

# **City of Le Sueur, Minnesota**

## **Planning Commission Policy and Procedures**

### **SECTION 1. PURPOSE**

The purpose of this Planning Commission policy is to provide a set of operating procedures for the Planning Commission, and to establish a code of ethics and conduct.

### **SECTION 2. ROLES & RESPONSIBILITIES**

The Planning Commission is an advisory commission to the Le Sueur City Council. The Planning Commission is responsible for recommending any changes to the City's Comprehensive Plan to the City Council. Further, it is responsible for making recommendations to the City Council involving development projects and zoning issues, including but not limited to plat approvals, zoning amendments, re-zonings, variances, appeals, conditional use permits, and other matters.

Members serve as ambassadors of the city and represent the interests of the city both at official meetings as well as outside of City Hall. As an ambassador of the city, it is important to understand that your words and actions reflect that role at all times.

All Commission meetings are open public meetings where members of the public are welcome to attend. Commission members are representing the City during these meetings and the principals set forth herein, including the following:

- 1) Members are expected to attend all scheduled meetings or let the staff liaison know if you will be absent from a meeting.
- 2) Members are encouraged to respect the decision-making process and any decisions made by the group.
- 3) Each individual member is expected to respect the official position or action of the commission and to be considerate of fellow members and staff.
- 4) Any written or email communications among members must be sent to the staff liaison for distribution in accordance with the Open Meeting Law. The Open Meeting Law outlines what constitutes a meeting and the rules that must be followed.
- 5) Issues and decisions are expected to be openly discussed at meetings.
- 6) No member will expect nor seek special consideration or influence based upon their position.
- 7) Prepare in advance of meetings (e.g. read agenda packet carefully prior to the meeting), be familiar with issues on the agenda and fully participate in meetings and carry out assignments.
- 8) Contact the staff liaison if there are questions or the member requires additional information on an agenda item prior to the meeting.

- 9) Act and speak with honesty and integrity while demonstrating respect, kindness, consideration, and courtesy to others.
- 10) Be respectful of other people's time. Stay focused and act efficiently during meetings.

### **SECTION 3. SOCIAL MEDIA**

Members of city commissions are increasingly called upon to communicate with the public and stakeholders via a variety of channels. Social media such as Twitter, Facebook or professional networks like LinkedIn are becoming media platforms where citizens are spending more and more time.

Many members use social media in various ways. However the 'personal' style of social media can make it difficult to draw the line between public/professional and private use. As an ambassador of the city, it is important to remember that your statements and opinions must remain personal and cannot be regarded as representing the city's nor your commission's official position. Please consider this when posting on social media on topics that could be related to your work with the city and do not give the impression that you are speaking on behalf of the city or commission. Exercise good judgment and remember that even when you write in your personal capacity, you are still a commission member.

Members are not allowed to speak for the commission unless authorized by the commission or for the city unless authorized to do so by action of the City Council.

### **SECTION 4. ADOPTION OF PLAN OF WORK & ANNUAL REPORT**

Upon the appointment and organization of the Planning Commission, the Commission, subject to council approval, shall proceed with the preparation and adoption of a plan of work, outlining the activities proposed to be undertaken within the exercise of its powers and the performance of its duties. The plan may be revised from time to time. On or before February 15 of each year, the Commission shall submit to the City Council a report of its work during the previous calendar year.

### **SECTION 5. ANNUAL REVIEW OF POLICY & PROCEDURES**

This policy shall be reviewed annually by the Planning Commission at its first regular meeting of the calendar year, and any changes or amendments agreed to by a majority vote of the Commission shall be recommended to the City Council for adoption. In addition, the City Council may review this policy and adopt amendments as needed.

### **SECTION 6. ANNUAL MEETINGS**

The annual meeting of the Planning Commission will be at the first regular meeting of the calendar year. This meeting will include the election of officers for the ensuing year and such other business as scheduled by the Planning Commission.

