

MUNICIPAL PLANNING

(Excerpts from MN Statutes 462.351-463.364)

462.351 MUNICIPAL PLANNING AND DEVELOPMENT; POLICY STATEMENT.

The legislature finds that municipalities are faced with mounting problems in providing means of guiding future development of land so as to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities, to preserve agricultural and other open lands, and to promote the public health, safety, and general welfare. Municipalities can prepare for anticipated changes and by such preparations bring about significant savings in both private and public expenditures. Municipal planning, by providing public guides to future municipal action, enables other public and private agencies to plan their activities in harmony with the municipality's plans. Municipal planning will assist in developing lands more wisely to serve citizens more effectively, will make the provision of public services less costly, and will achieve a more secure tax base. It is the purpose of sections [462.351](#) to [462.364](#) to provide municipalities, in a single body of law, with the necessary powers and a uniform procedure for adequately conducting and implementing municipal planning.

462.354 ORGANIZATION FOR PLANNING.

Subdivision 1. Planning agency.

A municipality may by charter or ordinance create a planning agency. A planning agency created by ordinance may be abolished by two-thirds vote of all the members of the governing body. The planning agency shall be advisory, except as other powers and duties are imposed on it by sections [462.351](#) to [462.364](#), by statute, by charter, or by ordinance consistent with the municipal charter. The planning agency may take the following alternative forms:

(1) It may consist of a planning commission, which may or may not include municipal officials among its members. The planning commission may be provided with staff which may be a division of the administrative structure of the municipal government. The commission shall be advisory directly to the governing body.

(2) It may consist of a planning department with a planning commission advisory to it and shall function as a department advisory to the governing body and the municipal administration. The planning department may be provided with an executive director and other staff as in the case of other municipal departments.

39 **462.355 ADOPT, AMEND COMPREHENSIVE PLAN; INTERIM ORDINANCE.**

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41 **Subdivision 1.**Preparation and review.

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43 The planning agency shall prepare the comprehensive municipal plan. In discharging
44 this duty the planning agency shall consult with and coordinate the planning activities of
45 other departments and agencies of the municipality to insure conformity with and to assist in
46 the development of the comprehensive municipal plan. In its planning activities the planning
47 agency shall take due cognizance of the planning activities of adjacent units of government
48 and other affected public agencies. The planning agency shall periodically review the plan
49 and recommend amendments whenever necessary.

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51 **Subd. 2.**Procedure to adopt, amend.

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53 The planning agency may, unless otherwise provided by charter or ordinance consistent
54 with the municipal charter, recommend to the governing body the adoption and amendment
55 from time to time of a comprehensive municipal plan. The plan may be prepared and adopted
56 in sections, each of which relates to a major subject of the plan or to a major geographical
57 section of the municipality. The governing body may propose the comprehensive municipal
58 plan and amendments to it by resolution submitted to the planning agency. Before adopting
59 the comprehensive municipal plan or any section or amendment of the plan, the planning
60 agency shall hold at least one public hearing thereon. A notice of the time, place and purpose
61 of the hearing shall be published once in the official newspaper of the municipality at least
62 ten days before the day of the hearing.

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64 **Subd. 3.**Adoption by governing body.

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66 A proposed comprehensive plan or an amendment to it may not be acted upon by the
67 governing body until it has received the recommendation of the planning agency or until 60
68 days have elapsed from the date an amendment proposed by the governing body has been
69 submitted to the planning agency for its recommendation. Unless otherwise provided by
70 charter, the governing body may by resolution adopt and amend the comprehensive plan or
71 portion thereof as the official municipal plan upon such notice and hearing as may be
72 prescribed by ordinance. Except for amendments to permit affordable housing development,
73 a resolution to amend or adopt a comprehensive plan must be approved by a two-thirds vote
74 of all of the members. Amendments to permit an affordable housing development are
75 approved by a simple majority of all of the members.

