

156.20

ARTICLE 6

156.21

LOCAL GOVERNMENT POLICY

156.22 Section 1. **[13D.001] DEFINITIONS.**

ADOPTED IN HF820 ON 4/29/21

156.23 Subdivision 1. **Applicability.** For the purposes of this chapter, the terms defined in this
156.24 section have the meanings given.

156.25 Subd. 2. **Interactive technology.** "Interactive technology" means a device, software
156.26 program, or other application that allows individuals in different physical locations to see
156.27 and hear one another.

157.1 Sec. 2. Minnesota Statutes 2020, section 13D.01, subdivision 4, is amended to read:

ADOPTED IN HF820 ON 4/29/21

157.2 Subd. 4. **Votes to be kept in journal.** (a) The votes of the members of the state agency,
157.3 board, commission, or department; or of the governing body, committee, subcommittee,
157.4 board, department, or commission on an action taken in a meeting required by this section
157.5 to be open to the public must be recorded in a journal kept for that purpose or minutes.

157.6 (b) The vote of each member must be recorded on each appropriation of money, except
157.7 for payments of judgments, claims, and amounts fixed by statute.

157.8 Sec. 3. Minnesota Statutes 2020, section 13D.01, subdivision 5, is amended to read:

ADOPTED IN HF820 ON 4/29/21

157.9 Subd. 5. **Public access to journal.** The journal or any minutes used to record votes of
157.10 a meeting subject to this chapter must be open to the public during all normal business hours
157.11 where records of the public body are kept.

157.12 Sec. 4. Minnesota Statutes 2020, section 13D.015, is amended to read:

ADOPTED IN HF820 ON 4/29/21

157.13 **13D.015 STATE ENTITY MEETINGS BY TELEPHONE OR ~~OTHER~~**
157.14 **ELECTRONIC MEANS INTERACTIVE TECHNOLOGY.**

157.15 Subdivision 1. **Application.** This section applies to:

157.16 (1) a state agency, board, commission, or department, and a statewide public pension
157.17 plan defined in section 356A.01, subdivision 24; and

157.18 (2) a committee, subcommittee, board, department, or commission of an entity listed in
157.19 clause (1).

157.20 Subd. 2. **Conditions.** An entity listed in subdivision 1 may conduct a meeting governed
157.21 by this section and section 13D.01, subdivisions 1, 2, 4, and 5, by telephone or ~~other~~
157.22 ~~electronic means~~ interactive technology so long as the following conditions are met:

157.23 (1) all members of the entity participating in the meeting, wherever their physical location,
157.24 can hear one another and can hear all discussion and testimony;

157.25 (2) members of the public present at the regular meeting location of the entity can hear
157.26 all discussion and all votes of members of the entity and participate in testimony;

157.27 (3) at least one member of the entity is physically present at the regular meeting location;
157.28 and

157.29 (4) all votes are conducted by roll call, so each member's vote on each issue can be
157.30 identified and recorded.

158.1 Subd. 3. **Quorum; participation.** Each member of the entity participating in a meeting
158.2 by telephone or ~~other electronic means~~ interactive technology is considered present at the
158.3 meeting for purposes of determining a quorum and participating in all proceedings.

158.4 Subd. 4. **Monitoring from remote site; costs.** If telephone or ~~another electronic means~~
158.5 interactive technology is used to conduct a meeting, the entity, to the extent practical, shall
158.6 allow a person to monitor the meeting electronically from a remote location. ~~The entity may~~
158.7 ~~require the person making a connection to pay for documented marginal costs that the entity~~
158.8 ~~incurs as a result of the additional connection.~~

158.9 Subd. 5. **Notice.** If telephone or ~~another electronic means~~ interactive technology is used
158.10 to conduct a regular, special, or emergency meeting, the entity shall provide notice of the
158.11 regular meeting location, of the fact that some members may participate by ~~electronic means~~
158.12 interactive technology, and of the provisions of subdivision 4. The timing and method of
158.13 providing notice is governed by section 13D.04. In addition, the entity must post the notice
158.14 on its website at least ten days before any regular meeting as defined in section 13D.04,
158.15 subdivision 1.

