

CHAPTER 31: DEPARTMENTS, BOARDS AND COMMISSIONS

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POLICE DEPARTMENT

SECTION 31.01 POLICE DEPARTMENT CONTINUED.

(A) The Police Department of the city is hereby continued. The head of the Police Department shall be known as the Chief of Police and the number of additional members of the Police Department, together with their ranks and titles, shall be determined by the City Council by resolution. The compensation to be paid to members of the Police Department shall be fixed by the City Council. Members of the Police Department shall be appointed by the City Council.

(B) All police officers shall meet the minimum standards for licensing as a peace officer as established by the Minnesota Peace Officers Standards and Training Board and have a current and valid peace officer license at the time of appointment. All police officers shall retain this license during their employment as a police officer with the city and will be subject to discharge if the license is suspended, revoked or becomes invalid for any reason. In addition, all police officers must have a valid Minnesota vehicle operator's license and must be insurable as a vehicle driver by the city's automobile insurance carrier.

SECTION 31.02 CHIEF OF POLICE.

The Chief of Police shall have supervision and control of the Police Department and its members. The Chief of Police shall be responsible for the proper training and discipline of the members of the Police Department. The Chief of Police shall be responsible for the keeping of adequate records and shall report to the City Council on the needs of the Police Department and its work. Every member of the Police Department is subordinate to the Chief of Police and shall obey the instructions of the Chief of Police and any superior officer. The City Council may designate one of the police officers as Acting Chief, who shall have all the powers and duties of the Chief of Police during the absence or disability of the Chief of Police.

SECTION 31.03 DUTIES OF POLICE.

Members of the Police Department shall enforce the laws applicable to the city, bring violators before the court, and make complaints for offenses coming to their knowledge. Members of the Police Department shall serve processes on behalf of the city and shall serve those notices as may be required by the City Council or other authority. When the city is not a party to the proceedings involved in the process or notice, the officer shall collect the same fees as provided by law or established from time to time by the City's fee schedule. All fees shall be paid into the city treasury.

SECTION 31.04 UNIFORM AND BADGE.

Each member of the Police Department shall, while on duty, wear a suitable badge and uniform furnished by the city, except that the Chief of Police may authorize the performance of specific duties while not in uniform. When a member terminates membership in the Police Department, the member shall immediately deliver to the city the badge, uniform and all other property of the city.

SECTION 31.05 EXTRA POLICE.

In case of riot or other law enforcement emergency, the Chief of Police may appoint for a specified time as many emergency assistants to the Chief of Police as may be necessary for the maintenance of law and order. During the term of appointment, the emergency assistants shall have only those powers and perform only those duties as shall be specifically assigned by the Chief of Police and which are permitted by law.

SECTION 31.06 POLICE DEPARTMENT POLICIES MANUAL ADOPTED.

The Police Department Manual, as amended, containing the general policies, procedures and rules for operation of the Police Department of the city is hereby adopted as the official departmental policy manual of the Police Department.

SECTION 31.07 BACKGROUND CHECKS.

(A) The Annandale City Council has determined that there are persons residing in rental property in Annandale engaging in disorderly conduct which results in a hostile environment for other Annandale citizens living near or close to the rental property. It is the declared purpose and intent of this section to protect and preserve the City's neighborhoods and the public health, safety, and welfare of its citizens by providing a system at the local level for criminal history/background investigations of prospective tenants.

(B) The Annandale Police Department shall conduct criminal history/background investigations on prospective tenants in rental property in the City of Annandale upon request by the owner or manager of the rental property. "Rental property" means any real property or dwelling rented or leased by one person or entity to

another person or entity for residential purposes, including but not limited to houses, apartments, townhomes, condominiums, manufactured or mobile homes or the lots on which they are located, and other similar structures. No such investigation shall be conducted using the state Criminal Justice Data Communications Network (CJDN) and no information obtained from the CJDN shall be disseminated unless the landlord presents an Informed Consent/Waiver form signed by the prospective tenant. The Informed Consent/Waiver form must meet the requirements of Minnesota Statutes Section 13.05, Subd. 4(d). Each request must be on a form approved or provided by the Annandale Police Department. The applicant shall pay a fee as established by the City Council in its fee schedule.

(C) The Annandale Police Department is hereby further authorized to perform criminal history/background investigations on applicants for employment or volunteer positions with the School District or non-profit organization when such employee or volunteer will have, may have or seeks to have access to a child under Minnesota Statutes 299C.61. These background checks will be in accordance with Minnesota Statutes 299C.62.

SECTION 31.08 APPLICANTS FOR CITY EMPLOYMENT

(A) PURPOSE: The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota’s Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in SECTION B.