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78 **462.356 PROCEDURE TO EFFECT PLAN: GENERALLY.**

79 **Subdivision 1.**Recommendations for plan execution.

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81 Upon the recommendation by the planning agency of the comprehensive municipal plan
82 or sections thereof, the planning agency shall study and propose to the governing body
83 reasonable and practicable means for putting the plan or section of the plan into effect.
84 Subject to the limitations of the following sections, such means include, but are not limited
85 to, zoning regulations, regulations for the subdivision of land, an official map, a program for
86 coordination of the normal public improvements and services of the municipality, urban
87 renewal and a capital improvements program.

88

89 **Subd. 2.**Compliance with plan.

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91 After a comprehensive municipal plan or section thereof has been recommended by the
92 planning agency and a copy filed with the governing body, no publicly owned interest in real
93 property within the municipality shall be acquired or disposed of, nor shall any capital
94 improvement be authorized by the municipality or special district or agency thereof or any
95 other political subdivision having jurisdiction within the municipality until after the planning
96 agency has reviewed the proposed acquisition, disposal, or capital improvement and reported
97 in writing to the governing body or other special district or agency or political subdivision
98 concerned, its findings as to compliance of the proposed acquisition, disposal or
99 improvement with the comprehensive municipal plan. Failure of the planning agency to
100 report on the proposal within 45 days after such a reference, or such other period as may be
101 designated by the governing body shall be deemed to have satisfied the requirements of this
102 subdivision. The governing body may, by resolution adopted by two-thirds vote dispense
103 with the requirements of this subdivision when in its judgment it finds that the proposed
104 acquisition or disposal of real property or capital improvement has no relationship to the
105 comprehensive municipal plan.

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1 **CHAPTER 419. POLICE CIVIL SERVICE COMMISSIONS**

2 **(Excerpts from MN Statutes 419)**

3 **419.01 ESTABLISHMENT.**

4 There may be created in every city, except a city of the first class, a police civil service
5 commission with powers and duties as provided in sections 419.01 to 419.18. Any such city
6 which may wish to avail itself of the provisions thereof shall do so by an ordinance expressly
7 accepting the provisions thereof. The ordinance shall be adopted in the same manner as other
8 nonemergency ordinances, but at least 30 days shall elapse between its introduction and final
9 passage by the governing body. Sections 419.01 to 419.18 do not apply to any city until the
10 adoption of such ordinance.

11 12 **419.03 MEETING.**

13 The commission shall first meet immediately after its appointment and thereafter on the
14 first Monday in February each year at which meetings it shall select from its members a
15 secretary who shall serve until a successor is elected. The commission shall from time to
16 time fix the times of its meetings, and adopt, amend, and alter rules for its procedure.

17 18 **419.05 DUTIES OF COMMISSION.**

19 The commission shall have absolute control and supervision over the employment,
20 promotion, discharge, and suspension of all officers and employees of the police department
21 of such city and these powers shall extend to and include all members of the police
22 department. The commission may not, however, prescribe any residency requirements for the
23 positions under its control, unless approved by the city council.

24 The commission shall, immediately after its appointment and organization, grade and
25 classify all of the employees of the police department of the city and a service register shall
26 be prepared for the purpose, in which shall be entered, in their classes, the names, ages,
27 compensation, period of past employment and such other facts and data with reference to
28 each employee as the commission may deem useful.

29 The commission shall keep a second register to be known as the application register in
30 which shall be entered the names and addresses, in the order of the date of application, of all
31 applicants for examination and the offices or employments they seek. All applications shall
32 be upon forms prescribed by the commission and contain such data and information as the
33 commission deems necessary and useful.

34 35 **419.07 OFFICERS DISCHARGED ONLY AFTER HEARING.**

36 No officer or employee other than a peace officer, after six months' continuous
37 employment, shall be removed or discharged except for cause upon written charges and after
38 an opportunity to be heard in defense of the charges as in this chapter hereinafter provided.

