authorize the ~~Police Public Safety~~ Department by written consent to undertake the investigation. The written consent must fully

comply with the provisions of Minnesota Statutes Chapter 13 regarding the collection, maintenance and use of the information.

3. The Public Safety Department will utilize various social media and public document repositories as part of any background investigation. All information will be processed pursuant to the Public Safety Departments procedures and retained pursuant to Minnesota Statutes Chapter 13

4. Except for the positions set forth in Minnesota Statutes (M.S.) Section ~~§~~ 364.09, the City will not reject an application for employment or a license on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment or license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

~~A.~~(a) The grounds and reasons for the denial;

~~B.~~(b) The applicant complaint and grievance procedure set forth in ~~Minnesota Statutes M.S. § Section~~ 364.06;

~~C.~~(c) The earliest date the applicant may reapply for employment or license; and

~~D.~~(d) That all competent evidence of rehabilitation will be considered upon reapplication.



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Chapter Information

Chapter Title: Penalties

Recodification Liaisons: Trent Homard, Administrative Intern; Andy Todd, Administrative Sergeant; Melissa Moore, City Clerk

Current Chapter Number: 901

New Chapter Number: 204

Substantive Changes

Section Number	Current Code	Proposed Changes
204.01	N/A	This is an added purpose statement for the Chapter.
204.02	List of City Code sections that are classified as petty misdemeanors.	Proposes to remove this section, as listing certain sections of the City Code is superfluous and out of date.

Fridley City Code
Chapter ~~901.204~~ Penalties

204.01 Purpose

Except as otherwise provided in the Fridley City Code (Code), any person violating any provision of this Code will be guilty of a misdemeanor and upon conviction shall be punished according to penalties imposed by Minnesota Statute.

~~901.01-204.02~~ General Provisions

1. ~~Every person who violates this Code is subject to all penalties provided for such violation.~~ Except where a different, specific or more particular penalty is provided or allowed with respect to any offense, any person guilty of a violation of this Code shall upon conviction of such offense, be fined in an amount not to exceed the maximum fine as authorized by Minnesota ~~State~~ Statute 609.034 or be imprisoned in jail for a period not to exceed 90 days or both for each offense of which such person is convicted.
2. Certain violations of the Code are deemed petty misdemeanors as defined by Minnesota ~~State~~ Statutes Chapter 609. The maximum fine will be that amount authorized by Minnesota ~~State~~ Statute § 609.0332. If a person fails to appear in court on a charge that is a petty misdemeanor, the failure to appear is considered a plea of guilty and waiver of the right to trial, unless the person appears in court within ten days and shows that a person's failure to appear was due to circumstances beyond the person's control. ~~Violations of the following sections of this Code are petty misdemeanors:~~

124.06.2	506.04.2	506.08.15	506.10.1.B
124.07.1	506.05.1	506.08.18	506.10.1.C
124.07.2.A	506.07.1	506.08.2	506.13.1
124.07.2.B	506.07.2	506.08.3	506.13.6
124.07.7	506.07.3	506.08.4	508.03
505.1	506.08.1	506.08.5	508.08
506.03	506.08.10	506.08.6	508.33
506.06	506.08.11	506.08.7	508.34

506.09	506.08.12	506.08.8	512.07
506.12	506.08.13	506.08.9	514.03
506.04.1	506.08.14	506.10.1.A	

~~901.02~~ 204.02 Other Recovery

Upon the failure of any person to pay the fine or cost as imposed by any court, the court imposing the same may collect or recover the fine or cost in such manner as is provided or allowed by law.

~~901.03~~ 204.03 Greater Penalty

Whenever ~~the State law of this State~~ provides for, authorizes or allows a court to impose for an offense under this Code a penalty which is greater than the general penalty provided or allowed herein for such offense, then the court may impose such greater penalty for such offense, the same as if prescribed herein.

~~901.04~~ 204.04 Separate Offenses

Each separate violation of the Code is a separate offense; ~~and the~~ The continued violation by a person of any one same offense with knowledge thereof is a separate offense for each day of such continued violation.

~~901.05~~ 204.05 False Statements

Every person who gives or furnishes to the City of Fridley a false or untrue statement to be relied upon in the granting of a permit or license shall be subject to the penalties provided for in this Chapter.



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Chapter Information

Chapter Title: Ordinance Enforcement

Recodification Liaisons: Melissa Moore, City Clerk;
Andy Todd, Administrative Sergeant; Dan Cahill,
Neighborhood Preservation Specialist

Current Chapter Number: 803

New Chapter Number: 205

Substantive Changes

Section Number	Current Code	Proposed Changes
205.01	N/A	This proposed addition adds a purpose statement to the Chapter.
205.03	Lists titles of certain City employees who are authorized to issue citations.	The proposed revision updates authorized employees to issue citations.

Fridley City Code
Chapter ~~803.205~~ Ordinance Enforcement

205.01 Purpose

Designated employees of the City of Fridley (City) are authorized to institute appropriate civil, criminal or administrative actions against a person, firm, or corporation who violates any provision of the Fridley City code (Code).

~~803.01.205.02~~ Promise to Appear —~~Arrest and Detention~~

Except as provided by statute, only a peace officer and part-time peace officer may require a person receiving a citation to get a written promise to appear in court, or take a person into custody as permitted by Minnesota Statute.

