

**CITY OF CRYSTAL**

**ORDINANCE #2016 - 01**

**AN ORDINANCE AMENDING CHAPTERS 3 AND 5  
OF THE CRYSTAL CITY CODE**

The City of Crystal ordains:

**ARTICLE I.** Chapter III, Section 305 of the Crystal city code is hereby deleted and replaced with the double underlined material as follows:

Section 305 – Commissions and Boards

305.01. Commissions and boards. The city council may establish such commissions and boards as it determines are needed to assist it in conducting the business of the city. Commissions and boards shall be created and shall conduct themselves in accordance with this section. The city's planning commission and board of appeals and adjustments are provided for in sections 500 and 503.

305.03. Charter authority. Section 2.02 of the charter of the city of Crystal authorizes the city council to create such advisory commissions and boards, as it deems necessary. The commissions and boards created by ordinance are created pursuant to that authority, this code, and applicable state law.

305.05. Advisory nature. Except as otherwise provided by law or charter, the commissions and boards created under this section are advisory to the council and to the city manager, but the commissions and boards have no other official status or independent authority other than to provide investigative or quasi-judicial functions on behalf of the city council. Commissions and boards are not authorized to enter into contracts.

305.07. Compensation. Unless otherwise provided by law or charter, members of commissions or boards serve without compensation, but may be reimbursed for actual and necessary expenses if funds for that purpose are identified in the adopted city budget and city council authorizes the reimbursement of expenses when establishing the commission or board.

305.09. Open meetings. Meetings of commissions or boards are open to the public and all commissions or boards must comply with all applicable open meeting laws.

305.11. Creation. The city council may create a commission or board by adopting an ordinance that establishes the commission or board. The establishment ordinance shall, at a minimum, contain the following information:

1. The name of the commission or board;

2. The purpose and duties of the commission or board;
3. The number of members and whether they are to be appointed at-large or by geography;
4. The terms for the commission or board members, including the length of terms, when terms begin, whether terms will be staggered, whether members may serve concurrently on other commissions or boards, and whether there are term limits; and
5. Whether the commission or board will have a council liaison, a staff liaison, or a staff secretary.

305.13. Commission or Board Membership. Subdivision 1. Appointment. Members of commissions or boards are appointed by the city council with or without cause.

Subd. 2. Qualifications. Members of commissions or boards must be residents of the city and be at least 15 years old. The city council may establish additional qualifications for the particular commissions or boards in the ordinance it adopts to establish the commission or board.

Subd. 3. Removal. Members of commissions or boards may be removed from office by a majority vote of the city council.

Subd. 4. Applications and interviews. The city council shall establish, by resolution, a process for accepting applications and interviewing applicants to commissions and boards. The process must allow for interviews at least once annually for any open positions. All open positions must be advertised on the city's website and at city hall for at least 45 days prior to the application deadline. The application and interview process shall be posted on the city's website and made available at city hall.

Subd. 5. Vacancies. A vacancy is created when a commission or board member resigns or is removed from office. Vacancies may be filled at the discretion of the city council following the same process to make the initial appointment. Members appointed to fill a vacant position are appointed to serve the remainder of the unexpired term.

Subd. 6. Reappointment. Members of commissions or boards seeking reappointment shall go through the regular application and interview process to be eligible for reappointment.

305.15. Organization and governance. Subdivision 1. Bylaws. The city council shall approve bylaws for all commissions and boards, and such bylaws may not be amended except by approval of the city council. At a minimum, the bylaws shall provide for the election from its membership of a chairperson, vice-chairperson, and such other officers as are deemed necessary. The term of office for each officer is one year, and no officer may serve for more than two consecutive years in the same position. The bylaws must specify the month of the election of officers, duties of the officers, number of members to constitute a quorum, the order of business, attendance requirements, and other matters necessary for the conduct of the business of the

commission or board. Each commission or board may propose changes to its bylaws to the city council for review and approval. The city council may also initiate and approve amendments to the bylaws of any commission or board.

