

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA**

ORDINANCE NO. 2023-144

**AN ORDINANCE AMENDING CITY CODE TITLE III, CHAPTER 34, REGARDING
PLANNING COMMISSION COMPOSITION AND DUTIES**

THE CITY COUNCIL OF THE CITY OF NORTH OAKS ORDAINS AS FOLLOWS:

Section One. Title III, Chapter 34 Amendment: Title III, Chapter 34, of the North Oaks City Code is hereby amended as follows. The underlined text shows the proposed additions to the City Code and the ~~struck through~~ text shows the deletions:

CHAPTER 34: PLANNING COMMISSION

§ 34.01. ESTABLISHMENT. A Planning Commission is hereby established. The Planning Commission shall be and is the planning agency for the City of North Oaks, as authorized by Minnesota Statutes, M.S. §462.354, subd. 1, as it may be amended from time to time. Except as otherwise provided in the City of North Oaks ordinances, the Planning Commission shall be advisory directly to the City Council of the City of North Oaks.

§ 34.02. COMPOSITION. The Planning Commission shall consist of seven (7) voting members, who must be residents of the City of North Oaks. All members shall be appointed by the City Council. ~~One (1) of the members may be a member of the City Council. Such~~ The City Council may appoint a City Council liaison to the Planning Commission. member shall be a non-voting member of the Planning Commission and shall not be counted in determining quorum The City Council liaison is not a voting member of the Planning Commission and may not vote on any matter before the Planning Commission, nor shall they be considered a member of the Planning Commission for purposes of determining a quorum.

§ 34.03. TERMS, OATH, AND VACANCIES. Subject to the removal provisions in this chapter, the term of each member shall be three (3) years, which shall commence on January 1 of the applicable first year, and end on December 31 of the third year. At the start of the applicable term and before exercising any authority or duties, each member shall take an oath that he or she will faithfully discharge the duties of the office. Members shall be and are automatically removed without vote of the City Council when they no longer meet the residential eligibility requirement; fail to meet the attendance requirement in § 34.07; or die. Members may also be removed during a term for cause by a supermajority vote of the City Council. Each member shall hold office until a successor is appointed and qualified. If a member of the Planning Commission subsequently becomes a member of the City Council, such individual shall automatically cease to be a member of the Planning Commission as the date he or she is sworn into the City Council. In the event of a vacancy, the term of an appointed successor shall be for the remainder of the departing member's term.

§ 34.04 COMPENSATION. Members serve without compensation; except that the City Council may, in its discretion and by a majority vote establish compensation for the Planning Commission members.

§ 34.05. ORGANIZATION, STAFF, AND ADVISORS.

(A) Organization. The City Council shall appoint the Chairperson of the Planning Commission from among the members. The Chairperson may hold office for a term of one (1) year. ~~The chairperson shall not be the City Council liaison.~~ The City Council may create and fill other offices as it determines necessary.

(B) Staff. The staff of the City of North Oaks shall provide reasonable support and information as requested by the Planning Commission. The City Administrator for the City shall attend official Planning Commission meetings. City staff shall be responsible for attending the meetings and keeping the minutes and records of the Planning Commission.

(C) Advisors. The City Attorney, City Planner, City Engineer, Building Inspector and/or any other representatives that are engaged by the City of North Oaks, are available as advisors and resources to the Planning Commission. They shall attend Planning Commission meetings upon request, and may be compensated for such attendance in accordance with their contracts with the City of North Oaks.

§ 34.06 MEETINGS, MINUTES AND EXPENDITURES.

(A) Meetings. The Planning Commission shall hold regular meetings, at least once each month, at the time and place as they may fix by resolution filed with the City Clerk, and upon at least seven (7) days' written notice, unless notice is waived by all Planning Commission members. Regular meetings shall be held at least once per month, unless circumstances such as lack of agenda, severe, inclement weather or absences, prevent them. Special meetings may be called at any time by the Chairperson, or in the Chairperson's absence, the acting Chairperson, or as directed by the City Council or Mayor, upon three (3) days' written notice, unless notice is waived by all Planning Commission members. Meetings may proceed when a quorum is present. Attendance by four (4) voting members is necessary for a quorum. ~~The City Council liaison-member is not a voting member and~~ does not count in determining a quorum.

(B) Rules of Order. Subject to approval by the City Council, the Planning Commission shall adopt rules of order for the transaction of business, ordering meetings, adopting findings of fact and holding public hearings.

(C) Minutes, Records and Reports. The Planning Commission shall keep written minutes of its regular and special meetings, and shall keep a record of its motions, resolutions, transactions, and findings. The minutes of each meeting (official or unofficial) shall be promptly filed with the City Clerk prior to the next regularly scheduled City Council meeting. If the minutes are unofficial, they remain subject to approval at the next Planning Commission meeting. At the request of the

City Council, ~~On~~ or before ~~January~~ February 1 of each year, the Planning Commission shall submit a written report of its work during the preceding calendar year to the City Council.

~~(D)~~ Expenditures. The Planning Commission may make expenditures subject to and only within the amounts appropriated by the City Council. At the request of the City Council, the Planning Commission shall submit a written report of its expenditures for the prior-a calendar year, to the City Council, on or before January February 1 of the following calendar year.

~~§ 34.07 ATTENDANCE. Planning Commission members are required to attend at least half of the Planning Commission's official regular and special meetings in each calendar year, unless specifically excused by the Planning Commission chairperson because of unforeseeable circumstances. Excused absences shall be so noted in the minutes of the applicable meeting. Failure to meet this attendance requirement in a given calendar year, shall result in automatic removal from the Planning Commission as of December 31 of that calendar year. A Planning Commission member may be removed by recommendation of the Planning Commission Chairperson and approval by the City Council if such member has failed to attend three consecutive regularly scheduled meetings of the Planning Commission without having been excused by the Planning Commission Chairperson.~~

§ 34.08. POWERS AND DUTIES. The Planning Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by City Council or City policy, including the following. ~~The Planning Commission also shall perform its duties as set forth in these City ordinances, including as set forth in Chapter 150.~~

A. To be the planning agency of the City in accordance with Minnesota Statutes, § 462.354 and to exercise those powers and duties assigned to it by Minnesota statutes sections 462.351 to 462.364, the municipal planning act.

B. To conduct activities in accordance with duties assigned in this code, City Council adopted procedures and resolutions and Minnesota statutes.

C. To prepare an outline of types of procedure necessary to make the City comprehensive plan effective.

D. To review the comprehensive plan every two (2) years or when requested to do so by the Council, making recommendations for updating.

E. To prepare zoning regulations for the City which shall be reviewed every two (2) years, or when requested to do so by the Council, making recommendations for updating.

F. To study applications and proposals for amendments to the zoning regulations and applications for special permits and to advise the Council of its recommendations thereon.

G. To study preliminary plats and to advise the Council of its recommendations thereof.

H. To act in an advisory capacity to the City Council in all matters wherein powers are assigned by state law concerning the comprehensive planning, zoning, platting and other matters of a general planning nature.

~~§ 34.09. EFFECTIVE DATE. This ordinance, Chapter 34, is effective on the date it is published (or a summary of the ordinance is published pursuant to M.S. § 412.191, subd. 4) in a manner that meets the requirements of Minnesota Statutes § 331A.01, subd. 10. (Ord. 34, passed 6-13-2019)~~

Section Two. Effective Date. This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the 24th day of August, 2023.

CITY OF NORTH OAKS

By: *Krista Wolter*

Krista Wolter, Mayor

Attested:

By: *Kevin Kress*

Kevin Kress
City Administrator/City Clerk

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