~~803.02.205.03~~ Issuance of Citations

The following ~~full-time or part-time~~ City employees or authorized City volunteers may issue citations, in lieu of arrest or continued detention, for violations of the ~~City code~~Code. Areas of jurisdiction will be contained in City policy:

1. Peace Officers;
2. Community Service Officers;
3. Reserve Officers;
4. Code Enforcement Officers;
5. ~~Health Officers~~
6. Building or Rental Inspector; or
7. ~~Fire Inspector Officers~~Fire Marshall.

Fridley City Code
Chapter ~~34~~206 Reasonable Accommodation

~~34.01~~—206.01 Purpose

It is the policy of the City of Fridley (City), pursuant to the Federal Fair Housing Amendments Act of 1988 to provide reasonable accommodation in the application of zoning and other regulations for qualified persons with disabilities seeking fair and equal access to housing. Reasonable Accommodation means providing a qualified person with flexibility in the application of land use, zoning and other regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to fair housing opportunities. The purpose of this ~~article~~Chapter is to establish a process for making and acting upon requests for reasonable accommodation.

~~34.02~~—206.02 Definitions

Accommodation Specialist: staff, appointed by the City Manager or their designee to coordinate and administer the Reasonable Accommodation process outlined in Fridley City Code ~~(Code)~~Chapter 34.

Disability: any one or a combination of those disabilities which are recognized under applicable federal law.

Qualified Person: any individual with a disability, their representative, or a developer or provider of housing for an individual with a disability.

Reasonable Accommodation: process by which the City may provide an individual with a disability flexibility in the application of land use, zoning, or other regulations that serve as a barrier to housing.

~~34.03~~—206.03 Initiation of Reasonable Accommodation Request

Any person who requests reasonable accommodation in the form of modification in the application of a zoning or other regulation which may act as a barrier to fair housing opportunities due to the disability of existing or proposed residents, may do so on an application form provided by the City's Accommodation Specialist. The application shall include a detailed explanation of why the accommodation is reasonably necessary to make the specific housing available to the person(s), with a disability, including information establishing that the application is being made by a qualified person, for themselves or on behalf of a person disabled under applicable laws, as well as other information required by the Accommodation Specialist to make the determination. If the project for which the request is being made also requires an additional land use review or approval, the applicant shall file the request concurrently with the land use review.

~~34.04~~—206.04 Accommodation Specialist; Required Findings

The Accommodation Specialist, in consultation with the appropriate City staff, shall have the authority to consider and act on requests for reasonable accommodation. The Accommodation Specialist shall issue a written decision in which the request is approved, approved subject to conditions, or denied. In making the decision as to whether an accommodation is reasonable, the following factors shall be considered:

- (a) Special need created by the disability;
- (b) Potential benefit that can be accomplished by the requested accommodation;
- (c) Need for the requested accommodation, including alternatives that may provide an equivalent level of benefit;
- (d) Physical attributes of and any proposed changes to the subject property and structures;
- (e) Potential impact on surrounding uses;
- (f) Whether the requested accommodation would constitute a fundamental alteration of the zoning regulations, policies, or procedures of the City, and/or nature of the area in which the accommodation is being requested;
- (g) Whether the requested accommodation would impose an undue financial or administrative burden on the City;
- (h) Whether the requested accommodation is likely to have any negative impacts on the health, safety, or general welfare of members of the community, and
- (i) Any other factor that may be determined to have a bearing on the request.

Any approval issued under this section may include such reasonable conditions that the Accommodation Specialist deems necessary to mitigate any adverse impacts that the granting of such reasonable accommodation may produce or amplify.

~~34.05~~—206.05 Notice of Decision

The written decision of the Accommodation Specialist shall be mailed to the applicant within five business days of such decision being made. All written decisions shall give notice of the right to appeal a decision of the Accommodation Specialist pursuant to Section ~~34.08~~206.08. The decision of the Accommodation Specialist shall constitute the final decision of the City, unless appealed according to the procedures and within the time limits provided in Section ~~34.08~~206.08. Only the aggrieved applicant of the written reasonable accommodation determination has a right to appeal the decision.

A reasonable accommodation approved under this section shall become effective on the first calendar day following expiration of the right to appeal.

~~34.06~~—206.06 Applicability

Any approved request shall constitute a limited license which shall allow the property owner or occupant to continue to rely upon such accommodation only so long as they own or occupy the property. Approval of a reasonable accommodation does not constitute a property right, does

not run with the land, and does not provide future owners or occupants any rights to rely upon such accommodation approvals. Only the person who applied for such reasonable accommodation, and who is specifically named in the City's approval of such accommodation, shall be entitled to the benefits and protections thereof. The holder of an approved reasonable accommodation license hereunder shall, on or before January 1st of each year, provide the City with an updated affirmation that the reasonable accommodation is still necessary. In the event that the Accommodation Specialist has reasonable cause to believe that factors have changed, the Accommodation Specialist may request additional information from the license holder. Failure to annually reaffirm the need for the reasonable accommodation, or failure to provide information reasonably requested by the Accommodation Specialist, shall result in automatic termination of the reasonable accommodation upon written notice of the Accommodation Specialist.