## **SECTION 7. REGULAR MEETINGS**

Regular meetings of the Planning Commission shall be held in the City Hall or other Officially Noticed location at 203 South Second Street in the City of Le Sueur on the second Thursday of each month beginning promptly at 6:30pm unless otherwise noted. At such meetings, the Commission may consider all matters properly brought before the Commission. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting, or by the Chairperson, the City Council, or Mayor.

## **SECTION 8. SPECIAL MEETINGS**

Special meetings of the Planning Commission may be called by the Chairperson or Vice-Chairperson, City Council, or Mayor who shall designate the time, place and purpose of the meeting. Notice of special meetings must conform to the Minnesota Open Meeting Law. Written notice thereof shall be given to all members not less than 24 hours in advance of the special meeting except in the case of an emergency.

## **SECTION 9. QUORUM**

In order for any meeting to be called to order, a quorum of voting members must be present. During the course of a meeting, at least a majority of the voting members must be present to take action on any matter before the Commission.

## **SECTION 10. MEETINGS AND THE OPEN MEETING LAW**

In accordance with the Minnesota Open Meeting Law (Minnesota Statute Chapter 13D), all official meetings of the Planning Commission shall be open to the general public unless otherwise permitted or required to be closed by law. An "official" Planning Commission meeting is any gathering, or simultaneous communication of a quorum of Commission members for the purpose of considering the public business of the Planning Commission. Informal gatherings and communications such as site visits and conference telephone calls, therefore, may constitute an official meeting. The Planning Commission may exclude the public from its meeting only in certain very limited cases identified in the Open Meeting Law.

## **SECTION 11. VOTING AND RECOMMENDATIONS**

At all meetings of the Planning Commission, each member attending, with the exception of the non-voting City Council liaison member, will be entitled to cast one vote on matters before the Planning Commission. In the event that any member has a conflict of interest, a direct or indirect financial interest or other substantial interest, as determined by the City Attorney, concerning a matter then before the Commission, they will disclose their interest and be disqualified from voting upon the matter, and the secretary will record in the minutes that no vote was cast by such member. Members must avoid actions that may give the appearance of impropriety or a conflict of interest. They must not use their position to gain privileges or special treatment.

The affirmative vote of a majority of members in attendance shall be necessary for the adoption of any resolution or other voting matter. The results of any vote shall be recorded, listing those voting for and those voting against.

All recommendations shall be sent to the City Council and shall include the record of the division of votes on each recommendation.

## **SECTION 12. REGULAR PROCEEDINGS**

(A) At any regular meeting of the Planning Commission, the following shall be the regular order of business:

1. Call to Order
2. Approval of Agenda
3. Minutes of the Preceding Meeting(s)
4. Public Hearings - New Applications or Continued Hearings
5. New Business
6. City Council Report
7. Miscellaneous
8. Adjournment

The order of business may be varied by the presiding officer, but no public hearings shall be held at an earlier time than specified in the notice of hearing.

(B) The following procedures will normally be observed for matters before the Planning Commission, except for public hearings which follow the procedures detailed in Section 16; however, they may be rearranged by the Chairperson for individual items if necessary for the expeditious conduct of business:

1. Staff presents report and makes recommendation (if any).
2. The Planning Commission may ask questions regarding the staff presentation and report (if any).
3. Proponents of the agenda item make a presentation (if any).
4. Any opponents make presentations (if any).
5. Applicant makes rebuttal of any points not previously covered (if any).
6. Planning Commission asks any questions it may have of the proponents, opponents or staff (if any), and then takes a vote.

(C) Each formal action of the Planning Commission required by law, rules, regulations or policy shall be embodied in a formal vote duly entered in the minutes and will be accompanied by written findings of fact, when required.

(D) Unless agreed to by a majority vote of the Planning Commission, no additional agenda items shall be taken up after 11:00 p.m.