(B) CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS: The Annandale Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following positions within the city, unless the city’s hiring authority concludes that a background investigation is not needed:

- Employment positions:
- City Administrator
- Police Chief
- Public Works Director
- Police Sergeant
- FT Police Officer
- Clerk/Accountant
- Public Works Maint
- Deputy Registrar
- Deputy Clerk
- Secretary/Clerk
- Seasonal Laborer

In conducting the criminal history background investigation in order to screen

employment applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring authority, including the City Council, the City Administrator, or other city staff involved in the hiring process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment 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:

- (1) The grounds and reasons for the denial.
- (2) The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- (3) The earliest date the applicant may reapply for employment.
- (4) That all competent evidence of rehabilitation will be considered upon reapplication.

(Ordinance 337, 6-3-13)

SECTION 31.09 APPLICANTS FOR CITY LICENSES

A. **PURPOSE:** The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of licensing background checks.

B. **CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS:** The Annandale Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following licenses within the city:

City licenses:
Liquor License
Peddlers License

In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History

information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City Administrator, or other city staff involved the license approval process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the 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:

- (1) The grounds and reasons for the denial.
- (2) The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- (3) The earliest date the applicant may reapply for the license.
- (4) That all competent evidence of rehabilitation will be considered upon reapplication.

(Ordinance 337, 6-3-13)

VOLUNTEER FIRE DEPARTMENT

**SECTION 31.20 VOLUNTEER FIRE DEPARTMENT CONTINUED;
APPOINTMENT OF OFFICERS.**

(A) There is continued in this city a Volunteer Fire Department, which department shall have the following officers: a Chief, an Assistant Chief, a Fire Marshal, and such other officers as may from time to time be determined by the City Council.

(B) The Chief of the Volunteer Fire Department shall be appointed by the City Council. The Chief of the Volunteer Fire Department shall appoint each year an Assistant Chief and a Fire Marshal, and such other officers as the Chief deems advisable, subject to confirmation by the City Council. The Chief of the Volunteer Fire Department, the Assistant Chief, the Fire Marshal and other officers so appointed each shall hold office for one year and until the successor has been duly appointed or qualified. These officers may be removed by the City Council for cause and after a public hearing. If one of the officers duly appointed shall resign his or her office, be removed from office by the City Council, or is deceased during his or her term of office, the successor shall be duly appointed by the City Council as soon as is practical. The officer so appointed is so appointed for the period of the unexpired term of the vacated office.

(C) Firefighters and probationary firefighters shall be appointed by the Chief of the Volunteer Fire Department, subject to confirmation by the City Council. Firefighters shall continue as members of the Volunteer Fire Department during good behavior until retirement, but may be removed by the City Council for cause after a public hearing.

SECTION 31.21 DUTIES OF CHIEF.

The Chief shall have control of all fire fighting apparatus and shall be responsible for its care and condition. The Chief shall report to the City Council as to the condition of the equipment and needs of the Volunteer Fire Department. The Chief may submit additional reports and recommendations at any meeting of the City Council, and he or she shall report each suspension by him or her of a member of the Volunteer Fire Department at the first meeting of the City Council following the suspension. The Chief shall be responsible for the proper training and discipline of the members of the Volunteer Fire Department, and may suspend any member for refusal or neglect to obey orders pending final action by the City Council on his or her discharge or retention.

SECTION 31.22 DUTIES OF FIRE MARSHAL.

The office of Fire Marshal may be held by the Chief or Assistant Chief, if the City Council approves. The Fire Marshal shall be charged with the enforcement of all city ordinances and laws of the state for fire prevention including, if authorized by the City Council, the Uniform Fire Code, Minn. Rules Ch. 7510, as it may be amended from time to time. The Fire Marshal shall have full authority to inspect all premises and to cause the removal or abatement of all fire hazards.

SECTION 31.23 RECORDS.

The Chief shall keep in convenient form a record of all fires. The record shall include the time of the alarm, location of fire, cause of fire, if known, type of building, name of owner or tenant, purpose for which occupied, value of building and contents, members of the Volunteer Fire Department responding to the alarm and other information as he or she may deem advisable or as may be required from time to time by the City Council or state law or regulation.

SECTION 31.24 PRACTICE DRILLS.

It shall be the duty of the Chief, when the weather permits, to hold practice drills for the Volunteer Fire Department and to give the firefighters instruction in approved methods of fire fighting and fire prevention.

SECTION 31.25 ASSISTANT CHIEF.

In the absence or disability of the Chief of the Volunteer Fire Department, the Assistant Chief shall perform all functions and exercise all of the authority of the Chief.

SECTION 31.26 FIREFIGHTERS.