~~34.07~~—206.07 Conditions and Guarantees

Prior to the issuance of any permits relative to an approved reasonable accommodation request, the Accommodation Specialist may require the applicant to record a covenant acknowledging and agreeing to comply with the terms and conditions established in the determination.

~~34.08~~—206.08 Appeals

Any decision reached by the Accommodation Specialist pursuant to Section ~~34.05~~206.05 shall be subject to appeal to the City Council by those persons with a right to appeal as provided herein. All appeals shall be initiated by submitting a notice of appeal, in writing, to the Accommodation Specialist within 30 days of the date upon which the decision was made. Upon notice of appeal, the City Manager or their designee shall present such appeal to the Fridley City Council for action within 30 days. The Accommodation Specialist shall also serve notice of such appeal on all parties entitled to receive notice of a decision issued under Section ~~34.05~~206.05. Following a hearing on such appeal, the Fridley City Council shall issue its findings, in writing, within 30 days.



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Chapter Information

Chapter Title: Assessments

Recodification Liaisons: Melissa Moore, City Clerk;
Korrie Johnson, Assistant Finance Director; Pat
Maghrak, City Assessor

Current Chapter Number: 7

New Chapter Number: 207

Substantive Changes

Section Number	Current Code	Proposed Changes
207.01	This section describes the authority of the City to assess and accept payment for assessments.	A portion of this section was removed as inclusion of the text was superfluous, as Minnesota Statute (M.S.) Chapter 429 expressly states the authority of the City to assess and administer such a process.
207.02	Specified the time and partial payment amounts.	A portion of this section was replaced with more clear language regarding amounts and timing of pre-payment of special assessments to reduce or eliminate interest and or certification charges.
7.03	Allows the City Clerk to cancel any assessment sent to the County Assessor in error.	Staff propose to remove this section, as the certification process is directed in M.S. Chapter 429.

Fridley City Code
Chapter ~~7.207~~ Assessments

7.01—207.01 Authority

It is deemed to be in the interest of the City of Fridley (City) and the owners of respective properties in the City ~~of Fridley~~ that the City authorize and accept the prepayment of special assessments in whole or in part as allowed by law and provided under Minnesota Statutes Chapter 429, Section 429.061, Subd. 3 (1961), and as provided by this Chapter. ~~This Chapter will be construed to authorize, ratify and confirm prepayments heretofore received and accepted, and any assessments credited therewith, and any corrections made by the City Clerk without such authorization being previously granted and received. Further, no part of this Chapter shall be construed to deny to any person the right or privilege to make payment of any assessment in whole or in part as otherwise provided by law under the Statutes of the State of Minnesota; and that this Chapter is and shall be deemed supplementary thereto.~~

7.02.—207.02 Time of Payment

~~Prior to certification of the assessment or the first installment thereof any person may pay the whole or any part which is not less than one-half thereof, provided that such partial payment shall in any event be in a sum of at least One Hundred Dollars (\$100.00). Upon receipt of any such prepayment, the City Clerk shall note the same upon the records of the City, credit the payee therefore, and reduce the assessment as originally made in the amount of the prepayment received. The balance remaining shall then be noted as the amount due and may then be certified to the County Auditor together with and as a part of the assessment roll in which the original amount due was contained. Upon adoption of the new assessment roll but not later than November 15 of the year of adoption, any person may make one payment only for the whole or any part of the balance, which is not less than \$100 to reduce or eliminate any interest that would accrue upon certification. Upon receipt of any such prepayment, the City Manager or their designee shall note the same upon the records of the City, credit the payee therefore, and reduce the assessment as originally made in the amount of the prepayment received. The balance remaining shall then be noted as the amount due and may then be certified to the County Auditor together with and as a part of the assessment roll in which the original amount due was contained. After November 15 of the year of adoption any person may pay part or all of the remaining balance less any amount certified to the property tax for the following year.~~

7.03.—Certification

~~The City Clerk may and shall be authorized, upon a resolution duly made approving the same, to cancel any assessment or part thereof which was certified to the County Auditor in error either as to amount or otherwise; and may and shall correct the same, including the amount of interest thereon improperly accrued, if any, by certifying the corrected assessment and interest and attaching thereto a certified copy of the resolution authorizing the correction. Such corrected assessment when so certified shall then stand upon the assessment records in the place of the original assessment made in error.~~

Fridley City Code
Chapter 4.~~208~~ Absentee Ballot Board

4.01.—~~208.01~~ Absentee Ballot Board Purpose

The Fridley City Council (Council) hereby authorizes the establishment of an Absentee Ballot Board within the City of Fridley (City), which is authorized to handle all absentee ballots received prior to any election, ~~primary or general~~, within the City.

4.02.—~~208.02~~ Duties

The Absentee Ballot ~~Precinct~~ Board shall:

- 1.—~~(a)~~ Perform the duties of an Absentee Ballot Board required by Minnesota Statute ~~203B.121~~.
- 2.—~~(b)~~ May work in conjunction with ~~the Anoka County~~ during any ~~state primary or general~~ election to provide ~~election Election judges Judges~~ to ~~the Anoka County~~ who may assist the ~~absentee ballot board to with processing~~ the City's absentee ballots.