39 No newly appointed peace officer after satisfactory completion of the basic peace officers
40 training course pursuant to sections 626.843 to 626.852 and after a period of no longer than
41 12 months continuous employment thereafter, shall be removed or discharged except for
42 cause upon written charges and after an opportunity to be heard in defense of the charges as
43 in this chapter hereinafter provided. Such charges shall be investigated by or before such
44 civil service commission. The finding and decision of such commission shall be forthwith
45 certified to the chief or other appointed or superior officer, and will be forthwith enforced by
46 such officer.

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48 419.08 RULES AND STANDARDS.

49 The commission shall ascertain the duties of each office, position, and employment in
50 the police protection service of such city, and designate by rule as well as may be practicable
51 the grade of each office, employment, or position. The commission shall prescribe standards
52 of fitness and efficiency for each office, position, and employment and for each grade, and
53 adapt its examination thereto.

54

55 419.09 EXAMINATIONS.

56 All examinations shall be impartial, fair, and practical and designed only to test the
57 relative qualifications and fitness of applicants to discharge the duties of the particular
58 employment which they seek to fill. No question in any examination shall relate to the
59 political or religious convictions or affiliations of the applicant. All applicants for positions
60 of trust and responsibility shall be specially examined as to moral character, sobriety, and
61 integrity, and all applicants for position requiring special experience, skill, or faithfulness
62 shall be specially examined in respect to those qualities. It shall be the duty of the chief of
63 the police department and of every employee to act as an examiner or assistant examiner, at
64 the request of the commission, without special compensation therefor. The members of the
65 commission collectively or individually may act as examiners or assistant examiners.

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67 419.11 CHARGES FILED WITH SECRETARY OF COMMISSION.

68 Charges of inefficiency or misconduct may be filed with the secretary of the
69 commission by a superior officer or by the appointing authority, and thereupon the
70 commission shall try the charges after no less than ten days' written notice to the accused.
71 Such notice shall set forth the charges as filed. The trial of these charges shall be open to the
72 public and each commissioner shall have the power to issue subpoenas and to administer
73 oaths and to compel the attendance and testimony of witnesses and the production of books
74 and papers relevant to the investigation. The commission shall require by subpoena the
75 attendance of any witness requested by the accused who can be found in the county in which
76 such city is located. The commission may make complaint to the district court of
77 disobedience of its subpoenas or orders under this section, and the court shall prescribe
78 notice to the person accused and require the accused person to obey the commission's
79 subpoena and order, if found within the lawful powers of the commission, and punish
80 disobedience as a contempt of court. Witnesses shall be entitled to the same fees and mileage

81 as for attendance upon the district court, except that any officer, agent, or employee of the
82 city who receives compensation for services, shall not be entitled to fees or mileage.

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84 419.12 SUSPENSION AND REMOVAL; REINSTATEMENT.

85 An employee who, after investigation and trial by civil service commission, is found
86 guilty of inefficiency, breach of duty, or misconduct, may be removed, reduced, or
87 suspended. The employee's name also may be stricken from the service register. If the board
88 determines that the charges are not sustained, the accused, if suspended pending
89 investigation, shall be immediately reinstated and shall be paid all back pay due for the
90 period of suspension.

91 Findings, determinations, and orders of the commission for suspension, reduction, or
92 removal, shall be in writing and shall be filed within three days after the completion of the
93 hearing with the secretary of the commission. The secretary shall notify the employee of the
94 decision in writing. Any person suspended, reduced, or removed by the commission after
95 investigation may appeal in accordance with chapter 14.

96 The question to be determined by the court shall be:

97 "Upon the evidence, was the order of the commission reasonable?"

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99 419.14 COMMISSION VESTED WITH CERTAIN POWERS.

100 When any city has a civil service commission the council may provide that this
101 commission be vested with the powers and duties of the police civil service commission as
102 set forth herein.

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