

CHAPTER III

ADMINISTRATION OF CITY GOVERNMENT

Section 300 - Administrative Offices and Departments

300.01. (Amended, Ord. No. 2002-02, Sec. 1) Office of clerk-administrator. Subdivision 1. The office of clerk-administrator is hereby established.

Subd. 2. Offices combined. The offices of the clerk-administrator and the city treasurer are combined. The duties of the city clerk-administrator and the city treasurer are exercised by the clerk-administrator.

Subd. 3. Clerk-administrator duties. The clerk-administrator shall perform the following duties:

- (a) The duties of a treasurer as set forth in Minnesota Statutes, section 412.141, as amended and as it may be further amended, and which is hereby incorporated by reference.
- (b) The duties of a clerk as set forth in Minnesota Statutes, section 412.151, as amended and as it may be further amended, and which is hereby incorporated by reference.
- (c) Supervision of city employees, except public safety employees and public works employees.
- (d) Such other duties as shall be assigned from time to time by the city council.

Subd. 4. Where this code uses the terms "clerk-treasurer", "city clerk-treasurer", "clerk", "city clerk", "treasurer", or "city treasurer", such terms shall be read to be replaced with the term "clerk-administrator".

300.03. Building inspector. Subdivision 1. Administration. The building inspector is responsible for the administration of the building code as set forth in section 400 of this code. The building inspector is the building department of the city.

Subd. 2. Building inspector duties. The building inspector will perform the following duties:

- (a) Conduct a final review of building permit applications to verify compliance with the building code and provisions of this code.
- (b) Conduct inspections of buildings, structures, and on-site septic systems to determine compliance with the terms of this code.

300.05.Zoning administrator. The city council must appoint a zoning administrator who shall perform the following duties:

- (a) Provide instruction and assistance to applicants for building permits, conditional use permits, variances, and zoning amendments.
- (b) Review applications for completeness and conformance with the ordinance prior to presentation to the planning commission, board of adjustment, or board of appeals.
- (c) Schedule and make presentations of applications before the planning commission.
- (d) Prepare written reports of planning commission findings and recommendations and submit such reports to the city council.
- (e) Conduct field inspections to determine compliance with the terms of the zoning code.
- (f) Create and maintain files on each application which comes before the planning commission.

300.07.Planning commission recording secretary. The city council must appoint a planning commission recording secretary who prepares, maintains and forwards to the city clerk-treasurer minutes of planning commission meetings and assists the zoning administrator in preparing written reports of planning commission findings and recommendations. The planning commission recording secretary may not be a member of the city council or planning commission.

300.09.Department of emergency services. Subdivision 1. Policy and purpose. To insure that the city is prepared for such disasters as enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake, drought, tornado, storm or other natural causes, and to generally provide for the common defense and the protection of the public welfare, peace, health and safety, the city council hereby establishes the department of emergency services for the following general purposes:

- (a) To provide for the exercise of necessary powers during public emergencies.
- (b) To provide for the rendering of mutual aid between this city and other political subdivisions of the state and of other states in carrying out emergency services.
- (c) To coordinate the emergency services with comparable functions of the federal government, of other states and localities, and private agencies of every type, to the end that effective preparations may be made and the maximum use may be made of the work force of the city, state and nation.

- (d) The department of emergency services shall perform both civil defense functions and emergency service functions both within and without the city as may be required by the Minnesota Civil Defense Act of 1951 as amended, or by this code.

Subd. 2. Director. The department of emergency services is under the supervision and control of the director of emergency services. The director is appointed by the mayor for an indefinite term and may be removed by the mayor at any time with or without cause. The director may be compensated at a rate to be determined by the city council and is reimbursed for expenses necessarily incurred in the performance of duty. The director is responsible for the organization, administration, and operation of the department of emergency services, subject to the direction and control of the mayor.

Subd. 3. Powers and duties of the director. The director, with the consent of the mayor, represents the city on any federal, state, regional or local organization for civil defense or emergency services. The director performs the following duties and exercises the following powers:

- (a) The director shall prepare a comprehensive plan for the civil defense and delivery of emergency services for the city which shall be coordinated with such comprehensive plans of other cities and the state of Minnesota;
- (b) The director may procure supplies and equipment for the preparation of training programs and public information programs, and shall conduct practice, drills and other training exercises that may be necessary to fully train and equip civil defense and emergency service personnel for their duties in time of need;
- (c) The director may survey the training and education of the work force of the city, the industries, and resources and facilities of the city in order to ascertain their capability to function in time of emergency;
- (d) The director may, in cooperation with other public and private agencies within the state of Minnesota, and in cooperation with other cities and political subdivisions, develop mutual aid arrangements for reciprocal-civil defense aid and rendering of emergency services in cases where the local effort would require assistance;
- (e) The director shall cooperate with federal, state and local officials in matters pertaining to the training, equipping, and functioning of civil defense efforts and emergency services of every kind;
- (f) The director may prepare a budget for the acquisition of organizational equipment which meets standards set by the state of Minnesota and, subject to the approval of the city council, take the necessary administrative steps to procure such equipment and any state, federal or local financial assistance available in connection therewith;

- (g) The director shall formulate, and to the extent required, shall execute plans for the control of traffic in time of civil defense needs or for the delivery of emergency services.