4.03.—~~208.03~~ Members

The Absentee Ballot Board shall consist of a sufficient number of ~~election Election judges Judges~~ appointed by the Council as provided in Minnesota Statute ~~204B.19 to 204B.22~~ as may be amended from time to time.

4.04.—~~208.04~~ Compensation

The City shall pay a reasonable compensation to each member of the Absentee Ballot Board for services rendered during ~~the an~~ election.

4.05.—~~208.05~~ Applicable Laws

This Chapter is ~~deemed to be~~ supplementary to Minnesota State Statutes pertaining to absentee ballots and general election laws.



RECODIFICATION REPORT

Introduction

To aid accessibility and clarity in understanding of proposed updates to large, and sometimes complicated chapters of the Fridley City Code (Code), this Recodification Report (Report) will accompany select ordinances as they are introduced to the City Council. The Report will illuminate substantive changes to the Code (e.g., addition or removal of a section, fee changes, policy updates, etc.). It will not point out grammatical, punctuation, renumbering, or stylistic changes.

Title Placement

- | | |
|---|---|
| ☐ Title 1 – General Provisions | ☐ Title 6 – Lands and Buildings |
| ☒ Title 2 – Administration | ☐ Title 7 – Zoning |
| ☐ Title 3 – Licensing | ☐ Title 8 – Franchises, Utilities and Right-of-Way |
| ☐ Title 4 – Health, Safety and Welfare | ☐ Title 9 – Public Ways and Places |
| ☐ Title 5 – Public Nuisance | ☐ Appendices |

Chapter Information

Chapter Title: Flags

Current Chapter Number: 802

Recodification Liaisons: Melissa Moore, City Clerk

New Chapter Number: N/A

Substantive Changes

Chapter Number	Current Code	Proposed Changes
802	This Chapter regulates behaviors and requirements pertaining to the display and/or removal of flags within the City.	Staff propose to remove this Chapter of the Code. Minnesota Statute § 609.40 outlaws the same behaviors as Chapter 802.

Reviewed By

- | | |
|---|--|
| ☒ City Manager | ☒ Department Director |
| ☒ City Attorney | ☒ Recodification Liaison |
| ☒ Recodification Coordinating Group | |

Fridley City Code
Chapter 802. Flags

802.01. Display

~~No person shall display or carry any flag, banner, ensign or symbol of any government, state, country or political force with which the United States of America is engaged in an armed conflict with the intent to cause a breach of peace.~~

802.02. Removal

~~No person, unless authorized or assigned, shall lower or remove from any public flagpole the flag of the United States of America.~~

802.03. Penalties

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~



AGENDA REPORT

Meeting Date: April 25, 2022

Meeting Type: City Council Conference Meeting

Submitted By: Joe Starks, Finance Director

Title

Proposed Resolution No. 2022-40, Deeming All Funds Received Under ARPA as Reimbursement of Lost Revenue

Background

Earlier this year, the US Treasury issued guidance that gives recipient cities a one-time option (no later than April 30th) to declare the funds as reimbursement for actual or presumed revenue loss. A new provision in the Treasury's Final Rule allows municipalities the option to use a standard allowance of up to \$10 million for the revenue loss category. This simplifies and reduces the onerous reporting requirements and Cities have been strongly encouraged to choose this option. The other benefit is that by selecting revenue loss, the City receives maximum flexibility in the usage of funds as revenue loss can be used for "general government services" or anything traditionally provided by a government. Council is being asked to approve the resolution formally approving the declaration that ARPA funds received be deemed as revenue loss to simplify the reporting requirements.

Financial Impact

There is no financial impact with this item as approval is being recommended to simplify the reporting process. At this time, the original intention of using funds for utility infrastructure projects would remain.

Focus on Fridley Strategic Alignment

☒ Vibrant Neighborhoods & Places	☐ Community Identity & Relationship Building
☒ Financial Stability & Commercial Prosperity	☐ Public Safety & Environmental Stewardship
☐ Organizational Excellence	

Attachments and Other Resources

- Proposed Resolution No. 2022-40

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Resolution No. 2022-40**Resolution to Deem All Funds Received Under ARPA as Reimbursement of Lost Revenue**

Whereas, Congress adopted the American Rescue Plan Act (ARPA) in March 2021, which included \$65 billion in recovery funds for cities across the country; and

Whereas, ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses; and

Whereas, The Fiscal Recovery Fund provides for \$19.5 billion in payments to be made to States and territories which will distribute the funds to non-entitlement units of local government (NEUs); and

Whereas, NEUs generally have populations below 50,000; and

Whereas, the ARPA requires that States and territories allocate funding to NEUs in an amount that bears the same proportion as the population of the NEU to the total population of all NEUs in the State; and

Whereas, on July 30, 2021 the City of Fridley (City) received \$1,472,232 for its share of the Fiscal Recovery Fund;

Whereas, after the deadline of October 11, 2021 passed for NEUs to request ARPA funds, nearly \$12 million of available funds for Minnesota's NEUs remained unrequested; and

Whereas, as allowed by the United States Treasury, the State of Minnesota has redistributed these remaining funds amongst eligible local governments who requested ARPA funds; and

Whereas, \$48,212 has been allocated to the City pursuant to the ARPA redistribution; and

Whereas, the redistribution will be distributed in two deposits, with half received in 2021 and the second half in 2022; and

Whereas, the City has presumptively experienced revenue loss due to COVID and desires to declare all funds received as reimbursement of revenue loss as permitted by applicable US Treasury guidance.