158.16 Sec. 5. Minnesota Statutes 2020, section 13D.02, is amended to read:

158.17 **13D.02 OTHER ENTITY MEETINGS CONDUCTED BY INTERACTIVE TV;**
158.18 **CONDITIONS TECHNOLOGY.**

158.19 Subdivision 1. **Conditions.** (a) A meeting governed by section 13D.01, subdivisions 1,
158.20 2, 4, and 5, and this section may be conducted by interactive ~~television~~ technology so long
158.21 as:

158.22 (1) all members of the body participating in the meeting, wherever their physical location,
158.23 can hear and see one another and can hear and see all discussion and testimony presented
158.24 at any location at which at least one member is present;

158.25 (2) members of the public present at the regular meeting location of the body can hear
158.26 and see all discussion and testimony and all votes of members of the body;

158.27 (3) at least one member of the body is physically present at the regular meeting location;

158.28 (4) all votes are conducted by roll call so each member's vote on each issue can be
158.29 identified and recorded; and

ADOPTED IN HF820 ON 4/29/21

158.30 (5) each location at which a member of the body is present is open and accessible to the
158.31 public.

159.1 (b) A meeting satisfies the requirements of paragraph (a), although a member of the
159.2 public body participates from a location that is not open or accessible to the public, if the
159.3 member has not participated more than three times in a calendar year from a location that
159.4 is not open or accessible to the public, and:

159.5 (1) the member is serving in the military and is at a required drill, deployed, or on active
159.6 duty; or

159.7 (2) the member has been advised by a health care professional against being in a public
159.8 place for personal or family medical reasons. This clause only applies when a state of
159.9 emergency has been declared under section 12.31, and expires 60 days after the removal of
159.10 the state of emergency.

159.11 Subd. 1a. **Meeting exception.** This section applies to meetings of entities described in
159.12 section 13D.01, subdivision 1, except meetings of:

159.13 (1) a state agency, board, commission, or department and a statewide public pension
159.14 plan defined in section 356A.01, subdivision 24; and

159.15 (2) a committee, subcommittee, board, department, or commission of an entity listed in
159.16 clause (1).

159.17 Subd. 2. **Members are present for quorum, participation.** Each member of a body
159.18 participating in a meeting by interactive ~~television~~ technology is considered present at the
159.19 meeting for purposes of determining a quorum and participating in all proceedings.

159.20 Subd. 3. **Monitoring from remote site; costs.** If interactive ~~television~~ technology is
159.21 used to conduct a meeting, to the extent practical, a public body shall allow a person to
159.22 monitor the meeting electronically from a remote location. ~~The body may require the person~~
159.23 ~~making such a connection to pay for documented marginal costs that the public body incurs~~
159.24 ~~as a result of the additional connection.~~

159.25 Subd. 4. **Notice of regular and all member sites.** If interactive ~~television~~ technology
159.26 is used to conduct a regular, special, or emergency meeting, the public body shall provide
159.27 notice of the regular meeting location and notice of any site where a member of the public
159.28 body will be participating in the meeting by interactive ~~television~~ technology. The timing
159.29 and method of providing notice must be as described in section 13D.04.

159.30 Subd. 5. **School boards; interactive technology with an audio and visual link.** A
159.31 school board conducting a meeting under this section may use interactive technology with
159.32 an audio and visual link to conduct the meeting if the school board complies with all other
159.33 requirements under this section.

160.1 Subd. 6. **Record.** The minutes for a meeting conducted under this section must reflect
160.2 the names of any members appearing by interactive television technology and state the
160.3 reason or reasons for the appearance by interactive television technology.