Subd. 2. Meeting governance. The procedure at meetings is governed by the bylaws of the commission or board and the requirements of the open meeting law.

Subd. 3. Meeting Schedule. Each commission or board must adopt a regular meeting schedule for the next year by no later than the last regular meeting of each calendar year. The schedule of meetings for all commissions and boards must be posted on the city's website and at city hall.

Subd. 4. Minutes. The secretary of a commission or board shall keep the minutes of its meetings, unless the city council has provided for a staff secretary in the establishment ordinance. The secretary shall also perform the clerical duties of the commission or board as needed. The secretary shall transmit meeting minutes to the city clerk, who must furnish copies to each member of the particular commission or board, the mayor, and city council members. The minutes shall include a copy of all resolutions and other actions of the commission or board. These records shall be maintained by the city clerk in accordance with the Minnesota Government Data Practices Act and the city's records retention schedule.

Subd. 5. Reports. Commissions or boards must annually make a report to the city council which summarizes their activities, findings, and recommendations. The report must be submitted to the city clerk prior to August 1 each year. Other reports, findings, and recommendations must be made and submitted from time to time to the city council as may be requested by the city council. Commissions or boards that regularly submit recommendations to the city council are not required to summarize each recommendation as part of their annual report.

305.17. Task forces. The city council may establish such task forces as it determines are needed to assist it to address a particular item of city business. Task forces shall be established and shall conduct themselves in accordance with the following subsections.

305.19. Creation. The city council may establish task forces by resolution as it determines is appropriate to study and advise the city council on specific matters of limited scope. The resolution creating a task force must set forth the number of members, the specific issue or issues the task force is to study and advise, and the date by which the task force will be dissolved. The city council may, by resolution, extend the date of dissolution or alter the scope of the matters being reviewed by a task force. The requirements associated with the establishment and administration of commissions and boards shall not apply to task forces, except as hereinafter provided.

305.21. Appointment. The number of members of a task force and the process by which a member of a task force is appointed will be left to the discretion of the city council. Those appointed to serve on task forces serve at the will of the city council and may be removed by vote of the city council.

305.23. Advisory nature. Task forces are advisory to the city council and to the city manager, and have no other official status or independent authority other than to gather, discuss, and make recommendations to the city council.

305.25. Open meetings. Meetings of task forces are open to the public and members must comply with all applicable open meeting laws.

**ARTICLE II.** Chapter III, Section 311 of the Crystal city code is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

Section 311 - Background Investigations  
(Added, Ord. No. 96-3)

311.01. Computerized criminal history background check. Subdivision 1. Requirements. The police department is authorized to conduct a Minnesota Computerized Criminal History background investigation (a "CCH Investigation") on all applicants for positions with the city, and applicants for identified city licenses and permits, as provided by this section and Minnesota Statutes, section 299C.72. The CCH Investigation shall be performed pursuant to the requirements of the Minnesota Bureau of Criminal Apprehension for non-criminal justice purposes, as those guidelines may be amended, which are on file with the city clerk and the chief of police. (Amended, Ord. No. 2007-11, Sec. 1)

Subd. 2. Job or volunteer CCH investigation. This section applies only to applicants who are finalists for paid or volunteer positions with the city, ~~where the city manager has determined that conviction of a crime may relate directly to the position sought.~~ The police department may not perform a CCH Investigation unless the applicant consents in writing to the investigation and to the release of the investigation information to the city manager and other city staff as may be appropriate, unless authorized by law. An applicant's failure to provide consent may disqualify the applicant for the position sought. If the city manager rejects the applicant's application due, solely or in part, to the applicant's prior conviction of a crime, subject to the exception set forth in Minnesota Statutes, section 364.09, ~~as amended,~~ the city manager must notify the applicant in writing of the following: (Amended, Ord. No. 2007-11, Sec. 1)

- a) the grounds and reasons for the rejection;
- b) the applicable complaint and grievance procedure set forth in Minnesota Statutes, section 364.06, as amended; (Amended, Ord. No. 2007-11, Sec. 1)
- c) The earliest date the applicant may reapply for employment; and
- d) that all competent evidence of rehabilitation will be considered upon reapplication.