Now, therefore be it resolved, that the City declares all funds received as revenue loss as permitted by applicable US Department of Treasury guidance.

Passed and adopted by the City Council of the City of Fridley this 25th day of April, 2022.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk



AGENDA REPORT

Meeting Date: April 25, 2022

Meeting Type: City Council Conference Meeting

Submitted By: Joe Starks, Finance Director

Title

Park System Improvement Plan Bond Issuance Discussion

Background

There will be discussion regarding the proposed issuance of bonds for the Park System Improvement Plan.

Focus on Fridley Strategic Alignment

☒ Vibrant Neighborhoods & Places	☐ Community Identity & Relationship Building
☒ Financial Stability & Commercial Prosperity	☐ Public Safety & Environmental Stewardship
☐ Organizational Excellence	

Attachments and Other Resources

- Presentation - Park System Improvement Plan Bond Issuance Discussion

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

PARK SYSTEM IMPROVEMENT PLAN

BOND ISSUANCE DISCUSSION

APRIL 25, 2022



OVERVIEW

Original Timing of Bond Issuances

Rising Rate Environment/Inflationary Forecast

Alternate Scenarios

Property Tax Levy Impact

Considerations

Questions/Additional Information Needed?

ORIGINAL TIMING OF BOND ISSUANCES

- \$20 mil. issued in 3 separate issues, 3 years apart
 - 2023
 - 2026
 - 2029

RISING RATE ENVIRONMENT

- Due to the rising interest rate environment, staff is looking at different scenarios in issuing bonds, timing and number of issuances
- Likely increase of 200-300 bp (2-3 percentage points) by end of 2022 going into 2023
- Projected 5-7 federal funds rate increases by end of 2022 going into 2023
- Rate increases intended to slow inflation and moderate consumer price increases

INFLATIONARY FORECAST

- Inflation currently at highest level since early 1980s
- 5-7 rate increases by Federal Reserve by end of year going into 2023
- Rate increases intended to lower inflation and moderate consumer price increases
- Optimism
 - Core inflation index increased at the slowest pace in six months.
 - Largest driver of growth in core inflation over past year, used car prices, decreased 3.8% from February to March.

Year-over-year percentage change in CPI

Percentage change in the Consumer Price Index, including UBS' estimates.