160.4 Sec. 6. Minnesota Statutes 2020, section 13D.021, is amended to read:

160.5 **13D.021 MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS;**
160.6 **CONDITIONS DURING PANDEMIC OR CHAPTER 12 EMERGENCY.**

160.7 Subdivision 1. **Conditions.** A meeting governed by this section and section 13D.01,
160.8 subdivisions 1, 2, 4, and 5, may be conducted by telephone or ~~other electronic means~~
160.9 interactive technology so long as the following conditions are met:

160.10 (1) the presiding officer, chief legal counsel, or chief administrative officer for the
160.11 affected governing body determines that an in-person meeting or a meeting conducted under
160.12 section 13D.015 or 13D.02 is not practical or prudent because of a health pandemic or an
160.13 emergency declared under chapter 12;

160.14 (2) all members of the body participating in the meeting, wherever their physical location,
160.15 can hear one another and can hear all discussion and testimony;

160.16 (3) members of the public present at the regular meeting location of the body can hear
160.17 all discussion and testimony and all votes of the members of the body, unless attendance at
160.18 the regular meeting location is not feasible due to the health pandemic or emergency
160.19 declaration;

160.20 (4) at least one member of the body, chief legal counsel, or chief administrative officer
160.21 is physically present at the regular meeting location, unless unfeasible due to the health
160.22 pandemic or emergency declaration; and

160.23 (5) all votes are conducted by roll call, so each member's vote on each issue can be
160.24 identified and recorded.

160.25 Subd. 2. **Members are present for quorum, participation.** Each member of the body
160.26 participating in a meeting by telephone or ~~other electronic means~~ interactive technology is
160.27 considered present at the meeting for purposes of determining a quorum and participating
160.28 in all proceedings.

160.29 Subd. 3. **Monitoring from remote sites; costs.** If telephone or ~~another electronic means~~
160.30 interactive technology is used to conduct a meeting, to the extent practical, the body shall
160.31 allow a person to monitor the meeting electronically from a remote location. ~~The body may~~
161.1 ~~require the person making a connection to pay for the documented additional cost that the~~
161.2 ~~body incurs as a result of the additional connection.~~

161.3 Subd. 4. **Notice of regular and all member sites.** If telephone or ~~another electronic~~
161.4 ~~means~~ interactive technology is used to conduct a regular, special, or emergency meeting,

ADOPTED IN HF820 ON 4/29/21

161.5 the public body shall provide notice of the regular meeting location, of the fact that some
161.6 members may participate by telephone or ~~other electronic means~~ interactive technology,
161.7 and of the provisions of subdivision 3. The timing and method of providing notice is governed
161.8 by section 13D.04 of the ~~Open Meeting Law~~.

161.9 Subd. 5. **Public comment period during health pandemic or emergency.** If attendance
161.10 at the regular meeting location is not feasible due to a health pandemic or emergency
161.11 declaration and the public body offers a public comment period, members of the public
161.12 shall be permitted to comment from a remote location during the public comment period
161.13 of the meeting, to the extent practical.

161.14 Sec. 7. Minnesota Statutes 2020, section 462.358, is amended by adding a subdivision to
161.15 read:

161.16 Subd. 2d. **Dedication fee; first class cities.** Notwithstanding subdivisions 2b and 2c,
161.17 the city council or other chief governing body of a city of the first class, as defined in section
161.18 410.01, may require that a reasonable portion of land be dedicated to the public or may
161.19 impose a dedication fee in conjunction with the construction permit required for new housing
161.20 units and new commercial and industrial development in the city, wherever located, for
161.21 public parks, playgrounds, recreational facilities, wetlands, trails, or open space. The city
161.22 council or other chief governing body of the city must enact an ordinance to impose a
161.23 dedication of land or a dedication fee. The ordinance may exempt senior housing and
161.24 affordable housing applicants from the dedication of land or the dedication fee requirements.
161.25 The ordinance may set the cash fee based on current land prices at the time the permit is
161.26 issued or set at a flat fee rate per net new residential unit or other standard basis for
161.27 commercial and industrial property.

161.28 **EFFECTIVE DATE.** This section is effective for ordinances enacted on or after August
161.29 1, 2021.