Subd. 3. CCH investigation for approval or denial of a license or permit. The police department is authorized to conduct a CCH Investigation to assist in determining the factual

basis for the approval or denial of a city license or permit where the health, safety or welfare of the public is a concern based on the activity regulated and subject to the license or permit. A CCH Investigation is required for the applicant for a license or permit under the following ordinance sections, ~~as amended: 660.11; 1160.11; 1175.17; 1177.07; 1185.03; 1190.11; 1195.15; 1200.09; 1215.11.~~ (Added, Ord. No. 2007-11, Sec. 2)

**ARTICLE III.** Chapter III, Section 315 of the Crystal city code is hereby deleted in its entirety and replaced with the double underlined material as follows:

Section 315 - Employee Review Board

315.01. Board established. The employee review board ("Board") is established and continued. The Board has the powers and duties set out in this section. The Board is established pursuant to sections 2.02 and 6.07 of the charter and section 305 of the city code.

315.03. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 2. "Appendix V" means the rules and regulations adopted by section 310 of this code.

Subd. 3. "Board" means the employee review board.

Subd. 4. "Grievance" means a dispute or disagreement as to the interpretation or application of any term or terms of Appendix V.

Subd. 5. "Employee" means a city employee other than the city manager, the assistant city manager, or a department head. The term does not include an employee who is a member of a certified appropriate bargaining unit that has entered into a collective bargaining agreement with an employee organization pursuant to Minnesota Statutes, chapter 179A.

315.05. Board; membership. Subdivision 1. Appointment. The Board consists of three regular members and two alternate members. Members are appointed by the city council in accordance with the procedures established in section 305.13.

Subd. 2. Terms. Members of the Board serve for a term of three years. The terms of members are staggered so only one member is appointed each year. One or more alternate members may be appointed for three-year terms. The term of a member expires on February 28 of the final year of a term. Vacancies on the Board are filled for the unexpired term in the same manner as original appointments are made. Members may be appointed for consecutive terms.

Subd. 3. Qualifications. Members of the Board must be residents of the city. In making an appointment, the city council must give consideration to persons who are knowledgeable and experienced in the field of dispute resolution, including arbitration and mediation. An officer or employee of the city may not be appointed to the Board or otherwise serve on the Board. A member of the Board may apply and be appointed to any other board or commission at the

discretion of the city council without such appointment creating a vacancy on the Board. A person who has been an elected officer or employee of the city may not be appointed to the Board until one year has elapsed since termination of that service or employment.

315.07. Organization; meetings. The Board shall organize, adopt bylaws, and govern itself in accordance with section 305.15. Meetings of the Board shall be held in accordance with open meeting laws and are open to the public unless closed as provided by law.

315.09. Council Liaison. The Board shall have one liaison from the city council that attends its meetings and reports back to the city council. The liaison is not an official member of the Board and may not vote on its issues.

315.11. Staffing; financing. The city manager must provide appropriate staff support including legal assistance to the Board from existing city personnel. Members of the Board serve without compensation, but may be reimbursed for actual and necessary expenses in accordance with normal city policy regarding such reimbursement for other boards and commissions of the city.

315.13. Grievances; procedures. Subdivision 1. Submission. An employee may submit a grievance to the Board subject to the provisions of this subsection.

Subd. 2. Exhaustion of remedies. An employee may not submit a grievance to the Board until the steps of the grievance procedure established by Appendix V have been completed and within ten days of that completion. The grievance procedure provided in Appendix V is complete on the date that the city manager gives written notice of the city manager's final determination of the grievance. The Board must provide in its bylaws for the form and details of a grievance submission.

Subd. 3. Review; discretion. The Board must promptly review the grievance submission. The Board may decline to review a grievance. The Board's decision not to review a grievance is final.