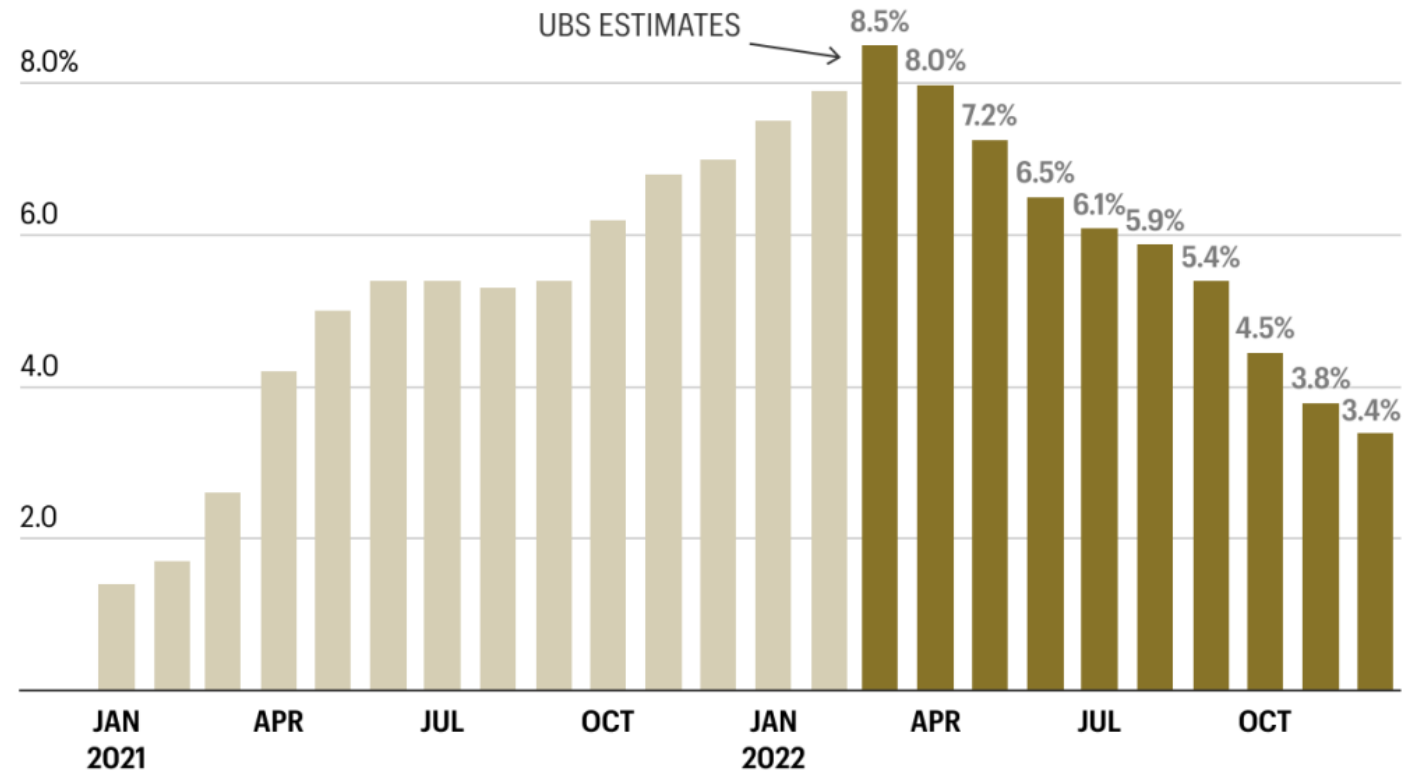
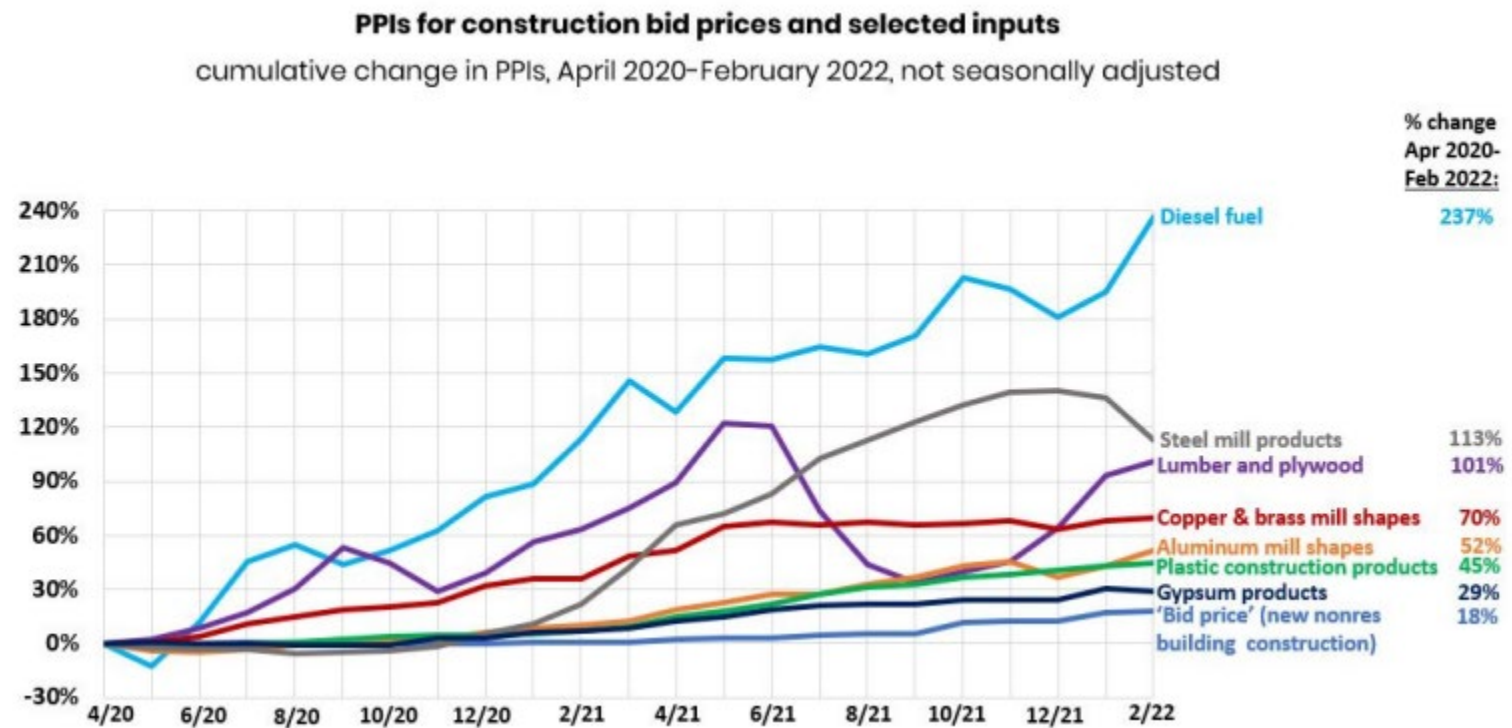