162.1 Sec. 8. Minnesota Statutes 2020, section 469.074, is amended by adding a subdivision to
162.2 read:

162.3 Subd. 4. **Nonprofit corporation creation authority.** The Seaway Port Authority of
162.4 Duluth may create a corporation as a nonprofit corporation under chapter 317A with the
162.5 mission of furthering its goals and duties.

162.6 Sec. 9. Minnesota Statutes 2020, section 471.342, subdivision 1, is amended to read:

162.7 Subdivision 1. **City.** In this section, "city" means a home rule charter or statutory city,
162.8 township, or any political subdivision of the state with statutory sewer ownership or
162.9 operational responsibilities.

162.10 Sec. 10. Minnesota Statutes 2020, section 471.342, subdivision 4, is amended to read:

162.11 Subd. 4. **Program guidelines.** The city shall establish guidelines to govern the program.
162.12 The guidelines shall establish criteria for program eligibility and standards for compliance

162.13 with the program. Prior to adoption of the program guidelines, the city council must conduct
162.14 a public hearing on the proposed guidelines after giving at least ten days' published notice
162.15 of the hearing.

162.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

162.17 Sec. 11. Minnesota Statutes 2020, section 471.345, subdivision 20, is amended to read:

162.18 Subd. 20. **Solicitations to small business enterprises or veteran-owned small**
162.19 **businesses.** A contract, as defined in subdivision 2, estimated not to exceed \$250,000
162.20 \$750,000 may be made pursuant to the provisions of subdivision 4 provided that a business
162.21 that is directly solicited is: (1) certified as a small business enterprise by a county designated
162.22 small business certification program; or (2) certified by the commissioner of administration
162.23 as a small business that is majority-owned and operated by a veteran or a service-disabled
162.24 veteran. This subdivision applies only to county boards.

162.25 Sec. 12. **[471.585] MUNICIPAL HOTEL LICENSING.**

162.26 (a) A statutory or home rule charter city or a town may adopt an ordinance requiring
162.27 hotels operating within the boundaries of the city or town to have a valid license issued by
162.28 the city or town. A fee for a license under this section may not exceed \$100.

163.1 (b) An ordinance adopted under this section is limited to requiring compliance with state
163.2 and local laws as a condition of licensure. No other licensing conditions or requirements
163.3 are permitted.

163.4 (c) A city or town that has adopted an ordinance under this section may refuse to issue
163.5 a license, or may revoke an existing license, if the hotel fails to comply with the conditions
163.6 of the license.

163.7 Sec. 13. Minnesota Statutes 2020, section 473.606, subdivision 5, is amended to read:

163.8 Subd. 5. **Employees, others, affirmative action; prevailing wage.** The corporation
163.9 shall have the power to appoint engineers and other consultants, attorneys, and such other
163.10 officers, agents, and employees as it may see fit, who shall perform such duties and receive
163.11 such compensation as the corporation may determine notwithstanding the provisions of
163.12 section 43A.17, subdivision 9, and be removable at the pleasure of the corporation. The
163.13 corporation must adopt an affirmative action plan, which shall be submitted to the appropriate
163.14 agency or office of the state for review and approval. The plan must include a yearly progress
163.15 report to the agency or office. Whenever the corporation performs any work within the
163.16 limits of a city of the first class, or establishes a minimum wage for skilled or unskilled
163.17 labor in the specifications or any contract for work within one of the cities, the rate of pay
163.18 to such skilled and unskilled labor must be the prevailing rate of wage for such labor in that
163.19 city.

163.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

163.21 Sec. 14. Laws 1963, chapter 305, section 2, as amended by Laws 1998, chapter 404,
163.22 section 62, is amended to read:
163.23 Sec. 2.