### **SECTION 13. AGENDA AND DEADLINE FOR AGENDA**

- (A) **Purpose.** The agenda of a Planning Commission meeting serves two important functions: it focuses Planning Commission deliberations by determining what matters will be considered at the meeting, when each matter will be considered, and the context in which each matter will be considered; and, it serves as the public's only guide to what will be considered at the meeting, how the matter will be dealt with, who will participate in the discussion, and when public comment may be made. The agenda should be prepared so as to best achieve these functions.
- (B) **Deadlines.** The agenda shall be prepared by City Staff and shall be closed at noon Friday prior to the meeting for preparation purposes.
- (C) **Submissions.** Any Planning Commission member can place an item on the agenda by instructing the City Staff responsible for agenda preparation. No item shall be placed on the agenda unless the item is expressed in such a way as to clearly show the subject matter involved.
- (D) **Agenda Additions During Regular Meetings.** Additional items may be added to the agenda at a Planning Commission meeting subject to approval by a majority vote of the members present. The additional agenda items may be discussed, but no action may be taken if any member objects. If a new item of business proposed to be added to the agenda requires staff review (such as re-zonings, ordinance amendments, preliminary subdivision plans, and subdivision review procedures and guidelines), involves quasi-judicial procedures (such as a request for a hardship variance from Subdivision or Zoning Ordinance standards), or involves substantive matters of potential public interest (such as the Comprehensive Plan, or other major policies), the Commission may add the item to the agenda only for purposes of referring it to the staff or a Commission committee, or scheduling it for consideration at a later meeting (as appropriate). The Commission may not discuss the substance of the matter or take any final action on the item except at a meeting where the item is included on the distributed agenda.
- (E) **Delivery of Agenda to Members.** At least three calendar days before the meeting, the City Staff shall provide each Commission member a meeting agenda and all materials related to items on the agenda (e.g., petition, application, plans, staff report, written comments received).
- (F) **Order and Form of the Agenda.** The agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Planning Commission responsibilities. Items of business likely to attract the attendance of many interested persons (such as those involving notice to adjoining property owners and those involving other public notice) should generally be placed early on the agenda, thereby, minimizing the time citizens must wait for consideration of the item that brought them to the meeting.

## **SECTION 14. MINUTES**

- (A) **Purpose.** The minutes of the Planning Commission's meetings represent the official record of the Commission's deliberations and actions. As such, they record the Planning Commission's vote on actions and the reasons for the vote. The minutes also communicate background on the Planning Commission's recommendations to the City Council, provide perspective on issues, and provide a historical record of Commission proceedings. Furthermore, state law requires the Commission to keep full and accurate minutes of all official meetings, and requires that those minutes be retained and be available for public inspection by any person subject to the state public records law and the city records retention schedule.
- (B) **Duties of Staff Preparing Minutes.** City Staff shall prepare minutes of all Planning Commission meetings. The minutes shall state:
1. Which members were present and absent.
  2. A summary of staff and committee reports and recommendations, applicants' presentations, public comments, and the Planning Commission's discussion on each item.
  3. The content of each principal motion before the Planning Commission, the identity of the person who made and seconded the motion, and the record of the vote on the motion (identifying the vote count and, unless the vote was unanimous, the names of those voting for or against the motion). If the motion called for or recommended adoption of an ordinance or resolution, or the acceptance of a report, the minutes shall also include a copy of the ordinance, resolution or report.

## **SECTION 15. RULES OF PROCEDURE FOR PLANNING COMMISSION MEETINGS**

All meetings of the Planning Commission shall be conducted in accordance with Rosenberg's Rules of Order.

## **SECTION 16. PUBLIC HEARINGS**

- (A) A public hearing is a noticed, official hearing, the express and limited purpose of which is to provide an equitable opportunity for the public to speak on matters before the Planning Commission.
- (B) For certain matters considered by the Planning Commission, a requirement that the Planning Commission conduct a public hearing is prescribed by State Statute, the City's Municipal Code of Ordinances or by City Policy. The Planning Commission, however, may elect to conduct a public hearing, although not specifically required, if the Planning Commission determines that due to the unique nature of the matter, it is advisable.
- (C) The Planning Commission may neither deliberate nor take a substantive vote during a public hearing, but may ask questions for the sake of clarification of speakers.

