

CHAPTER 1

PLANNING COMMISSION¹

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2-1-1: PURPOSE:

The Planning Commission shall be the City planning agency authorized by Minnesota Statutes section 462.354, subdivision 1, which includes guiding the future development of the land, services, and facilities to ensure a safe, pleasant and economical environment for residential, commercial and public activities, and to promote the public health, safety and general welfare of the community by:

- A. Recommending community objectives and policy to the Council;
- B. Making recommendations to the Council regarding petitions and applications for rezoning, special use permits, etc.;
- C. Reviewing and making recommendations on all matters related to or affecting the physical development of the City. (Ord. 91, 3-12-1996)

2-1-2: SCOPE:

1. M.S.A. § 462.354(1).

The Planning Commission shall serve in an advisory capacity to the City Council. Problems shall be referred to the Planning Commission by the City Council or the City Administrator and may be assigned to them for detailed study and recommendations as required. All recommendations by the Planning Commission shall be made to the City Council. (Ord. 91, 3-12-1996)

2-1-3: ESTABLISHMENT:

The Planning Commission of the City is hereby established. (Ord. 91, 3-12-1996)

2-1-4: MEMBERSHIP:

A. Appointed Members: The Planning Commission shall consist of five (5) members to be appointed and approved by the City Council as follows: (Amd. 6-8-1999)

1. Members of the Commission shall be appointed according to their ability to contribute and perform the functions, powers and duties imposed upon the Commission.
2. Members of the Commission must be eligible voters residing within the City.
3. Members shall be appointed at the first City Council meeting of the year.
4. Members shall be duly sworn and take office at the first meeting of the Commission after the City Council appointments have been made.
5. Following the initial adoption of the Ordinance codified in this Chapter, existing members will continue their terms until year end. At that time they will be automatically appointed to one year terms. New members will serve until the end of the year when they will be automatically appointed to two (2) year terms.

Both original and successive appointees shall hold their offices until their successors are appointed and qualified.

B. Designated Members: In addition to appointed membership, one Council member shall be appointed as a nonvoting member to

serve as a Council liaison and one staff member shall be appointed as a nonvoting staff representative. These members shall be designated by a majority vote of the City Council. (Ord. 91, 3-12-1996)

2-1-5: TERMS OF APPOINTED MEMBERS:

- A. The appointed members of the Commission shall be appointed to two (2) year staggered terms.
- B. Appointments will be made to achieve a balanced distribution of staggered terms. If there are an even number of appointees serving one and two (2) year terms, then a two (2) year term shall be appointed.
- C. After a member serves two (2) consecutive terms or at least four (4) years on the Planning Commission, his/her position will be given equal consideration to that of any new applicant. (Ord. 91, 3-12-1996)

2-1-6: REMOVAL:

Members may be removed by the Council without cause. (Ord. 91, 3-12-1996)

2-1-7: VACANCIES:

Any of the following will cause the office of a member to become vacated:

- A. Failure to attend three (3) consecutive meetings or fifty percent (50%) of the meetings in one year shall constitute a vacancy on the Planning Commission;
- B. Death;
- C. Relocation of residence outside the City limits;
- D. Resignation in writing; or
- E. Becoming ineligible to vote. (Ord. 91, 3-12-1996)

2-1-8: MEETING:

The Commission shall hold at least one meeting each month at a time regularly established and approved by the City Council. Meetings may be cancelled if there are no items for discussion. (Ord. 91, 3-12-1996)

2-1-9: COMPENSATION:

All members of the Commission shall serve without compensation but shall have the right to be reimbursed for preapproved expenses incurred in the performance of their duties. (Ord. 91, 3-12-1996)

2-1-10: RULES AND PROCEDURES:

The City Council shall approve the rules and procedure of the Planning Commission. The rules and procedures shall specify the appointment of officers, term of office, duties of the officers, number of members to constitute a quorum, the order of business, and other matters necessary to conduct the business of the Commission. (Ord. 91, 3-12-1996)

2-1-10-1: INTRODUCTION:

