

Chapter 2 - ADMINISTRATION¹

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ARTICLE I - IN GENERAL

Secs. 2-1 – 2-18 - Reserved

ARTICLE II - CITY COUNCIL²

Sec. 2-19 - Election and term of office

- (a) *City elections.* The regular city elections shall be held on the first Tuesday after the first Monday in November in each odd-numbered year.
- (b) *Terms of mayor and councilmembers.* The terms of offices of mayor and the four city councilmembers shall be four years. The councilmember terms shall be staggered with two seats open each election.

(Code 1993, § 2-1.01(A), (B))

State Law reference – City elections and terms of office, Minn. Stats. § 412.02 et seq.

Sec. 2-20 - Salaries

- (a) *Salary of mayor.* The salary of the mayor shall be \$450.00 per month.
- (b) *Salaries of city councilmembers.* The salary of each city councilmember shall be \$300.00 per month.

(Code 1993, § 2-1.01(C), (D); Ord. No. 0-99-08, 11-3-1999)

State Law reference – Authority to fix salaries of governing body, Minn. Stats. § 415.11.

Sec. 2-21 - Workers' compensation

Pursuant to Minn. Stats. § 176.011, subd. 9, the elected officials of the city are hereby included in the coverage of the Minnesota Workers' Compensation Act (Minn. Stats. ch. 176).

(Code 1993, § 2-1.01)

Secs. 2-22 – 2-45 - Reserved

ARTICLE III - OFFICERS AND EMPLOYEES³

Secs. 2-46 – 2-63 - Reserved

ARTICLE IV - DEPARTMENTS

Secs. 2-64 – 2-84 - Reserved

ARTICLE V - FINANCE

Sec. 2-85 - Fees and charges

Fees and charges imposed or required by the city shall be as established by resolution, except as to such fees and charges as are required by state law to be established by ordinance. Any fee or charge fixed by ordinance as of the adoption date of this Code shall continue in full force and effect even though not published in this Code until altered by resolution or ordinance as provided in this section.

Secs. 2-86 – 2-113 - Reserved

ARTICLE VI - BOARDS AND COMMISSIONS

Sec. 2-114 - City commissions

(a) The city council has established the following commissions:

- (1) [Planning commission.](#)
- (2) [Parks and recreation commission.](#)
- (3) [Environment commission.](#)
- (4) [Community engagement commission.](#)

(Code 1993, § 2-4.01; Ord. No. 98-02, § 1, 4-8-1998; Ord. No. 07-07, § 1, 4-25-2007; Ord. No. 15-01, § 1, 2-11-2015)

Sec. 2-115 - Duties, membership, terms, officers and meetings

(a) *Role of commissions; commissions composition.*

- (1) The commissions are designed to serve in an advisory capacity to the city council.
- (2) The city commissions shall not consist of more than seven members. The majority of members shall be residents of the city, unless otherwise designated in the administrative manual.

(b) *Specific duties.* Specific duties for each commission are included in the administrative manual.

(c) *Terms, vacancies, oaths.*

- (1) The term of office of all commission members shall be three years. Except for appointments to fill a vacancy, an appointment in any year shall be deemed effective as of January 1 of such year for purposes of computing the term. No member shall serve more than two consecutive three-year terms unless otherwise specified in the administrative manual.
- (2) Members shall hold office until their successors are appointed. All

members shall serve without compensation, but may be reimbursed for expenses as authorized and approved by the city council.

- (d) *Removal.* Commission members shall be subject to removal with or without cause, by a four-fifths vote of the city council. Failure to attend meetings regularly shall be one basis for removal.
- (e) *Chairperson; officers.* Each commission shall elect a chairperson from among its appointed members for a term of one year. The commissions may create and fill such other offices as determined necessary.
- (f) *Meetings, records, reports.* The commissions shall hold scheduled meetings, not less than one per calendar quarter. They shall adopt rules for the transaction of business and shall keep written public records of resolutions, recommendations and findings. On or before February 15 of each year, the commissions shall submit to the council work reports for the preceding calendar year.

(Code 1993, § 2-4.02; Ord. No. 15-01, § 2, 2-11-2015)

State Law reference – Minnesota Open Meeting Law, Minn. Stats. ch. 13D.