(D) The Planning Commission, upon resuming their regular meeting after the close of the public hearing, may take action upon the matter discussed at the public hearing.

(E) Conduct of Persons Before the Planning Commission

1. During all public hearings required by state law or ordinance, members of the public shall be given reasonable opportunity to speak. In order to promote meeting efficiency, the Chair may discourage duplicative testimony and may place reasonable time limits on the amount of time that individuals have to speak. Comments should be addressed to the item before the Planning Commission. Where a comment is irrelevant, inflammatory, disruptive or prejudicial, the Chair may instruct the Planning Commission to “disregard” the comment, which nevertheless remains in the public record.
2. During all regular and special meetings of the Planning Commission, the public may be present but shall remain silent unless specifically invited by the Chair to provide comment.
3. During all proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with reasonable rights of another to provide comment or which interferes with the proper execution of Commission affairs may be ruled by the Chair as “out-of-order” and the offending person directed to remain silent. Once, having been so directed, if a person persists in disruptive conduct, the Chair may order the person to leave the Planning Commission meeting or hearing. Where the person fails to comply with an order to leave, the Chair may then call upon civil authority to physically remove the individual from the chamber for the duration of the hearing or deliberation on that item.
4. The Chairperson of the Planning Commission may impose additional limits or rules upon members of the public.

(F) Additional Rules of Procedure for Public Hearings

1. Public Hearing Format. Public hearings shall be conducted in the following manner:
  - (a) The presiding officer calls the public hearing to order and declares the time of opening.
  - (b) It is the intent of the Planning Commission to open all public hearings at the predetermined and published time. From a practical standpoint, not all hearings can be opened at their designated time. The presiding officer may delay the start of a hearing until the business at hand is acted upon, in any manner, by the Planning Commission. However, a hearing may not be opened prior to the predetermined and published time.

- (c) The presiding officer shall read, from the hearing notice, the details on the hearing sufficient to provide the public a general understanding of the purpose and procedures for the hearing, and the fact that the hearing is their exclusive or primary opportunity to provide input to the city on the subject.
- (d) The presiding officer will ask the Planning Commission members if they have had any contact with the public about this topic prior to the public hearing and to disclose that contact and a summary of the discussion(s) to the other members.
- (e) Staff and/or a consultant make a presentation or report on the subject matter for the hearing.
- (f) The applicant (if any) may make a presentation or report on the subject matter for the hearing.
- (g) The presiding officer asks Planning Commission members if they have questions of the staff or consultant, if any.
- (h) The presiding officer requests a motion and second to open the public hearing.
- (i) The presiding officer announces that input will be received from the citizens, requesting that each speaker provide a name and address, noting a 5 minute time limit for comment from an individual member of the public, any other applicable rules and explaining the procedure for enforcement of such rules.
- (j) After members of the public have spoken, the presiding officer requests a motion to:
  - i. Close the public hearing, and the Planning Commission votes on the motion. Once the vote is taken, the hearing is closed for the record.or
  - ii. Continue a public hearing. If the Planning Commission votes to continue the hearing, the presiding officer shall, in consultation with City Staff, select and announce a time and date certain for the continued public hearing. No additional publication or notice requirements are needed if a hearing is continued to a later date.

- (k) If the public hearing is closed, the Planning Commission may take action on the application before them. The Commission may formulate a recommendation which outlines the parameters under which an approval would be granted. The reasons and conditions shall be stated in the motion or resolution for approval or denial. Continuation of an action may occur in the event insufficient information is present to make a decision. The Planning Commission shall delineate the missing information before continuing the item.