Subd. 4. Hearing. If the Board decides to review a grievance, it may conduct one or more hearings on the matter in the manner set forth in its bylaws. The bylaws must provide for written notice of its hearings to the city manager and the employee. The city manager must supply the Board with information reasonably requested by the Board. The employee may be represented by counsel at a hearing. If the manager's final determination of the grievance is not confirmed by the Board, the reasonable costs, including attorney's fees, incurred by the employee in the proceedings must be paid by the city. If the manager's final determination of the grievance is confirmed by the Board, the employee's costs, including attorneys' fees, will not be paid by the city.

Subd. 5. Decisions. Upon completion of hearings on a grievance, the Board must issue a written order stating its decision, the reasons for the decision, and the findings on which the decision is based. The order may confirm the decision of the city manager or modify it in any respect. The Board must send a copy of the order to the employee and to the city manager. The decision of the Board is final.

315.15. Information; publication. The city manager is directed to take appropriate steps to fully inform employees of the existence and functions of the Board. A notice describing the Board and its functions must be continually posted in conspicuous places in the workplace.

**ARTICLE IV.** Chapter III, Section 310 of the Crystal city code is amended by deleting the following language:

~~310.03. Policy; intent. It was the intention of the charter commission in recommending ordinance no. 90-22 and of the council in enacting that ordinance that personnel administration in the city be governed by a comprehensive set of personnel rules and regulations covering the selection, supervision, discipline, pay classification, benefits and other matters relating to the working conditions of city employees.~~

**ARTICLE V.** The following portions of Chapter III, Section 320 of the Crystal city code are hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

Section 320 – Crystal~~–~~New Hope  
west metro fire-rescue district  
(Added, Ord. No. 2000-07)

320.01. Enabling legislation. Pursuant to Minnesota Statutes, section 471.59 and 1995 Minnesota Laws, chapter 262 (collectively, the "Act"), the city of Crystal has entered into a joint and cooperative agreement ("Agreement") with the city of New Hope that establishes a joint fire district. Article 11 of the Act further provides for the consolidation of the fire relief associations of the respective fire departments in New Hope and Crystal.

320.03. West metro fire-rescue district codified. Pursuant to the Act and Agreement, the west metro fire-rescue district ("District") is hereby ~~codified~~ reaffirmed and shall continue to serve as the city's fire department. The District's fire department serves both the cities Crystal and New Hope and provides each city with effective and economical fire suppression services. The Agreement establishing the District was originally established by a joint and cooperative agreement between the cities of Crystal and New Hope. This Agreement was acted upon and approved by the New Hope and Crystal city councils in Crystal resolution numbers 97-120 and 98-12 and New Hope resolution numbers 97-139 and 97-172. The effective date for operation of the District per the Agreement is was July 6, 1998.

~~320.05. Purpose. The general purpose of the District is to create a joint fire department that serves both Crystal and New Hope. Article 11 of the Act further provides for the consolidation of the fire relief associations of the respective fire departments in New Hope and Crystal. The creation of the west metro fire rescue district is intended to deliver to each city effective and economical fire suppression services.~~

320.05. Fire department. The District is authorized pursuant to the Agreement to exercise the delegated powers as needed to provide emergency services within the city as its fire department, including serving as the city's fire marshal. Major areas of involvement of the District are fire suppression, emergency medical support, fire prevention through code enforcement and public education, hazardous materials release response and specialized heavy rescue. The management, budgeting, and operations of the District shall be as provided in the Agreement.

~~320.07. Board of directors.~~ The District shall be governed and controlled by a board of directors ("Board") as set forth in the Agreement. Per the Agreement, the Board shall consist of nine members, each having one vote and selected as follows (public members need not be a resident of either city): 1) two members of the Crystal city council appointed by council resolution; 2) two members of the New Hope city council appointed by council resolution; 3) the city manager of Crystal, ex officio; 4) the city manager of New Hope, ex officio; 5) one public member appointed by the Crystal city council and one public member appointed by the New Hope city council, neither of whom may be an employee of the District or of the police department of either city; and 6) one public member appointed by joint resolution of the city councils of the city of Crystal and city of New Hope, but such member may not be an employee of the District or of the police department of either city.

