

**ITEM: Review of Planning Commission Policies and Procedures**

**SUBMITTED BY: Deborah Jones, Zoning and Planning Director**

**REVIEWED BY: Justin Miller, City Administrator**

**Background:**

The attached policies and procedures documents are provided to planning commissioners for reference in support of any work that may come to the commission this year. These documents were extensively reviewed and updated last year, so no additional review or revision is requested at this time, unless the Commission sees the need for additional changes.

Staff recommends that commissioners add these documents to their code binders or computer files for future reference.

**Attachments:**

- Falcon Heights Planning Commission Standing Rules, February 26, 2008.
- Planning Commission Policies (Title: "B. Planning Commission") from the Falcon Heights Administrative Manual and City Policies
- Falcon Heights City Code, Chapter 2 Administration
- Sikkink's Seven Motion System

**Action Requested:** None

**FALCON HEIGHTS PLANNING COMMISSION**  
**PLANNING COMMISSION STANDING RULES**

**February 26, 2008**

**INTRODUCTION**

In the belief that the best decisions are made by the best informed decision makers and that the public decision process is best served when the public has every opportunity to present views, the following rules are established to govern regular and special commission meetings as well as formal public hearings. There are several goals behind these rules.

1. In general, free and open discussion by all interested parties should be an essential part of the decision making process.
2. The commission process should have as little procedural overhead as possible.
3. Time is better spent on substantial matters rather than proforma matters.

**MEMBERSHIP**

The formal commission membership consists of seven to nine appointed commissioners. All seven to nine have one vote each and all can introduce motions. For purposes of leading the meeting, the chair, or in the absence of the chair, the vice-chair will be considered the chairperson. In the absence of the chair and vice-chair, the Commission shall name an acting chair for the duration of the meeting.

**RULES**

Agenda

1. To be considered, an item must be on the agenda and the agenda must be distributed to all the commission members and any other persons having responsibility for an item at least three working days prior to the meeting. Distribution may be made by electronic media, including the city website. An agenda can be modified with addenda by a majority vote but this should be used only for minor items or items with extreme time constraints.
2. Since there will be audience and possibly cable TV viewers not familiar with each item, the chair, or person appointed by the chair, will give a brief explanation of each item as it is addressed.

3. The order of items on the agenda need not be followed absolutely. The chair may adjust the order in the interest of:
  - a. Filling in time before a scheduled item, i.e., a public hearing.
  - b. Grouping several items to best make use of consultant time.
  - c. Accommodating individuals who have attended the meeting specifically to provide input on an item.

#### Process - Regular and Special Planning Commission Meetings

1. For these proceedings the commission will use the 'open discussion' procedure. That is, discussion is open to any member before or after a motion is made. This privilege is also extended to the city planner and any of the consultants who may have an interest in or can contribute to the item at hand.
2. At the discretion of the chair, this privilege is also extended to those members of the audience who wish to provide input. The chair may also rule out of order any input felt to be redundant, superfluous or irrelevant.
3. The chair can make liberal use of the "unanimous consent" procedure. That is, items that in the judgment of the chair are likely to be unanimously approved, can be introduced for approval with the statement "If there are no objections, ... stands approved (or denied)." If any commissioner has an objection, then the item reverts to the standard motion procedure. This "unanimous consent" procedure cannot be used for items requiring formal votes, i.e. resolutions.
4. The standard motion procedure is changed to not require a second. A motion need only be made to be considered. This also applies to amendments.
5. To eliminate confusion, only one amendment will be considered at a time and that amendment must be germane to the motion. An amendment cannot itself be amended. If a change to an amendment is deemed appropriate, the amendment should be withdrawn and reintroduced accordingly.
6. The general mode of voting will be by acclamation but with enough clarity that the individual votes can be recorded in the minutes. If in doubt, the secretary can request a clarification.

7. The meeting will be electronically recorded and the recording will be retained for at least 6 months following approval of the minutes for that meeting and shall, if possible, be made accessible on the city website during that period. The standard retention can be extended if in the judgment of the city planner such action is warranted.

8. If the commission action is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.

9. No commission meeting will extend beyond 10:00 P.M. except by unanimous vote. This rule is not subject to the modification or suspension provisions of the Standing Rules.

#### Process - Public Hearings

Since a public hearing is a more formal procedure and often requires certain procedures and actions to be legal, the meeting rules are changed accordingly.

1. The primary aim of a public hearing is to take input from the public. To accomplish this in the most effective manner the chair will introduce the hearing with an explanation of the issues. This explanation will be given by the chair or a person designated by the chair. The use of explanatory visual aids is encouraged.

2. Following the explanation, input from the public will be taken. Prior to accepting input, though, the chair will state the areas where input will be appropriate, the maximum time to be allotted to any individual presenter and any other procedural rules deemed appropriate to guarantee that all concerned parties have a fair and adequate opportunity to be heard.

