



**City of Jordan
City Planning Commission
Regular Meeting August 13, 2013
Jordan Council Chambers**

Members present: Chair, Tom Sand, Vice Chair, Gene Flynn, Rolf Hafslund, Jeanne Marnoff, Lance Schmitt, Sally Schultz and Council Representative, Jeff Will

Not Present:

Staff present: Annette Margarit, City Attorney, Joanne Foust, Planning Consultant, and Laura Chamberlain, Planning Intern

Others Present: Thom Boncher

1.0 Call to Order

Chair Tom Sand called the meeting of the Planning Commission to order at: 6:30 p.m.

2.0 Adopt Agenda

Motion by Schultz, seconded by Schmidt to adopt agenda as presented. With all in favor, the motion carried 7-0.

3.0 Approval of Minutes

A. July 30, 2013 Special Meeting Minutes

Motion by Will seconded by Marnoff to approve the July30, 2013 meeting minutes as presented, the motion passed 7-0.

4.0 Public Hearings

None.

5.0 New Business

A. Open Meeting Law

City Attorney Margarit introduced a review of Minnesota's Open Meeting Law to go over appropriate communication practices for the Commission. The Open Meeting Law states that any communication of city business between commissioners has to be open and to the public if a quorum is reached.

Council Representative Will asked what constitutes a quorum if there are vacancies on the commission. Margarit clarified that a quorum depends on the number of eligible commissioners at the time and eligibility can depend on the situation, so it is best practice to limit conversations to a maximum of two commissioners.

In regards to Open Meeting Law, particular attention needs to be paid to serial meetings. A serial meeting involves the discussion of a topic relating to commission business in a sequence between enough members to be a quorum. Commissioners should regard email and other electronic communication with particular caution when discussing commission business. Margarit suggests refraining from “reply all” functions within the Planning Commission, and if a resident contacts a commissioner (or all commissioners) via email with a concern, the commissioner should introduce City Staff into the conversation.

Chair Sand asked about electronic services with disappearing content, such as “Snap Chat.” Margarit explains that the courts can ask for commissioners to hand over private electronic data, including personal computers and smartphones. She suggested that commissioners save all digital planning commission business on a separate drive or send it all to City Staff and delete it from personal devices.

Public member Boncher asked what the penalties are for violating Open Meeting Law. City Attorney Margarit replies that fees and penalties are at the personal level and that accusations should be made in writing by the public. It is important to avoid the “meeting after the meeting” issue by only discussing Planning Commission business during the meeting.

Public member Boncher emphasized the Commission’s ability to make decisions and to influence decisions. Margarit affirms that the opinions of Planning Commissioners hold a lot of weight and have influence, so it is important to keep Planning Commission business at the meetings only. Hafslund affirms the importance of addressing Commission business only during meetings.

B. Park and Recreation Master Plan

Consulting Staff introduced a proposal for the Planning Commission to work with the Park and Recreation Commission to implement two recommendations set out in the City’s Comprehensive Plan and the Park and Recreation Master Plan.

The first recommendation is specifying Park Dedication Fees for development within the City’s Subdivision Ordinance. This recommendation follows changes in the Minnesota Legislature in 2004, 2005, and 2006, highlighted in attached documents. According to the legislature, cities should develop their park land dedication requirements following methodology set forth in the documents.

Consulting Planner Foust said that developing a methodology and setting up a fee structure will take some time. Commissioner Hafslund added that the Planning Commission should not be responsible for determining this fee structure; that should be the Park and Recreation Commission’s responsibility. The Planning Commission can serve in an advisory capacity. Will replied that any change in ordinances would need to be approved publicly at the City Council. Hafslund continues that approval of Park Dedication fee in lieu of a park would depend on the Park and Recreation Commission, not the developer.

Commissioner Schultz asked if the developers give proposed locations of parks or the does the City? Foust responds that typically the city says which areas are best for parks.

Hafslund asked about private parks, giving example of Bridle Creek private park. All dedicated parks must be open to the public; any additional private parks are up to the developers.

Foust clarifies that the Planning Commission wants to help in the drafting of the actual ordinance regarding Park Dedication Fees, but the Parks and Recreation Commission and City Council will carry out implementation and fees.

Consulting Planner Foust introduced the second recommendation that the Planning Commission work with the Park and Recreation Commission and the City Council to pursue a “Complete Streets” Policy for the City. She introduced a handout from MNDOT explaining complete streets emphasizing that complete streets does not mean all modes for all roads, but that a policy promotes a balanced transportation system. The document goes on to highlight the goals and benefits of complete streets. Foust explained that the City already has a lot of complete street measures in place, but no overarching policy.

Commissioner Hafslund affirms that implementation is possible, especially in new developments. Public member Boncher notes the ongoing nature of this policy, and that all streets have potential to be made complete. Commissioner Sand notes that Chanhassen was recently rated a top community in the country thanks to the city’s bicycle access and trails.

Foust asked if the Planning Commission wants the Park and Recreation Board to take the lead on drafting this policy, and they will provide advice as needed? Hafslund and Sand replied in the affirmative.

6.0 Old Business

A. Sign Ordinance Review and Enforcement

Chamberlain introduced two letters sent out to all commercial- and industrial-zoned properties informing owners of the update of the City’s Sign Code in Section 154.240 approved by the City Council at the May 20th, 2013 meeting. The next step of writing individual letters to non-complying sign owners and/or visits from the City’s Code Enforcement Officer.

Council Representative Will asked who the Zoning Code Enforcer is. City Attorney Margarit replied that the Code Enforcement Officer can be a representative from the Planning Department or can be Police Officer Maloney.

Commissioner Sand asked if the Planning Commission can see a draft of the letters meant for individual non-compliant properties, and asked how long properties would have to comply once the letter was sent out? Chamberlain responded that City Staff does not have a draft of the next round of letters yet and thus the timeline for compliance has not been established, but it will probably be in the range of two weeks to a month. City Attorney Margarit added that after the time limit, a citation would be issued; it is considered a misdemeanor.

Sand mentioned that enforcement will be necessary to make sure compliance is taken seriously. Will agreed, but emphasizes that approach is important and suggests adding a phone call step before the letter with a deadline will help keep the experience positive for owners. City Staff agreed. The importance of City Staff being respectful, understanding, and available for questions is discussed. Margarit suggested that a process be written up and mentioned at the next City Council meeting on Monday, August 19th. Chamberlain agreed.

7.0 Planners Report

The next Planning Commission Meeting is Tuesday, September 10, 2013.

Planning Commissioners and the public are invited to the Economic Development Authority meeting on Tuesday, August 20th, 2013 at 7:00 PM at the Jordan City Hall for the draft presentation of the Downtown Master Plan.

8.0 City Council Member Update

9.0 Commissioner Report

10.0 Adjournment

Member Schultz made a Motion, Flynn seconded, to adjourn the meeting at 7:48 p.m. The Motion was approved unanimously.

Respectfully Submitted,
Laura Chamberlain, Planning Intern