163.24 The authority created under this act shall consist of 11 directors, seven appointed by the
163.25 city of Duluth and four appointed by the governor. The directors serve without compensation
163.26 but may be reimbursed for authorized out-of-pocket expenses incurred in the fulfillment of
163.27 their duties. The original term of three of the directors shall be for one year; the original
163.28 term of two of the directors shall be for two years; and the original term of two of the
163.29 directors shall be for three years, and until their respective successors are appointed and
163.30 qualified. Subsequent terms of directors appointed by the city shall be for three years. All
163.31 terms shall expire on June 30 of the appropriate year. Directors appointed by the governor
163.32 serve at the pleasure of the governor. Whenever a vacancy on such authority shall occur by
164.1 reason of resignation, death, removal from the city, or removal for failure or neglect to
164.2 perform duties of a director, such vacancy shall be filled for the unexpired term. All
164.3 appointments and removal of directors of the authority appointed by the city shall be made
164.4 by the mayor, with the approval of the city council, evidenced by resolution. Every appointee
164.5 who shall fail, within ten days after notification of his appointment, to file with the city
164.6 clerk his the appointee's oath or affirmation to perform faithfully, honestly, and impartially
164.7 the duties of his the office, shall be deemed to have refused such appointment, and thereupon
164.8 another person shall be appointed in the manner prescribed in this section.

164.9 Sec. 15. Laws 1963, chapter 305, section 3, as amended by Laws 1998, chapter 404,
164.10 section 63, is amended to read:
164.11 Sec. 3.

164.12 Subdivision 1. Within 30 days after the members of the authority shall have qualified
164.13 for office, the authority shall meet and organize, and adopt and thereafter may amend such
164.14 rules and regulations for the conduct of the authority as the authority shall deem to be in
164.15 the public interest and most likely to advance, enhance, foster, and promote the use of
164.16 regional assets, the entertainment and convention center, and its facilities for activities,
164.17 conventions, events, and athletic and cultural productions. Such rules and regulations shall
164.18 at all times be in harmony with this act.

164.19 Subd. 2. Such directors shall elect from among their number a ~~president chair~~ and a
164.20 ~~vice president vice-chair~~, and shall also elect a treasurer or secretary ~~who may or may not~~
164.21 ~~be a member of such authority, or both~~. No two of such offices may be held by one director.
164.22 The officers shall have the duties and powers usually attendant upon such officers, and such
164.23 other duties and powers not inconsistent herewith as may be provided by the authority.

164.24 Subd. 3. The authority shall select a specific site within the city of Duluth for location
164.25 of a national class entertainment and convention center, and may spend money appropriated,
164.26 or otherwise available to it for that purpose, to acquire property for the center and to plan,
164.27 design, construct, equip, and furnish the center. The authority shall administer, promote,
164.28 and operate the center as a state facility, but for which the state assumes no financial
164.29 responsibility or liability beyond the amounts appropriated for the facility.

165.1 Sec. 16. Laws 1963, chapter 305, section 4, as amended by Laws 1998, chapter 404,
165.2 section 64, is amended to read:
165.3 Sec. 4.

165.4 Subdivision 1. The city treasurer of the city of Duluth shall be the ~~treasurer~~ fiscal agent
165.5 of the authority. The ~~treasurer~~ fiscal agent shall receive and have the custody of all moneys
165.6 of the authority from whatever source derived, and the same shall be deemed public funds.
165.7 The ~~treasurer~~ city of Duluth shall disburse such funds only upon written orders drawn against
165.8 such funds, signed by the manager and approved by the ~~president~~ chair, or in ~~his~~ the chair's
165.9 absence, the ~~vice-president~~ vice-chair of such authority; and each order shall state the name
165.10 of the payee and the nature of the claim for which the same is issued. The ~~treasurer~~ fiscal
165.11 agent shall keep an account of all monies coming into ~~his~~ the fiscal agent's hands, showing
165.12 the source of all receipts and the nature, purpose, and authority of all disbursements, and at
165.13 least four times each year, at times and in a form to be determined by the city council, the
165.14 authority shall file with the city clerk a financial statement of the authority, showing all
165.15 receipts and disbursements, the nature of the same, the moneys on hand, and the purposes
165.16 for which the same are applicable, the credits and assets of the authority, and its outstanding
165.17 liabilities.

165.18 Subd. 2. The authority has the exclusive power to receive, control, and order the
165.19 expenditure of any and all moneys and funds pertaining to the center operations.