~~320.09. Board of directors: term.~~ Per the Agreement, the term of directors, other than directors, ex officio, begins on the date of appointment and terminates on December 31 next following. Thereafter, the term of a director is two years commencing on January 1, except that of the public directors initially appointed: (i) one director serves a term of one year, (ii) one director serves a term of two years, (iii) one director serves a term of three years, and (iv) thereafter all public directors serve a term of two years. Directors serve until their respective successors are appointed and qualify. A vacancy in the office of director, other than an ex officio director, is filled in the same manner that an appointment of a director is made. If a council member ceases to be a council member, the office of director held by that council member is vacant.

~~320.11. Powers and duties of board of directors.~~ The powers and duties of the Board are as set forth in the Agreement that established the District. The Board shall conduct all meetings, elect officers, appoint committees, hire and retain personnel including a fire chief, enter into contracts, purchase, hold and dispose of personal property, and conduct all financial matters in accordance with the provisions of the Agreement. The Board shall also submit a written report to each city council summarizing in detail the District's activities and financial status on at least a quarterly basis.

~~320.13~~07. Amendment or dissolution of district. Amendments to the Agreement or dissolution of the District are shall be governed by Article X of the Agreement. Per Article X, the District may be dissolved at any time by unanimous vote of the Board or by identical resolutions of dissolution adopted by each city council. The Agreement may be amended by identical resolutions adopted by each city council. An amendment is effective when it is filed together with the authorizing resolutions with the fire chief.

~~320.15. City agreement.~~ The cities of New Hope and Crystal have both agreed to be bound by the terms of the Agreement creating the District.

ARTICLE VI. Chapter III, Sections 321 of the Crystal city code is hereby deleted in its entirety.

Section 321—Fire department;  
special provisions  
(Added, Ord. No. 97-4, Sec. 1)

~~321.01. Conflicts; provisions to control.~~ It is the intent of the city council that the provisions of this section relating to the fire department apply exclusively to the department. Where a conflict exists between this section and any other section of this code, the provisions of this section control.

~~321.03. Fire department established.~~ There is established and continued a fire department having the organizational structure, powers and duties set forth in this section. The fire department provides fire and safety services and security to the people of the city. Major areas of involvement of the department are fire suppression, emergency medical support, fire prevention through code enforcement and public education, hazardous materials release response and specialized heavy rescue.

~~321.05. Personnel.~~ Subdivision 1. Classification of personnel. Paid-on-call firefighters are classified as nonbenefit earning part-time employees. Other fire department personnel are classified as stated in the city personnel classification plan.

~~Subd. 2. Authorized complement.~~ The authorized complement of the department is 50 persons including probationary firefighters, regular firefighters and fire officers.

~~Subd. 3. Officers.~~ The department has a fire chief and other fire officers as approved by the city manager.

~~Subd. 4. Appointment of personnel.~~ Each firefighter may be not less than 18 years of age and must live within the response time limit as established by fire department policy. An applicant for employment must pass a testing process as required by fire department policy that must include an oral interview, physical ability test, physical examination and criminal background check. Appointment to the fire department is made by the city manager.

~~Subd. 5. Probationary period.~~ A probationary firefighter may be discharged from the fire department by the city manager without cause. The probationary period for a new firefighter is one year.

~~Subd. 6. Selection of officers.~~ Fire officers are appointed by the city manager after taking into consideration the results of a competitive test in accordance with fire department policy.

~~Subd. 7. Suspension or discharge.~~ Any regular firefighter or fire officer may be suspended, demoted or discharged by the city manager. The decision of the city manager may be appealed to the employee review board. The appeal must be in writing and delivered to the city manager within ten days of the manager's decision.