### **SECTION 17. OFFICERS**

The officers of the Planning Commission shall consist of a Chairperson and a Vice-Chairperson, elected by the Planning Commission at the annual meeting for a term of one year. In the absence of the Chair and Vice-Chair, the remaining members shall elect a Temporary Chair for that respective meeting.

### **SECTION 18. DUTIES OF OFFICERS**

The Chair is a voting member of the Planning Commission and may make motions. In addition, the duties and powers of the officers of the Planning Commission shall be as follows:

#### (A) Chairperson

1. To preside at all meetings of the Commission.
2. To call special meetings of the Planning Commission in accordance with these bylaws.
3. To sign documents of the Commission.
4. To see that all actions of the Commission are properly taken.
5. To cancel or postpone any regularly scheduled meetings.
6. To invoke a 5 minute time limit for each audience member during any public hearing in the interest of maintaining focus and the effective use of time.
7. To provide for the selection of spokespersons to represent groups of persons with common interests during public meetings and hearings.
8. To order an end to disorderly conduct and direct law enforcement to remove disorderly persons from Planning Commission meetings or hearings.
9. To schedule a second official public hearing meeting or other continued meeting in the event that a meeting or public hearing cannot be concluded by a reasonable hour in the judgment of the Chairperson.

#### (B) The presiding officer has the responsibility to facilitate discussion by the Planning Commission. This may occur in a variety of ways, including:

- Interpret and apply rules of procedure.
- Decide whether motions are properly made.
- Decide whether motions are in order.
- Decide whether “point of privilege” ought to be granted.
- Decide when to recognize speakers.
- Call for motions or recommend motions.

- Expel disorderly persons from the meeting.
- Enforce speaking procedures.

(C) Vice-Chairperson

During the absence, disability 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.

**SECTION 19. DUTIES OF STAFF WHEN SERVING AS SECRETARY**

1. To sign official documents of the Commission and other duties as required.
2. To give or serve all notices required by law or by these Bylaws.
3. To prepare the agenda for all meetings of the Commission.
4. To be custodian of Commission records.
5. To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
6. To handle funds allocated to the Commission in accordance with its directives, the law and city regulations.
7. To take the minutes of all meetings of the Commission for typing and filing into the formal minutes.

**SECTION 20. VACANCIES**

The City Clerk will post a vacancy notice. Prospective members must fully complete an official application and return it to the City Clerk’s office in order to be considered. The applications will then be given to the City Council for appointment.

Should a member of the Planning Commission wish to resign prior to the end of their three-year term, the resignation should be made in writing to the Planning Commission Liaison stating the effective date of the resignation. City staff will then see that a new appointment is made by the City Council.

An existing member of a City board, commission, or task force whose term is set to expire must apply for re-appointment to their position and be considered with any applicants for the position.

**SECTION 21. REMOVAL FROM OFFICE**

A member may be removed from the Planning Commission under the following circumstances:

- (A) Failure to attend 3 regular meetings in a calendar year unless excused by the City Council.
- (B) No longer a primary resident of the City of Le Sueur.
- (C) The City Council has the authority to remove any member.

**SECTION 22. AMENDMENTS**

This policy on rules of procedure may be amended at any meeting of the Planning Commission provided that notice of proposed amendment is given to each member in writing at least four (4) days prior to the scheduled meeting. All amendments are subject to City Council review and approval before they take effect.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# *Le Sueur Planning Commission*

## ***Oath of Office***

I, \_\_\_\_\_, a Planning Commission appointee of the City of Le Sueur, do affirm that I will faithfully perform the duties of my appointed office, and will support and honor to the best of my ability all applicable laws of the City of Le Sueur, Le Sueur County, and the Constitution of the United States and the State of Minnesota, as well as any appropriate policies or procedures adopted by the Le Sueur City Council or the Planning Commission. I hereby through this oath affirm that I will perform the duties of this public trust in a fair, equitable and ethical manner befitting the dignity and responsibilities of the office to the best of my judgment and ability.

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