165.20 Subd. 3. There are hereby created in the treasury of the city of Duluth a special
165.21 entertainment and convention center fund, hereinafter referred to as the special fund, and
165.22 an entertainment and convention center operating fund, hereinafter referred to as the operating
165.23 fund. The moneys in the special fund shall be used solely for the acquisition and preparation
165.24 of a site, and for the planning, construction, and equipping of the center. The special fund
165.25 shall consist of:

165.26 (1) All moneys derived from the sale of bonds by the city to provide funds for the
165.27 acquisition and preparation of a site, and for the planning, construction, and equipping of
165.28 the center.

165.29 (2) All moneys appropriated or made available to the city of Duluth for the acquisition
165.30 and preparation of a site, and for the planning, construction, and equipping of the center.

165.31 (3) The proceeds of all financial aid or assistance by the city or state governments for
165.32 the acquisition and preparation of a site, and for the planning, construction, and equipping
165.33 of the center.

166.1 (4) All moneys received from the United States of America to aid in the acquisition and
166.2 preparation of a site, and for the planning, construction, and equipping of the center.

166.3 (5) All moneys received as gifts or contributions to the acquisition and preparation of a
166.4 site, and for the planning, construction, and equipping of the center.

166.5 The operating fund shall be used for maintenance, marketing and promotion, operation,
166.6 or betterment of the center, and for expenses of the authority. The operating fund shall
166.7 consist of all moneys of the authority derived from any source other than moneys credited
166.8 to the special fund as hereinabove provided.

166.9 Subd. 4. At least once in each year the city auditor shall make, or cause to be made, at
166.10 the expense of the authority, a complete examination and audit of all books and accounts
166.11 of the aforesaid authority; and for such purpose the city auditor shall have the authority and
166.12 power to inspect and examine such books and accounts at any time during regular business
166.13 hours and such intervals as ~~he may determine~~ determined by the city auditor. One copy of
166.14 such yearly audit shall be filed by the city auditor with the city clerk as a public document.

166.15 Subd. 5. The authority shall annually submit to the governor and the legislature a report
166.16 detailing its activities and finances for the previous year. The report shall also include a
166.17 proposed budget for the succeeding two years, showing in reasonable detail estimated
166.18 operating and nonoperating revenues from all sources, and estimated expenditures for
166.19 operation, administration, ordinary repair, and debt service.

166.20 Subd. 6. The legislative auditor shall make an annual audit of the authority's books and
166.21 accounts once each year or as often as the legislative auditor's funds and personnel permit.

166.22 Sec. 17. Laws 1963, chapter 305, section 5, as amended by Laws 1998, chapter 404,
166.23 section 65, is amended to read:
166.24 Sec. 5.

166.25 Subdivision 1. Wherever the word "center" is used in this act, it means the entertainment
166.26 and convention center complex ~~of~~ and its facilities in the city of Duluth, including the land
166.27 upon which it stands and land appurtenant thereto.

166.28 Subd. 2. Notwithstanding anything to the contrary contained in any law, or in the charter
166.29 of the city of Duluth, or in any ordinance thereof, passed by the city council, or approved
166.30 by the electors of the city, there is hereby conferred upon such authority the power and duty
166.31 to contract for and superintend the erection, construction, equipping and furnishing of the
167.1 center, and to administer, promote, control, direct, manage, and operate the center as a
167.2 municipal facility.

167.3 Sec. 18. Laws 1963, chapter 305, section 8, as amended by Laws 1998, chapter 404,
167.4 section 67, is amended to read:
167.5 Sec. 8.

167.6 The authority shall have the power:

167.7 To adopt and alter all bylaws and rules and regulations which it shall from time to time
167.8 deem best for the conduct of the business of the authority, and for the use of the facilities
167.9 of the authority, and for the purposes of carrying out the objects of this act; but such bylaws,
167.10 rules, and regulations shall not be in conflict with the terms of this act.