CHART: WILL DANIEL • SOURCE: UBS & THE BUREAU OF LABOR STATISTICS

FORTUNE

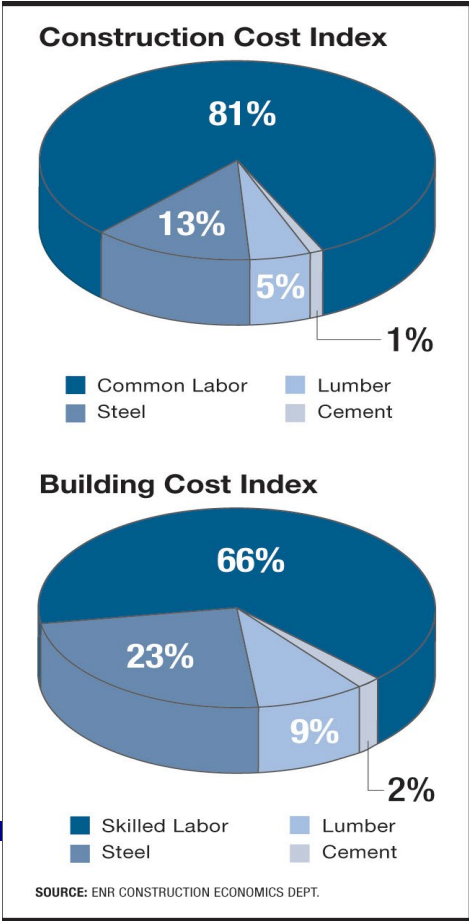
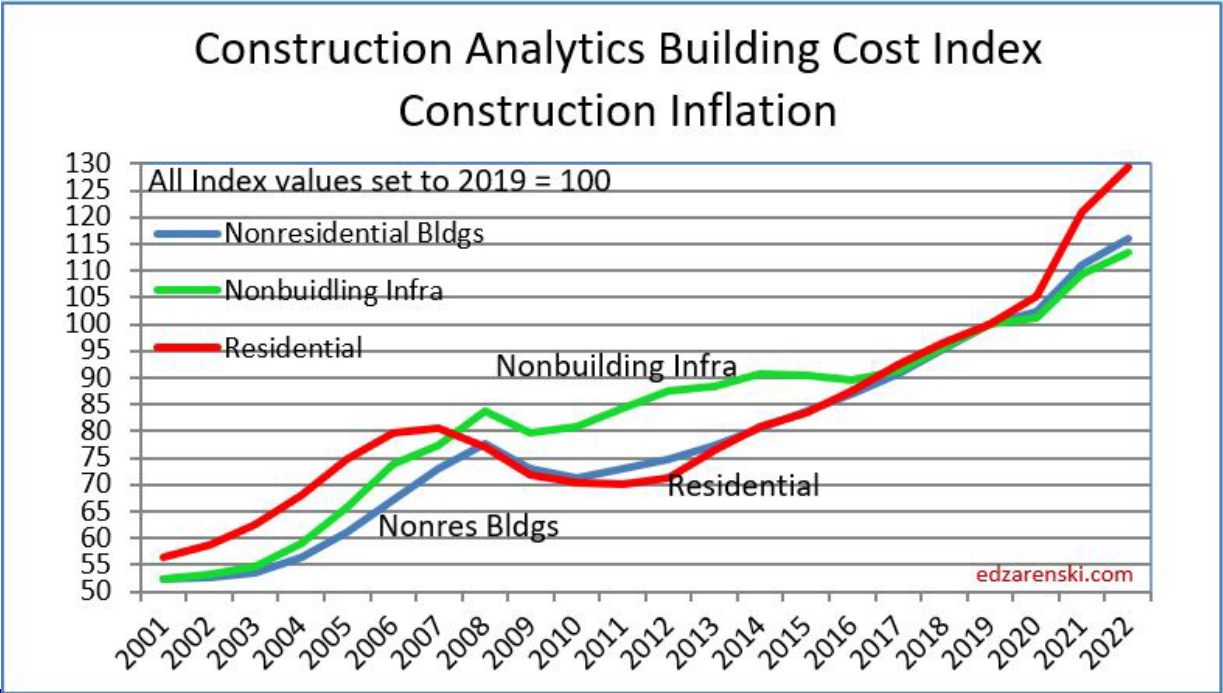
PROJECT DELIVERY ENVIRONMENT

- Are we concerned with rising construction costs and supply-chain issues regarding the spend-down requirements?
 - Current construction materials pricing is up (mainly for steel), but materials costs are expected to level over this year.
 - Fuel costs are up, but this has limited bearing on overall costs with known local bidding activity this spring.



PROJECT DELIVERY ENVIRONMENT

- Future cost driver is likely to be labor, however we are somewhat insulated from this as our projects require prevailing wage. Availability of labor will be a greater impact and create increasing prices in the next few years. An earlier construction timeline therefore may be of benefit.
- Our consultants are advising that materials for building and other elements are not likely to have an impact with this advanced schedule.
- Current supply chain issues are factored into delivery estimates.



Moving 2023 issuance of original plan (\$7 mil. +/-) to 2022

- Interest savings by moving issuance up to 2022

\$20 mil. in 2022

- Interest savings and issuance savings (1 issuance instead of 3)

ALTERNATE SCENARIOS

ALTERNATE SCENARIOS

Item 4.