Firefighters shall not be less than 18 nor more than 55 years of age and able bodied. They shall become members of the Volunteer Fire Department only after a 12-month probationary period. The City Council may require that each candidate, before he or she may become a probationary firefighter, must possess certain minimum height, weight, education, mental and physical health requirements, and any other qualifications which may be specified by the City Council.

SECTION 31.27 LOSS OF MEMBERSHIP.

Firefighters shall forfeit membership in the Volunteer Fire Department for unreasonable inattention to duties or lack of attendance at meetings or calls or disobedience of orders or other due cause, and any firefighter may be suspended by the Chief pending hearing upon his or her removal.

SECTION 31.28 COMPENSATION.

The members and officers of the Volunteer Fire Department shall receive compensation as provided by the City Council.

SECTION 31.29 INTERFERENCE WITH VOLUNTEER FIRE DEPARTMENT.

It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the Chief or other firefighter at a fire, or to interfere with the Volunteer Fire Department in the discharge of its duties.

Penalty, see Section 10.99

SECTION 31.30 BYLAWS.

The Volunteer Fire Department may adopt bylaws for its government, which bylaws shall be effective upon approval by the City Council.

PLANNING COMMISSION

SECTION 31.45 PLANNING COMMISSION CONTINUED.

A Planning Commission for the city is hereby continued. The Planning Commission shall be the city planning agency authorized by M.S. Section 462.354(1), as may be amended from time to time.

SECTION 31.46 COMPOSITION.

(A) The Planning Commission shall consist of five members from the resident population of the city to be appointed by the Mayor with the approval of the City Council. The appointees shall be appointed to serve staggered terms of three years commencing on the first day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. Absences from any three meetings in a year, unless excused in advance by the Chair, constitutes a vacancy. In the event of any vacancy, the Mayor, with the approval of the City Council, shall appoint a person to complete the unexpired term. A member may serve no more than three (3) full three-year terms.

(B) One member may be a Council Member or the City Clerk, to be appointed by the Mayor with the approval of the City Council.

(C) Other persons may serve in an ex officio capacity as the City Council may, in its discretion, deem appropriate.

(D) Each of the five regular Planning Commission members shall have equal voting privileges. Any member may be removed for cause by majority vote of the City Council upon written charge and after a public hearing.

SECTION 31.47 ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES.

(A) At the first regular meeting in January, the Planning Commission shall elect a Chairperson, a Vice-Chairperson and a Secretary from among its appointed members, each for a term of one year. The Planning Commission may create and fill other offices as it may determine.

(B) The Planning Commission shall hold at least one meeting each month at the time and place as they may fix by resolution, unless there is no business to come before the Commission, in which case the monthly meeting may be canceled by the Chair or the City Clerk. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson.

(C) Written minutes of meetings shall be kept and filed with the City Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to the approval at the next Planning Commission meeting.

(D) No expenditures by the Planning Commission shall be made unless and until authorized for the purpose by the City Council.

SECTION 31.48 POWERS AND DUTIES; COMPREHENSIVE PLAN.

(A) *Generally.* The Planning Commission shall have the powers and duties given to city planning agencies generally by law. The Planning Commission shall also exercise the duties conferred upon it by this code. It shall be the purpose of the Planning Commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. After the Planning Commission has prepared and adopted the comprehensive plan, it shall periodically review the comprehensive plan and any ordinances or programs implementing the plan.

(B) *Means of executing plan.* Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the City Council reasonable and practical means for putting into effect the plan or section thereof in order that it will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall, among other things, consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.

(C) *Zoning ordinance.* Pursuant to M.S. Section 462.357(3), as it may be amended from time to time, the Planning Commission shall review all proposed amendments to the zoning ordinance, take part in public hearings, and make recommendations to the City Council as may be prescribed by the zoning ordinance.

(D) *Special permits.* The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance. The Planning Commission shall report its recommendations to the City Council for action.

(E) *Subdivision regulations.* The Planning Commission may make recommendations in relation to the subdividing of land as prescribed by the ordinance. The Planning Commission shall report its recommendations to the City Council for action.

(F) *Variances.* All applications for variances shall be referred to the Planning Commission which shall have the powers of a Board of Appeals and adjustments as

provided for in M.S. Section 462.357, Subd. 6, as it may be amended from time to time, and forwarded with or without recommendations directly to the City Council for its decision. Variances may be granted from the literal provisions of an ordinance only where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration as authorized by M.S. Section 462.357, Subd. 6(2) as it may be amended from time to time.

SECTION 31.49 COMPENSATION OF COMMISSIONERS.

The compensation of the Commission Members shall be established from time to time by the City Council.

LIBRARY BOARD

SECTION 31.50 LIBRARY BOARD.