3. At the discretion of the chair, all individuals wishing to speak must fill out and submit an identification form and speak into a recording microphone. Individuals not wishing to speak in public may provide a written statement. The commission may take up to 15 minutes to review written statements presented at the meeting. If the commission decides to not act on the issue at the public hearing meeting, it may by majority vote extend the time where written input will be taken to a day no later than 1 week before the next meeting where a deciding vote is planned.

4. All speakers are expected to be business-like, to-the-point and courteous. Anyone not abiding by these rules will be considered out-of-order.

5. The commission will refrain from initiating a discussion during the public input phase of the hearing except to clarify points brought up. These 'point of information' requests should be held to a minimum.

6. Once the public testimony phase is complete the chair will announce the public hearing to be closed and the commission will revert back to its open discussion mode of operation. From this point on, public input will only be appropriate when solicited by the commission.
7. Voting on any motion that results from a public hearing may be by roll call if requested by a commissioner.
8. It shall be the intent of the commission to vote on the issue at the same meeting as the public hearing and as close in time to the public hearing as possible. Should it be necessary to defer voting until a later date, that procedure will be clearly explained to the audience.
9. No public hearing will extend beyond 9:30 p.m.
10. If the motion contains conditions, as may occur in conditional use or variance requests, those conditions will be conveyed in writing to the requestor.
11. If the public hearing is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.

#### ADOPTION/MODIFICATION/SUSPENSION

These rules with the exception of the mandatory 10:00 P.M. adjournment, can be adopted, modified or suspended in whole or in part by a 3/4 vote of the commission. If suspended, they are automatically reinstated at the next meeting. Should they be suspended or a situation occurs that is not covered by the standing rules, Sikkink's Seven Motion System (attached) will apply.

#### ANNUAL REVIEW

These rules will be reviewed annually in January.

#### INTERPRETATION

The chair will interpret the rules. However, the chair's interpretation can be appealed by any commission member and can be overruled by a majority vote.

**City of Falcon Heights  
Administrative Manual and City Policies  
Section II: Commissions**

**B. PLANNING COMMISSION**

1. Purpose. The commission shall be the city planning agency authorized by Minnesota Statutes, Section 462.354, Subd. 1, which includes guiding future development of 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. establishing community objectives and policy;
  - b. making recommendations to the council regarding petitions and applications for rezoning, special use permits, etc.
  - c. reviewing and making recommendations on all matters relating to or affecting the physical development of the city.
2. Composition & Qualifications. The commission shall consist of not less than seven nor more than nine members to be appointed by the mayor and approved by the council as follows:
  - a. Members of the commission shall be appointed according to their ability to contribute to and perform the functions, powers and duties imposed upon the commission.
  - b. Members of the commission shall be eligible voters residing within the city.
3. Terms, Vacancies, Oaths. 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 or more than eight consecutive years on the Planning Commission and until an existing term of office expires.

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.

4. Removal. Commission members shall be subject to removal for cause, by a four-fifths vote of the city council. Failure to attend meetings regularly shall be one basis for removal.
5. Organization, 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.
6. 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.
7. Commission's Duties. In fulfillment of its purpose the commission's duties and responsibilities shall be to:
  - a. exercise duties given planning agencies by law and any duties conferred upon it by the zoning code and by the city council.
  - b. periodically, but at least once every two (2) years, review the comprehensive plan, any additions or amendments, and any capital improvement program the council has adopted to implement the plan; and if deemed necessary, revise the comprehensive plan, adopt the amendments or the new comprehensive plan, amend the capital improvement program, and make recommendations to council.

**Chapter 2**

**ADMINISTRATION\***

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\* **State Law References:** Statutory cities, Minn. Stats. ch. 412.

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**Article I. In General**

**Secs. 2-1--2-18. Reserved.**

**Article II. City Council**

**Sec. 2-19. Election and term of office.**  
**Sec. 2-20. Salaries.**  
**Sec. 2-21. Workers' compensation.**  
**Secs. 2-22--2-45. Reserved.**

**Article III. Officers and Employees**

**Secs. 2-46--2-63. Reserved.**

**Article IV. Departments**

**Secs. 2-64--2-84. Reserved.**

**Article V. Finance**

**Sec. 2-85. Fees and charges.**  
**Secs. 2-86--2-113. Reserved.**

**Article VI. Boards and Commissions**

**Sec. 2-114. City commissions.**  
**Sec. 2-115. Duties, membership, terms, officers and meetings.**  
**Sec. 2-116. Human rights commission.**  
**Sec. 2-117. Park and recreation commission.**  
**Sec. 2-118. Planning commission.**  
**Secs. 2-119--2-139. Reserved.**

**Article VII. Background Checks**

**Sec. 2-140. Purpose; procedures.**

**ARTICLE I.**

**IN GENERAL**

**Secs. 2-1--2-18. Reserved.**

**ARTICLE II.**

**CITY COUNCIL\***

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\* **State Law References:** City council generally, Minn. Stats. § 412.191.

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**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 References:** 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 References:** 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 EMPLOYEES\***

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\* **State Law References:** 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.

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**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.**

The city council has established the following commissions:

- (1) Planning commission.
- (2) Human rights commission.
- (3) Park and recreation commission.