Subd. 4. Advisory committee. An advisory committee is hereby created to advise the director and the city council on all matters pertaining to civil defense and emergency services. Each member of the committee shall be appointed by the mayor, may be removed by the mayor with or without cause, and shall serve without compensation. The mayor shall chair the advisory committee and the director shall be the secretary.

300.11. Office of fire marshal established. Subdivision 1. Appointments. The office of fire marshal is hereby established. The fire marshal will be appointed by the city council to serve for an indefinite period and until its successor is appointed and qualified. The fire marshal may be discharged by a majority of the city council, with or without cause. Appointment and termination of employment of the fire marshal is accomplished by motion or resolution of the city council.

Subd. 2. Duties of the fire marshal. The fire marshal must inspect all commercial buildings, industrial buildings, public buildings, schools, churches and multiple dwellings containing more than two dwelling units and to notify the owner of record of such building or the legal occupant thereof of any violations of the fire regulations hereinafter set forth. Such inspections must be conducted once each calendar year. A further inspection must be conducted upon direct receipt by the fire marshal, in marshal's official capacity, of a complaint of a violation of the fire regulations hereinafter set forth. A written report of each inspection must be provided to the city clerk-treasurer.

300.13. Dog warden. The city council may appoint an official warden who shall have the authority to enforce section 910 of this code, and shall be a member of the police department. The warden must openly display proper identification as prescribed by the city council.

Section 305 - Boards and Commissions

305.01. Planning commission established and continued. The planning commission consisting of five members, each of whom shall be a resident of the city is hereby established and continued. Planning commissioners shall be appointed by majority vote of the city council and serve for a term of three years and until a successor has been appointed and qualified. A planning commissioner may be removed by an affirmative vote of two-thirds of all of the members of the city council.

305.03. Planning commission organization. At its first meeting in January of each year, the planning commission shall elect a chairman by majority vote and may adopt reasonable rules of procedure for the conduct of its meetings. The planning commission may elect a vice-chairman and such other officers and committees as it deems necessary.

305.05. Duties. The planning commission has the following duties:

- (a) The planning commission shall, upon its own motion or upon direction of the city council, review the city's comprehensive plan and its zoning ordinance and recommend any appropriate amendments and changes to the city council.
- (b) The planning commission shall review all applications for conditional use permits, and for zoning amendments, shall conduct all appropriate public hearings thereon and shall make recommendations on such applications to the city council.
- (c) The planning commission shall act as the board of appeals and shall review applications where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance and shall make recommendations to the city council on such appeals.
- (d) The planning commission shall act as the board of adjustment and shall review all applications for a variance from the regulations of the zoning ordinance, shall conduct all appropriate public hearings thereon and shall make recommendations on such applications to the city council.
- (e) Whether acting as the planning commission, the board of appeals, or the board of adjustment, the planning commission shall keep minutes of its proceedings, shall make specific findings of fact and a specific recommendation on each application which comes before it. A copy of its findings and its recommendations shall be served on the applicant by first class mail and shall be forwarded to the city council for a final decision.

305.07. Parks commission established and continued. The parks commission consisting of seven members, each of whom shall be a resident of the city is hereby established and continued. Parks commissioners shall be appointed by majority vote of the city council and serve for a term of three years and until a successor has been appointed and qualified. A parks commissioner may be removed by an affirmative vote of two-thirds of all of the members of the city council. (Added, Ord. No. 98-3; Amended, Ord. No. 2001-05; Ord. No. 2002-11)

305.09. Parks commission organization. At its first meeting in January of each year, the parks commission shall elect a chairperson by majority vote and may adopt reasonable rules of procedure for the conduct of its meetings. The parks commission may elect a vice-chairperson and such other officers and committees as it deems necessary. (Added, Ord. No. 98-3)

305.11. Duties. The parks commission has the following duties:

- (a) Provide advice and recommendations to the city council and planning commission on matters related to the development, improvement and maintenance of park and recreational facilities and programs in the city.
- (b) Apply for county, state and federal grant programs consistent with park commission and city council policies.
- (c) Provide advice and recommendations to the city council and planning commission regarding park dedication requirements (including land dedication and/or cash donations in lieu of land) for subdivision applications.
- (d) Provide advice and recommendations to the city council regarding expenditure of funds from the park dedication fund. (Added, Ord. No. 98-3)

Section 310 – Personnel
(Added, Ord. 98-08)

310.01. Criminal history background check. Subdivision 1. Purpose and intent. The Independence city council finds that public safety and welfare concerns require that certain employees and volunteers be screened for their criminal history prior to their employment with the city.

Subd. 2. Criminal history background check. West Hennepin Public Safety is authorized to conduct a criminal history background investigation on applicants for positions with the city, as provided by this subsection. This subsection applies only to finalists for paid or volunteer positions with the city in the following areas:

- (a) Any position that involves working directly with minor children.
- (b) Any position that requires direct contact (for example, by way of home inspection) with home owners within the city.
- (c) Any peace officer or code enforcement officer position.
- (d) Any position that involves directly handling public funds.

The background check will not be performed unless the applicant consents in writing to the investigation and to the release of the investigation information to the city council, city clerk, and other city staff as may be appropriate. An applicant's failure to provide consent may disqualify the applicant for the position sought.

Subd. 3. Criminal rehabilitation compliance. In administering this section, the city will comply with Minnesota Statutes, chapter 364, as applicable.