167.11 To appoint and remove a manager and such other employees as the authority may deem
167.12 necessary, who shall not be within the civil service classifications of the city, and to prescribe
167.13 the duties and fix the compensation and other benefits of such manager and employees,
167.14 without regard to any provision contained in the charter or any ordinance of the city relating
167.15 to civil service, or to any provision contained in Minnesota Statutes 1961, Sections 197.45
167.16 to 197.47, inclusive.

167.17 To procure and provide for a policy or policies of insurance for the defense and
167.18 indemnification of the city of Duluth, its officers and employees, and directors, manager,
167.19 and employees of the authority, against claims arising against them out of the performance
167.20 of duty, whether such claims be groundless, or otherwise. Premiums for any policies of
167.21 insurance required by this act shall be paid for out of the funds of the entertainment
167.22 convention center authority.

167.23 To implement and carry out the provisions of section 7 of this act.

167.24 To utilize the services and facilities of the city so far as the same are offered by
167.25 appropriate city officials and accepted by the authority, and to pay the city for all charges
167.26 and costs for such services.

167.27 To operate and maintain and to lease from others all facilities necessary or convenient
167.28 in connection with the center and to contract for the operation and maintenance of any parts
167.29 thereof or for services to be performed; to lease the whole or parts thereof, and grant
167.30 concessions, all on such terms and conditions as the authority may determine.

168.1 To authorize and direct the city ~~treasurer~~ fiscal agent to invest, in the manner provided
168.2 by law, any funds held in reserve, or sinking funds, or any funds not required for immediate
168.3 disbursement.

168.4 To fix, alter, charge, and collect rates, fees, and all other charges to be made for all
168.5 services or facilities furnished by the authority for the use of the center facilities by any
168.6 persons or public or private agencies utilizing such services or facilities.

168.7 To make and execute contracts, agreements, instruments, and other arrangements
168.8 necessary or convenient to the exercise of its powers.

168.9 Sec. 19. Laws 1963, chapter 305, section 9, as amended by Laws 1998, chapter 404,
168.10 section 68, is amended to read:
168.11 Sec. 9.

168.12 The manager of the center shall be responsible for the custody and control of all moneys
168.13 received and collected from the daily operations of the center until such moneys are delivered
168.14 to the city ~~treasurer~~ fiscal agent and ~~he~~ the fiscal agent shall have obtained a receipt therefor,
168.15 or until such moneys are deposited in a bank account under control of the city ~~treasurer~~
168.16 fiscal agent.

168.17 The manager shall give bond in favor of the city of Duluth in a sum equal to twice the
168.18 amount of money which will probably be in ~~his~~ the manager's hands at any time during any

168.19 one year, that amount to be determined at least annually by the authority; such bond to be
168.20 conditioned upon the faithful discharge of his the manager's official duties, and be approved
168.21 as to form, correctness, and validity by the city attorney, and filed with the city auditor;
168.22 such bond, however, shall not exceed \$300,000. Premiums for such bonds shall be paid out
168.23 of funds of the authority.

168.24 Sec. 20. Laws 1963, chapter 305, section 10, as amended by Laws 1998, chapter 404,
168.25 section 69, is amended to read:
168.26 Sec. 10.

168.27 The authority shall regulate the making of bids and the letting of contracts through
168.28 procedure established by the authority, subject to the following conditions:

168.29 (a) In all cases of work to be done by contract or the purchase of property of any kind,
168.30 or the rendering of any service to the authority other than professional services, competitive
169.1 bids shall be secured before any purchase is made or any contract awarded where the amount
169.2 involved exceeds the sum of ~~\$2,000~~ \$50,000.

169.3 (b) All bids shall be sealed when received, shall be opened in public at the hour stated
169.4 in the notice; and all original bids, together with all documents pertaining to the award of
169.5 the contract, shall be retained and made a part of the permanent file or record, and shall be
169.6 open to public inspection.

169.7 (c) Purchases of ~~\$2,000~~ \$50,000 or less may, through procedure established by the
169.8 authority, be delegated to the center manager. Contracts involving more than ~~\$2,000~~ \$50,000
169.9 shall be awarded only after authorization by the authority.