There is hereby created and established the Annandale Area Public Library Board pursuant to Minnesota Statutes, Chapter 134, and laws amendatory thereof and supplemental thereto. Said board shall consist of seven (7) members as appointed by the City Council, at least four (4) of whom shall be residents of the City of Annandale.

SECTION 31.51 TERMS.

The initial Board shall consist of three (3) members holding office until December 31, 2004; two (2) members holding office until December 31, 2005; and two (2) members holding office until December 31, 2006. Thereafter, the term of office of board members shall be three (3) years. A member may serve no more than two (2) full three-year terms. All terms shall end with the fiscal year. Vacancies in said board shall be filled by appointment of the City Council and any board member so appointed shall serve the remaining term of the vacated board member.

SECTION 31.52 REMOVAL.

The Mayor, with approval of the City Council, may remove any member of the Library Board for misconduct or neglect of duties.

SECTION 31.53 ORGANIZATION.

Immediately after appointment, such board shall organize by electing one of its number as president and one as secretary, and from time to time it may appoint such other officers and employees as it deems necessary. The board shall adopt such bylaws and regulations for the government of the library and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditure of money collected for or placed to the credit of the library fund, of the construction of the library buildings, and of the grounds, rooms, and buildings provided for library purposes. All money received for the library shall be paid into the City treasury, credited to the library fund, kept separate from other money of the city, and paid out only upon approval by the board. All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by, the city for the public library shall vest in, and be held in the name of, the city and any conveyance, grant, donation, devise, bequest, or gift made to, or in the name of, the library or library board shall be deemed to have been made directly to the city to be used as provided in Minnesota Statutes Section 134.11.

SECTION 31.54 COMPENSATION.

Board members shall receive no compensation for their services but may be reimbursed for actual and necessary traveling expenses incurred in the discharge of library board duties and activities or a per diem allowance.

SECTION 31. 55 TREASURER.

The City Clerk-Treasurer shall be the Treasurer for the library board, but shall not be a member thereof.

SECTION 31.56 REPORTS.

As soon as practicable following the end of the fiscal year the library board shall report to the city council all amounts received during the preceding year and sources thereof, the amounts expended and for what purposes, the number of library materials on hand, the number purchased and loaned, and such other information as it deems advisable.

SECTION 31.57 POWERS.

The library board shall have such powers as commensurate with Minnesota Statutes Chapter 134, and laws amendatory thereof or supplemental thereto.

PARK COMMISSION

SECTION 31.80 PURPOSE.

The Park Commission is hereby established to serve as an advisory commission to the City Council. The Commission shall have such powers as commensurate with Minnesota Statutes Chapter 412, and laws amendatory thereof or supplemental thereto.

SECTION 31.81 DUTIES OF THE COMMISSION.

The Park Commission studies and determines the parks, trails and open space needs of the City and serve as an advisory body providing recommendations to the City Council on matters pertaining to planning, programming, evaluating and funding of park and recreational facilities and programs.

SECTION 31.82 MEMBERSHIP.

The Park Commission shall consist of five (5) members as appointed by a majority vote of the City Council. Members must be at least eighteen (18) years of age and shall be residents of the City of Annandale.

The term of office of commission members shall be three (3) years and staggered so that no more than two members' terms expire in a given year. All terms shall expire on December 31 of a given year. A member may serve two (2) full three-year terms but may serve more if reappointed by the City Council.

Commission members may be removed for cause after a hearing by a majority vote of the City Council.

Vacancies in said commission shall be filled by appointment by the City Council and any commission member so appointed shall serve the remaining term of the vacated commission member.

SECTION 31.83 COMPENSATION.

Commission members shall be compensated per Section 30.12.

SECTION 31.84 MEETINGS.

In conformance with the Minnesota Open Meeting Law, all meetings are open to the public and shall be held on a date established by the Commission. Special meetings may be called occasionally and will be properly noticed. It is the City Council's intention to encourage Park Commission members to attend all Park Commission meetings.

SECTION 31.85 OFFICERS.

(A) *Elections.* The Park Commission shall elect at its first meeting of the year from its membership a Chair and Vice Chair. These officers shall serve for the year and shall have powers as may be prescribed in the rules of the Commission. City staff will serve as secretary for the Commission.

(B) *Duties of Chair.* The Chair shall preside at all meetings of the Park Commission, shall represent the Commission as appropriate, and shall perform all duties and functions assigned by the Commission or City Council.

(C) *Duties of Vice Chair.* The Vice Chair shall act for the Chair during absence.

(D) *Duties of Secretary.* The Secretary shall keep the minutes and records of the Commission; and with the assistance of Commission members shall prepare the agenda of the regular and special meetings, arrange proper and legal notice of hearings when necessary, attend to correspondence of the Commission, and other duties as are normally carried out by a Secretary.

(Ordinance 411, 11-13-23)