~~321.07. Duties of the fire chief. Subdivision 1. Direction of department personnel. The fire chief manages and directs the personnel and equipment of the fire department. The chief is responsible for establishing fire department policies and procedures. The policies and procedures must be approved by the city manager.~~

~~Subd. 2. Fire marshal. The office of the fire marshal is held by the fire chief. The fire marshal supervises all fire inspectors and investigators. The fire marshal may inspect all premises and cause the removal or abatement of fire and life safety hazards.~~

~~Subd. 3. Keeping of equipment. The fire chief has control over all of the equipment and apparatus maintained by the department and is responsible for the care and condition of equipment. The fire chief is responsible for the care of the fire stations.~~

~~Subd. 4. Record of fires. The fire chief must keep a complete record of all fires in a convenient form. The information must also be reported to the office of the state fire marshal at least annually.~~

~~321.09. Fire department constitution and bylaws. Any and all previous fire department constitutions or bylaws are repealed.~~

**ARTICLE VII.** The following portions of Chapter III, Section 325.03 of the Crystal city code are hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

325.03. Method of disposition. Subdivision 1. The City Manager shall take all reasonable steps to determine the owner of the unclaimed property prior to its disposal.

Subdivision. 2. Property that has come into the possession of the city and has remained unclaimed by its owner for a period of 60 days or more shall be disposed of by the city by sale to the highest bidder at public auction. The public auction shall be conducted under the direction of the city manager, following published notice in the official newspaper at least ten days in advance of the sale. The published notice shall state the place and time of such sale, and shall contain a general description of the property to be sold. In lieu of a public auction, any of the unclaimed property may be appropriated to the city for its use upon approval of the appropriation by the city council. In the event that any unclaimed property that is put up for sale at the auction and is not sold, the city manager shall submit a report to the city council advising the city council of the items unsold. The city council shall then make a disposition of the unsold items as it deems in the best interest of the city., ~~including, but not limited to, delivering the items to any nonprofit organization.~~

Subdivision. ~~2~~3. Notwithstanding any other procedural requirement of this section, once the property described in subdivision ~~1~~2 above has remained unclaimed by its owner for a period of 60 days or more, the city may contract to dispose of such unclaimed property using an electronic selling process in which purchasers compete to make offers to purchase the surplus

property at the highest price in an open and interactive environment. (Added, Ord. 2007-07, Sec. 1)

**ARTICLE VIII.** The following portions of Chapter III, Section 330 of the Crystal city code are hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

330.01. Special assessments; partial payment. Subdivision 1. Authority. This section is enacted pursuant to Minnesota Statutes, section 429.061, subdivision 3.

Subd. 2. Procedure. During the 30-day period following the adoption by the city council of the assessment roll in a local improvement proceeding conducted under Minnesota Statutes, chapter 429, but prior to the certification of the assessment to the taxpayer services division manager, the owner of property specially assessed in the proceeding may pay to the finance director, without ~~interest~~ interest, any portion of the special assessment not less than \$100. The remaining balance of the special assessment is to be then spread over the period of time and at the interest rate established by the council for the installment payment of the special assessment.

**ARTICLE IX.** The following portions of Chapter III, Section 335 of the Crystal city code are hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as follows:

335.01. Deferment of assessments. Subdivision 1. Authority. This section is enacted pursuant to Minnesota Statutes, sections 435.193 to 435.195, ~~as amended.~~

Subd. 2. Standard for deferment. At its discretion, the city may defer the payment of a special assessment levied for a public improvement, if all of the following conditions applicable to the respective deferment category are present:

- a) the property is one acre or less and is homestead property of the owner;
- b) the owner is:
  - 1) 65 years of age or older, or
  - 2) totally and permanently disabled with income which does not exceed the limits in subdivision 3 a); or
  - 3) a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in Minnesota Statutes, section 190.05, subdivision 5b or 5c, as amended, as stated in the person's military orders;
  - 4) for all deferment categories stated above in subdivisions 2 b) 1) – 3), payment of the assessment would be a hardship for the property owner.

**ARTICLE X.** Chapter V, Section 500 of the Crystal city code is hereby deleted in its entirety and replaced with the double underlined material as follows:

## Section 500 – Planning Commission

500.01. Established. The planning commission is hereby created and continued. The planning commission is designated the planning agency of the city in accordance with Minnesota Statutes, section 462.354.