Move 2023 Issuance to 2022

- Projected \$368,000 less in interest than original plan of 2023 issuance
- Interest rate lower in 2022 than in 2023
- Spending while cost of project/materials decreasing from current levels

\$20 mil. issuance in 2022

- Projected \$1.20 mil. less in interest (vs. option above) & \$1.53 mil. less in interest (vs. original)
- Interest rate lower in 2022 than in 2023
- Spending while cost of project/materials decreasing from current levels

PROPERTY TAX LEVY IMPACT

Original Plan - 2023,2026,2029 (updated with current/expected rates)

15 Years

Type of Property	Residential Homestead	Commercial Industrial
Estimated Market Value	\$ 295,000	\$ 1,000,000
Annual City Tax Impact	\$ 136.72	\$ 922.29
Monthly Tax Impact	\$ 11.39	\$ 76.86
15 Year - Average Annual Levy	\$	2,031,407

Move 2023 Issuance Up to 2022

15 Years

Type of Property	Residential Homestead	Commercial Industrial
Estimated Market Value	\$ 295,000	\$ 1,000,000
Annual City Tax Impact	\$ 135.21	\$ 912.10
Monthly Tax Impact	\$ 11.27	\$ 76.01
15 Year - Average Annual Levy	\$	2,008,959

\$20 Mil. Issuance in 2022

15 Years

Type of Property	Residential Homestead	Commercial Industrial
Estimated Market Value	\$ 295,000	\$ 1,000,000
Annual City Tax Impact	\$ 129.82	\$ 875.76
Monthly Tax Impact	\$ 10.82	\$ 72.98
15 Year - Average Annual Levy	\$	1,928,918



PROPERTY TAX LEVY CONSIDERATIONS

- Assumes 15-year average repayment, however, there is flexibility in how the repayment can be structured, i.e., lower repayment in earlier years, higher in future years, however, the City would pay more in interest cost. This would lower the tax burden in earlier years and increase it in future years. Other City funds, i.e., Community Investment Fund, etc. could be used as well to soften the initial impact.
- The original plan of issuing bonds in 2023 would create a property tax impact beginning in 2024. Issuing bonds in 2022 would an impact beginning in 2023.

PROJECT DELIVERY ENVIRONMENT

- Assumptions for spend-down analysis
 - Design can proceed upon approval of plan
 - Construction contract approval in 2022
 - Moore Lake Building can be prioritized
 - Moore Lake Park construction during 2022-2024 (in two phases consistent with prior planning)

- Spend down estimates

2022 Bond issue:	3 x \$6.7M bonds	2 x \$10.0M bonds	1 x \$20M bonds	Deliverable
By 12/31/2022	\$0.67M req.	\$1.0M req.	No requirement	\$1.0M
By 7/1//2023	\$3.0M req.	\$5.0M req.	\$2.0M req.	\$3.5M
By 7/1/2024	\$5.7M req.	\$8.5M req.	\$6.0M req.	\$7.0M

- Staff also looked into a scenario for 2 separate \$10 mil. issuances, however, that option is not feasible based on the required spend down.

DEBT SERVICE REQUIREMENTS

- Proposed improvement plan would meet arbitrage/spend down requirements for all scenarios being considered
- Debt capacity
 - The bonds are pledged with tax abatements to pay the obligations and, therefore, do not count against the City's debt limit



CONSIDERATIONS



NEED TO START PROJECT VERY SOON (DESIGN, ETC.)



SPEND DOWN REQUIREMENTS ARE REALISTIC, AND THE PLAN CAN PROCEED AT REQUIRED PACE



IMPACT ON PROPERTY TAX LEVY



INTEREST RATE RISK FOR MULTIPLE ISSUANCES IN VOLATILE RATE ENVIRONMENT

OPTIONS

Original Plan (2023, 2026, 2029)

Move 2023 Issuance to 2022

Full Issuance in 2022

QUESTIONS

- What is the goal of considering 2 new options? Why not stick with the original plan?
 - The goal is to save the City money and lessen the impact on taxpayers. The original issuance plan was devised in a much lower interest rate environment. Interest rates will be higher going into 2023 with several federal funds rate increases. The rate increases are intended to curb inflation and moderate consumer price increases. Nearly all the project spending would come when CPI is projected to be decreasing or lower than today, i.e., 2023, 2024, etc.
- Do the 2 new scenarios create more of a burden on the property tax levy than the original plan would have?
 - No, in fact they create less of a burden as a direct result of interest (and issuance) savings.
- Would the timing of the impact to taxpayers change?
 - Yes, with the original plan (1st issue in 2023), the impact would begin in 2024. If the City were to issue this year in 2022, the impact would begin in 2023. However, there is flexibility in structuring payments at the time of issue and could be flexibility with the timing of usage of the other funding sources, i.e. community investment fund, etc.

QUESTIONS

- With both options, would the speed of the project differ substantially than what was presented to Council?
 - No, the spend down requirements and pace align with the presented plan, i.e., this would not be a case where the City would be spending additional funds just to expedite the process for interest rate savings. However, the project construction and associated spend down would begin one year earlier than initially proposed.
- Are the 2 new options feasible from a project timeline standpoint?
 - Yes, other than prioritizing and advancing construction of the Moore Lake Building, the pace of spend down does not differ significantly than the plan that was presented to Council.
- Would a project coordinator position need to be hired?
 - Not necessarily, however, it would be a savings to the City to have a staff member than can assist in coordinating the improvements. The Park System Improvement Plan Financing Advisory Committee had recommended hiring a City staff member to coordinate the project in lieu of hiring consultants.

**ANY ADDITIONAL INFORMATION
NEEDED?**

**WHAT IS COUNCIL'S DIRECTION FOR
STAFF?**

THANK YOU!