Sec. 2-116 - Reserved

Editor's note – Ord. No. 15-01, § 3, adopted February 11, 2015, repealed § 2-116 in its entirety. Former § 2-116 pertained to "Human rights commission," and was derived from Code 1993, § 2- 4.03.

Sec. 2-117 - Parks and recreation commission

The park and recreation commission shall serve in an advisory capacity to the city council on all policy matters relating to public parks and facilities and recreation programs.

(Code 1993, § 2-4.04)

Sec. 2-118 - Planning commission

- (a) The commission shall be the city planning agency authorized by Minn. Stats. § 462.354, subd. 1.
- (b) The duties of the planning commission are:
 - (1) To guide future development of land, services, and facilities;
 - (2) To ensure a safe, pleasant and economical environment for residential, commercial, and public activities; and
 - (3) To promote the public health, safety, and general welfare of the community.
- (c) These duties are to be carried out by:

- (1) Establishing community objectives and policy;
- (2) Making recommendations to the council regarding petitions and applications for rezoning, special use permits, etc.;
- (3) Reviewing and making recommendations on all matters relating to or affecting the physical development of the city.

(Code 1993, § 2-4.05; Ord. No. 98-02, § 3, 4-8-1998)

Sec. 2-119 - Community engagement commission

The community engagement commission shall serve in an advisory capacity to the city council regarding the effective, meaningful and equal involvement of Falcon Heights residents in their community. The commission will identify opportunities to collaborate with community, educational, business and social services groups and organizations; identify ways to improve the city's public participation, identify under-represented groups, remove any barriers, and engage and promote increased participation for all residents, businesses, community and neighborhood organizations; review and recommend ways to improve the city's communications efforts so as to facilitate effective two-way communication between the city and all residents, businesses, community and neighborhood organizations; review and recommend ways to help improve resident emergency preparedness and crime prevention programs. The commission shall review complaints of alleged human rights violations occurring within the city and secure equal opportunity for all residents of the city regarding public services, public accommodations, housing, employment and education.

(Ord. No. 07-07, § 2, 4-25-2007; Ord. No. 15-01, § 4, 2-11-2015)

Editor's note – Ord. No. 15-01, § 4, adopted February 11, 2015, amended § 2-119 to read as set out herein. Previously § 2-119 was titled "Neighborhood commission."

Sec. 2-120 - Environment commission

The environment commission shall serve in an advisory capacity to the city council on all policy matters relating to energy use, air quality, recreation and aesthetic appreciation, green infrastructure, water, solid waste, and environmental education.

(Ord. No. 07-07, § 3, 4-25-2007)

Secs. 2-121 – 2-139. - Reserved

ARTICLE VII - BACKGROUND CHECKS

Sec. 2-140 - Applicants for city employment

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 city employment background checks.

Criminal history employment background investigations. The St. Anthony Police Department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for all regular part-time or full-time positions in the City of Falcon Heights and other positions that work with children, vulnerable adults or require a valid driver's license as an essential qualification of the position. The city's hiring authority may conclude that a background investigation is not needed.

In addition to the St. Anthony Police Department, the city is also required to access criminal data by using the services provided by the bureau of criminal apprehension and paying the associated fee for positions that work with children under the Child Protection Background Check Act (Minn. Stat. § 299C.61 and .62).

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 Apprehension's 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 begin the investigation. The written consent must fully comply with the provisions of Minn. Stats. ch. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minn. Stats. § 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 for employment 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 Minn. Stats. § 364.06.
- (3) The earliest date the applicant may reapply for employment.
- (4) That all competent evidence of rehabilitation will be considered upon

reapplication. (Ord. No. 12-08, §§ 1, 2, 9-26-2012)

Editor's note – Ord. No. 12-08, §§ 1, 2, adopted Sept. 26, 2012, repealed § 2-140 and enacted a new § 2-140 to read as set out herein. Former § 2-140 pertained to purpose; procedures and derived from Ord. No. 06-05, § 1, adopted Dec. 13, 2006.

Sec. 2-141 - Applicants for city licenses

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.

Criminal history license background investigations. The St. Anthony 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:

- Peddler, solicitor and transient merchant;
- Massage therapist;
- Owners of liquor establishments.

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 Apprehension's 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 in the license approval process.