500.03. Duties. The planning commission has those powers and duties assigned to it by Minnesota Statutes, sections 462.351 to 462.364, (the Municipal Planning Act) and by this code.

500.05. Membership. The planning commission consists of nine members. Two members are appointed from each of the four wards of the city and one member is appointed at large. Members shall be appointed in accordance with the procedures established by the city council as provided in section 305.13. Members may serve on one additional city commission or board in addition to the planning commission.

500.07. Terms. Commissioners serve three-year terms. Terms of members commence on March 1 of the year of appointment and run through February 28 of the year of expiration. There are no term limits.

500.09. Oath of office. Members of the planning commission must, before entering upon the discharge of their duties, take an oath as prescribed by the city charter that they will faithfully discharge the duties of their office.

500.11. Liaison. The planning commission shall have one liaison from the city council that attends its meetings and reports back to the city council. The liaison is not an official member of the planning commission and may not vote on planning commission issues.

500.13. Bylaws. The planning commission shall adopt bylaws consistent with section 305.15.

**ARTICLE XI.** Chapter V of the Crystal city code is hereby amended by adding the double underlined material as a new Section 503 as follows:

### Section 503 – Board of Appeals and Adjustments

503.01. Board of appeals and adjustments. Pursuant to Minnesota Statutes, section 462.354, a board of appeals and adjustments (“Board”) is hereby created and continued. The city’s planning commission shall serve as the Board for the city. Pursuant to Minnesota Statutes, section 462.354, subdivision 2, the decisions of the Board are advisory to the city council, which will make the final decision.

503.03. Duties of the board. The Board shall have the following duties:

- a) The Board hears and makes recommendations with respect to appeals from any order, decision, or determination made by an administrative officer in the

enforcement of the zoning code.

- b) The Board hears requests for variances from literal provisions of the zoning code in accordance with the provisions of Minnesota Statutes, section 462.357.
- c) The Board hears appeals from the denial of a building permit for structures within the limits of a mapped street pursuant to Minnesota Statutes, section 462.359.

503.05. Rules; records. The Board may adopt rules governing its procedure. The Board must provide for a record of its proceedings, including minutes of its meetings, its findings, and its recommendations.

503.07. Appeals. No appeal may be heard by the Board unless a statement of appeal is provided to the city within 14 days of the order, decision, or determination being appealed. The statement must explain the basis for the appeal, the legal support for appellant's position, and the specific relief being sought.

503.09. Hearings. At least ten days' published notice shall be provided prior to any public hearing held by the board on a variance or an appeal. The city shall also mail notice to the person seeking the variance or appeal at least ten days prior to the hearing. The notice is given by mailing to applicant at the applicant's last known address. At the conclusion of the hearing, the board shall forward its recommendation to the city council for a final decision.

**ARTICLE XII.** At the time of incorporating these amendments into the City Code, City staff is directed to correct the references made in Section 335 to the amending ordinance from "Amended, Ord. No. 2010-2, Sec. 1" to "Amended, Ord. No. 2011-2, Sec. 1".

**ARTICLE XIII.** The planning commission, the board of appeals and adjustments, and the employee review board shall continue and remain in effect without separate action by the city council. With respect to all other commissions and boards that are to be continued, the city council shall formally act by ordinance to establish them as provided in this ordinance.

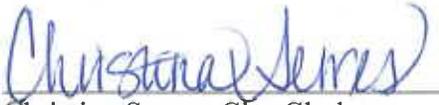
**ARTICLE XIV.** This ordinance is effective upon adoption and 30 days after publication.

First Reading: April 19, 2016  
Second Reading: May 3, 2016  
Council Adoption: May 3, 2016  
Publication: May 12, 2016  
Effective Date: June 11, 2016

**BY THE CITY COUNCIL**

  
\_\_\_\_\_  
Jim Adams, Mayor

ATTEST:

  
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Christina Serres, City Clerk