169.10 (d) The authority may reject, or through procedure established by the authority, authorize
169.11 the center manager to reject, any and all bids.

169.12 (e) Contract shall be let to the lowest responsible bidder, and purchases shall be made
169.13 from the responsible bidder who offers to furnish the article desired for the lowest sum.

169.14 (f) In determining the lowest responsible bidder, in addition to price, the following may
169.15 be considered:

169.16 (1) The ability, capacity, and skill of the bidder to perform the contract or provide the
169.17 service required.

169.18 (2) Whether the bidder can perform the contract or provide the service promptly, or
169.19 within the time specified, without delay or interference.

169.20 (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

169.21 (4) The quality of performance of previous contracts or services.

169.22 (5) The sufficiency of the financial resources and ability of the bidder to perform the
169.23 contract or provide the service.

- 169.24 (6) The quality, availability, and adaptability of the supplies or contractual service to
169.25 the particular use required.
- 169.26 (7) The ability of the bidder to provide future maintenance and service for the use of the
169.27 subject of the contract.
- 169.28 (8) The number and scope of conditions attached to the bid.
- 169.29 (g) Specifications shall not be so prepared as to exclude all but one type or kind, but
169.30 shall include competitive supplies and equipment; provided, however, that unique or
170.1 noncompetitive articles which are determined by the authority to be sufficiently superior
170.2 for the service intended by the authority, may be purchased without regard to other bids.
- 170.3 Sec. 21. Laws 2006, chapter 269, section 2, as amended by Laws 2008, chapter 331,
170.4 section 11, Laws 2008, chapter 366, article 17, section 5, and Laws 2013, chapter 85, article
170.5 5, section 43, is amended to read:
170.6 Sec. 2. **DEDICATION FEE.**
- 170.7 Notwithstanding Minnesota Statutes, section 462.358, subdivision 2d, the Minneapolis
170.8 Park and Recreation Board and the Minneapolis City Council may jointly require that a
170.9 reasonable portion of land be dedicated to the public or impose a dedication fee in conjunction
170.10 with the construction permit required for new housing units and new commercial and
170.11 industrial development in the city, wherever located, for public parks, playgrounds,
170.12 recreational facilities, wetlands, trails, or open space. The dedication of land or dedication
170.13 fee must be imposed by an ordinance jointly enacted by the park board and the city council.
170.14 The cash fee may be set at a flat fee rate per net new residential unit. The ordinance may
170.15 exclude senior housing and affordable housing from paying the fee or the dedication of
170.16 land. The provisions of Minnesota Statutes, section 462.358, subdivisions 2b, paragraph
170.17 (b), and 2c, apply to the application and use of the dedication of land or the dedication fee.
- 170.18 **EFFECTIVE DATE.** This section is effective August 1, 2021.
- 170.19 Sec. 22. Laws 2013, chapter 85, article 5, section 44, is amended to read:
170.20 Sec. 44. **CITY OF ST. PAUL DEDICATION FEE.**
- 170.21 Notwithstanding Minnesota Statutes, section 462.358, subdivision 2d, the city of St.
170.22 Paul may require that a reasonable portion of land be dedicated to the public or impose a
170.23 dedication fee in conjunction with the construction permit required for new housing units
170.24 and new commercial and industrial development in the city, wherever located, for public
170.25 parks, playgrounds, recreational facilities, wetlands, trails, or open space. The dedication
170.26 of land or dedication fee must be imposed by an ordinance enacted by the city council. The
170.27 cash fee may be set at a flat fee rate per net new residential unit. The ordinance may exclude
170.28 senior housing and affordable housing from paying the fee or the dedication of land. The
170.29 provisions of Minnesota Statutes, section 462.358, subdivisions 2b, paragraph (b); and 2c,
170.30 apply to the application and use of the dedication of land or the dedication fee.

- 170.31 **EFFECTIVE DATE.** This section is effective August 1, 2021.
- 171.1 Sec. 23. **REPEALER.**
- 171.2 **Minnesota Statutes 2020, section 43A.17, subdivision 9, is repealed.**
- 171.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.