Before the investigation is undertaken, the applicant must authorize the police department by written consent to begin the investigation. The written consent must fully comply with the provisions of Minn. Stats. ch. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minn. Stats. § 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 Minn. Stats. § 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. (Ord. No. 12-08, § 3, 9-26-2012)

Secs. 2-142 – 2-149 - Reserved

ARTICLE VIII - DOMESTIC PARTNERS

Sec. 2-150 - Purpose

The City of Falcon Heights authorizes and establishes a voluntary program of registration of domestic partners. The domestic partnership registry is a means by which unmarried, committed couples who reside or work in Falcon Heights and who share a life together may document their relationship.

Falcon Heights's Domestic Partnership Ordinance is a city ordinance and does not create rights, privileges, or responsibilities that are available to spouses under state or federal law. The City of Falcon Heights cannot provide legal advice concerning domestic partnerships. Applicants and registrants may wish to consult with an attorney for such advice including, but not limited to: wills, medical matters, finances and powers of attorney, children and dependents, medical and health care employment benefits.

(Ord. No. 11-03, § 1, 7-27-2011)

Sec. 2-151 - Definitions

The following words and phrases used in this Code have the meanings given in this section:

Domestic partner. Any two adults who meet all the following:

- (1) Are not related by blood closer than permitted under marriage laws of the state.
- (2) Are not married.
- (3) Are competent to enter into a contract.
- (4) Are jointly responsible to each other for the necessities of life.
- (5) Are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities.
- (6) Do not have any other domestic partner(s).
- (7) Are both at least 18 years of age.
- (8) At least one of whom resides in Falcon Heights or is employed in Falcon Heights.

Domestic partnership. The term "domestic partnership" shall include, but not be limited to, upon production of valid, government-issued documentation, in addition to domestic partnerships registered with the City of Falcon Heights, and regardless of whether partners in either circumstance have sought further registration with the City of Falcon Heights:

- (1) Any persons who have a currently-registered domestic partnership with a governmental body pursuant to state, local or other law authorizing such registration. The term "domestic partnership" shall be construed liberally to include same-sex unions, regardless of title, in which two same-sex individuals are committed to one another as married persons are traditionally committed, except for the traditional marital status and solemnities.
- (2) Marriages that would be legally recognized as a contract of lawful marriage in

another local, state or foreign jurisdiction, but for the operation of Minnesota law.

(Ord. No. 11-03, § 1, 7-27-2011)

Sec. 2-152 - Registration of domestic partnerships

- (a) The city clerk shall accept an application in a form provided by the city to register domestic partners who state in such application that they meet the definition of domestic partners.
- (b) The city clerk shall charge an application fee for the registration of domestic partners and shall charge a fee for providing certified copies of registrations, amendments, or notices of termination.
- (c) The city clerk shall provide each domestic partner with a registration certificate. The registration certificate shall not be issued prior to the third working day after the date of the application.
- (d) This application and certificate may be used as evidence of the existence of a domestic partner relationship.
- (e) The city clerk shall keep a record of all registrations of domestic partnership, amendments to registrations and notices of termination. The records shall be maintained so that amendments and notices of termination are filed with the registration of domestic partnership to which they pertain.
- (f) The application and amendments thereto, the registration certificate, and termination notices shall constitute government data and will be subject to disclosure pursuant to the terms of the Minnesota Government Data Practices Act.

(Ord. No. 11-03, § 1, 7-27-2011)

Sec. 2-153 - Amendments

The city clerk may accept amendments for filing from persons who have domestic partnership registrations on file, except amendments which would replace one of the registered partners with another individual.

(Ord. No. 11-03, § 1, 7-27-2011)

Sec. 2-154 - Termination of domestic partnership

Domestic partnership registration terminates when the earliest of the following occurs:

- (1) One of the partners dies; or
- (2) Forty-five days after one partner sends the other partner written notice, on a form provided by the city, that he or she is terminating the partnership and files

the notice of termination and an affidavit of service of the notice on the other partner together with a fee with the city clerk.

(Ord. No. 11-03, § 1, 7-27-2011)

Footnotes:

¹ **State Law reference** – Statutory cities, Minn. Stats. ch. 412.

² **State Law reference** – City council generally, Minn. Stats. § 412.191.

³ **State Law reference** – City officers and employees generally, Minn. Stats. § 412.111 et seq.; municipal officers and employees, Minn. Stats. ch. 418; vacancies, resignations and removals from public office, Minn. Stats. ch. 351.