(Code 1993, § 2-4.01; Ord. No. 98-02, § 1, 4-8-1998)

**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 consist of not less than seven and not more than nine 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)

**State Law References:** Minnesota Open Meeting Law, Minn. Stats. ch. 13D.

#### **Sec. 2-116. Human rights commission.**

The purpose of the human rights commission is to secure for all citizens equal opportunity in employment, housing, public accommodations, public services and education and full participation in the affairs of this community by advising the council on long range programs to improve community relations in the city.

(Code 1993, § 2-4.03)

#### **Sec. 2-117. Park 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)

**Secs. 2-119--2-139. Reserved.**

## **ARTICLE VII.**

### **BACKGROUND CHECKS**

**Sec. 2-140. Purpose; procedures.**

The purpose of this article is to authorize the City of Falcon Heights acting through a police department to conduct computerized criminal history and driver's license history background checks on employees, applicants for employment, volunteers and applicants for city licenses and other city approvals. The city may conduct comprehensive background investigations, including but not limited to accessing data through other automated and non-automated sources and contacting references. The city may periodically conduct a driver's license inquiry upon employees or volunteers where possession of a valid driver's license is an essential qualification of the position. Before the investigation is undertaken, the person must authorize the police department in writing to undertake the investigation and to release the information to the city administrator, and other city staff as appropriate. Should the city reject an applicant's request for employment due, partially or solely, to the applicant's prior conviction of a crime, subject to the exception set forth in Minn. Stats. § 364.09, the city administrator shall notify the applicant in writing of the following:

- (1) The grounds and reasons for the denial;
  - (2) The applicable complaint and grievance procedure set forth in Minn. Stats. § 364.06;
  - (3) The earliest date the applicant may reapply for employment; and
  - (4) All competent evidence of rehabilitation will be considered upon reapplication.
- (Ord. No. 06-05, § 1, 12-13-2006)

## SIKKINK'S SEVEN MOTION SYSTEM

### General Rules for a Simplified System of Parliamentary Procedure

1. The purpose of this decision making system is to allow efficient decision making that represents a majority position. Any motion, request, discussion or proposal, which seems to have as its purpose unreasonable delay, manipulation, or the goal of serving individual ends rather than group ends, can be ruled out of order by the chair. Such a ruling by the chair will be subject to the motion called appeal.
2. Free and open discussions are valued in this decision making system. For that reason, most motions are discussable and the motion to restrict discussion requires a 2/3 vote in order to pass. In recognizing persons for discussion, the chair first recognizes the person who made the motion, next recognizes other persons and always recognizes a person who has not spoken over a person who has already participated in the discussion. As far as possible, the chair should try to alternately recognize persons representing different viewpoints.
3. In examining the chart on the following page, you will note that five of the seven motions are amendable. However, only one amendment at a time may be considered. As soon as that amendment is passed or defeated, another amendment may be proposed.
4. The number in front of the motion listed indicates the rank of each motion. Thus, #1 – General motions are lowest in rank, and #7 – Restrict Debate motions are highest in rank. Two rules apply:
  - (1) You usually cannot consider two motions of the same rank at the same time, and
  - (2) If a motion of one rank is being considered, a motion of the same rank or lower rank is usually out of order, but a motion of higher rank is in order.

While these rules generally apply, the chair may allow some flexibility in certain circumstances. These situations almost always occur with motions #5, 6 and 7. For example, if #7 - "Restrict Discussion" is being discussed and a member wants a secret ballot vote on the matter, Request, while lower in rank, could be used to accomplish this purpose. The chair is allowed to make all decisions on exceptions, but all such decisions are subject to appeal.

**Important Note:** The previous page and the chart below are taken verbatim from the existing Administrative Manual of the City of Falcon Heights, now in revision. Please note that in the chart, the motions were put in order of rank from highest (#1) to lowest (#7), the reverse of the text on the previous page. This discrepancy will be corrected in the revision.

<b>Motion</b>	<b>Purpose</b>	<b>Applies To What Situations</b>	<b>Needs Recognition</b>	<b>Needs Second</b>	<b>Can Be Discussed</b>	<b>Amendable</b>	<b>Vote Required</b>
1. Restrict Discussion	To stop or limit discussion	All discussable motions	Yes	Yes	Yes	Yes	2/3
2. Appeal	To let the group vote on a chair's decision	To decision of the chairperson	No	Yes	Yes	No	Majority
3. Request	Not a motion but a way to question, challenge, or seek help	Any appropriate situation	No	No	No	No	Chair decides subject to appeal
4. Postpone	To delay action on any general motion to a future time	General motions	Yes	Yes	Yes	Yes	Majority
5. Refer	To have a general motion studied by a committee	General motions	Yes	Yes	Yes	Yes	Majority
6. Meeting Termination	To recess during a meeting or to end a meeting	Made to recess or adjourn	Yes	Yes	Yes	Yes	Majority
7. General	To bring up business for majority decisions by the group	For doing business	Yes	Yes	Yes	Yes	Majority