The Planning Commission is appointed and serves as per this Chapter. (Ord. 91, 3-12-1996)

2-1-10-2: PURPOSE AND INTENT:

It is the intent of the Planning Commission to conduct its business and perform its responsibilities and duties in an orderly, efficient, fair and lawful manner. These rules and procedures are established for that purpose. (Ord. 91, 3-12-1996)

2-1-10-3: OFFICERS AND DUTIES:

- A. Chairperson; Vice Chairperson: Each year at the first meeting following the appointment of Commission members, the Planning Commission shall select a chairperson and a vice chairperson by a majority vote of the Commission.
- B. Staff Member: As provided in this Chapter, the City Council will designate a staff member to assist the Commission.
- C. Powers And Duties: The duties and powers of the officers of the Planning Commission shall be as follows:

- 1. Chairperson:

- a. Preside at all meetings of the Commission.
 - b. Call special meetings.
 - c. Sign documents of the Commission.
 - d. See that all actions of the Commission are properly taken.
2. Vice Chairperson: In the event of the absence or disqualification of the chairperson, the vice chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the chairperson.
 3. Staff Designee: The staff designee shall present staff recommendations, take meeting minutes, tape meetings (video and/or audio), post meeting notification, and maintain all Commission records. (Ord. 91, 3-12-1996)

2-1-10-4: MEETINGS AND AGENDAS:

- A. Notification: Notices of all meetings and hearings of the Planning Commission shall be made in accordance with all statutory and ordinance notification requirements.
- B. Open Meetings: All meetings of the Planning Commission shall be open to the public.
- C. Meeting Records: All minutes, evidence, exhibits, correspondence, maps, plats, etc., shall be made a part of the record, become the property of the City, and be maintained as a permanent record. Tapes will be retained for one year following approval of the minutes for that meeting. The standard retention can be extended if, in the judgment of the staff designee, such action is warranted.
- D. Minutes: The minutes of the Commission shall state:
 1. The type of meeting, whether regular business or special and the date, time, and place.
 2. Roll call of members present.
 3. Corrections to and approval of the previous minutes and vote taken.
 4. Description of each item being discussed and the name and address of the applicant.
 5. Motion and second stated as accurately as possible.

6. The vote on each motion (ayes, nays and abstentions), a statement of reasons for nay votes or abstentions, and whether motion carries or fails.

7. Specific concerns addressed by the chairperson for inclusion.

E. Meeting Arrangements:

1. Date: The Planning Commission shall meet regularly on the third Tuesday of each month. When such meeting falls on a holiday, the meeting shall be held on the next regular City business day.

2. Place: The Commission shall meet at the City Hall.

3. Time: All regular meetings shall be held at seven thirty o'clock (7:30) P.M. Meetings shall adjourn on or before ten o'clock (10:00) P.M. unless a two-thirds ($\frac{2}{3}$) majority of the members present agree to extend the time of adjournment.

4. Additional Meetings: The chairperson may call a special meeting at any time. Notice of the time and place must be communicated to all Commissioners, and publicly posted at least three (3) days prior to the meeting.

F. Order Of Business:

1. Call to order.

2. Roll call.

3. Approval of minutes.

4. Public hearings.

5. Action items.

6. Informational presentations.

7. Discussion items.

8. Additional items.

9. Reports.

10. Adjournment.

G. Adjustment Of Order And Agenda: It is not mandated that the order of business and individual agenda items be followed

absolutely. The chair may adjust the order of the agenda in the interest of:

1. Filling in time before a scheduled item, e.g., a public hearing.
 2. Grouping several items to best make use of consultant time.
 3. Accommodating individuals who have attended the meeting specifically to provide input on an item.
- H. Parliamentary Procedure: All Commission meetings shall be governed by Robert's Rules of Order Newly Revised.
- I. Regular Meeting And Public Hearing Agendas: City staff shall be responsible for the preparation and delivery of meeting agendas. Requests for items to be reviewed by the Planning Commission should be made one week before the regularly scheduled meeting. If no items are presented to staff by that time, staff has the discretion to cancel the upcoming meeting.
- J. Information Packets: Each Commissioner shall receive an informational planning report for the items to be placed on the next meeting agenda no later than the Friday preceding the meeting. Each Commissioner is responsible for reviewing the material within the packet prior to the meeting.
- K. Quorum: A majority of the Commission members entitled to vote shall constitute a quorum for the transaction of business. When less than a quorum of members is present, a majority of those present may adjourn the meeting to another time. If the Commission does not meet before the next regularly scheduled City Council meeting, the action items on the Commission agenda may be placed on the City Council agenda.

The only exception to this rule is for a public hearing as described in subsection 2-1-10-5C of this Chapter. (Ord. 91, 3-12-1996)

2-1-10-5: PUBLIC HEARINGS:

A. Procedure For Public Hearings:

1. Staff or consultant, if available, will furnish and/or present all pertinent information concerning the item.
2. The chairperson will open the public hearing.
3. The applicant and/or representative will make comments regarding the item.

4. Those who support the item will then testify.
5. Those who oppose the request will then testify.
6. Those who wish to may provide additional testimony.
7. The applicant and the opposition will then have an opportunity to answer questions.
8. The applicant and the opposition will then have the opportunity to make final statements.

B. Protocol For Public Hearings:

1. Everyone who wishes to give testimony will be allowed to do so.
2. All statements or questions should be directed to the chairperson.
3. All statements should be as factual as possible and should not involve personalities.
4. Speakers should refrain from repeating what has already been stated.
5. The chairperson may impose time limits for each speaker.
6. Each speaker shall provide his or her name and address for the recorder.
7. The Planning Commission reserves the right to question any speaker.
8. Written testimony may be received.
9. No additional testimony may be offered after the close of the public hearing.

- C. Quorum: In the event of a lack of a quorum at any public hearing, the members present may meet as a Planning Commission hearing panel and record the public hearing; however, no official action may be taken until a quorum is present. (Ord. 91, 3-12-1996)

No person shall be appointed with private or personal interest likely to conflict with the general public interest. If any Commissioner finds that his/her private or personal interests are involved in any matter coming before the Commission, he/she shall disqualify him/herself from taking part in action on the matter; alternatively, the Commissioner may be disqualified from taking part in action on the matter by a two-thirds ($\frac{2}{3}$) majority vote of the Commissioners in attendance. (Ord. 91, 3-12-1996)

2-1-10-7: ADDITIONAL DUTIES:

- A. New Members: To assist new Planning Commission members in learning their responsibilities, and developing their understanding of the planning process, they will be strongly encouraged to:
 - 1. Attend the Government Training Service "Annual Planning Institute" courses "The Basics" and "Beyond the Basics".
 - 2. Read the City's Zoning Ordinance¹.
- B. Education, Conference And Convention Policy: The City Council and the Planning Commission recognize and accept the concept that the acquisition and maintenance of a body of knowledge and skills are necessary and desirable to perform the job of a Planning Commissioner. Further, both groups encourage and highly recommend periodic attendance at various educational opportunities, conferences, and conventions. The following is the policy of the Planning Commission on the educational meetings, conferences and conventions:
 - 1. Attendance at educational meetings, conferences, and conventions is subject to availability of funds.
 - 2. Attendance at educational meetings, conferences, and conventions is voluntary; however, Planning Commission members are encouraged to attend.
 - 3. Involvement in Minnesota Planning Association (MPA) of Minnesota Chapter of the American Planning Association (MnAPA), office holding or committee is considered educational. (Ord. 91, 3-12-1996)

2-1-10-8: APPENDICES:

Appendices to these rules and procedures may be adopted by the City Council. The following appendices are hereby adopted:

- A. Title 10 of this Code.
- B. Outline of Robert's Rules of Order Newly Revised.
- C. The Comprehensive Plan. (Ord. 91, 3-12-1996)

1. Title 10 of this Code.

History of Amendments Since Codification: 6/8/99.