

Eureka Township Planning Commission Policies and Procedures

Last revised December 2007

Preface

This handbook establishes policies and procedures for the Eureka Township Planning Commission (hereafter *Planning Commission*), and clarifies the roles and responsibilities of Planning Commissioners. It is also intended to provide an orientation to new Planning Commission members.

These policies and procedures are not intended to supersede Minnesota State Statutes or Eureka Township Ordinances; in all instances, state statutes and township ordinances shall take precedence.

This document will be reviewed periodically, and new policies and procedures will be added as they are adopted by the Planning Commission.

The Eureka Township Planning Commission

Sharon Buckley, vice chair

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– Section I –

**Eureka Township Ordinance 2, Chapter 3:
Planning Commission**

(adopted June 5, 2005; amended June 12, 2006)

Section 1 – PURPOSE

This Ordinance is enacted for the following purposes:

- A. To encourage sound and harmonious growth of the community and its environs and efficiency and economy in the provision of facilities and services, to insure maximum returns for expenditure of public funds, and to avoid errors and waste resulting from unplanned and uncoordinated development.
- B. To plan for the physical development, to recommend a zoning plan for the Township of Eureka and provide rules for the operation thereof.
- C. To prepare and maintain in current form a comprehensive plan with related studies, statement of policies, regulations and ordinances to guide the development of the Township of Eureka.
- D. To establish a Planning Commission under the authority granted by the provisions of Minnesota Statutes Section 462.354.

Section 2 - ESTABLISHMENT; QUALIFICATIONS; TERMS OF OFFICE

Pursuant to Minnesota Statute § 462.354, there is hereby established a Planning Commission, herein after referred to as a "Commission", which will consist of five (5) members appointed by the Town Board from among the residents of Eureka Township.

A Member of the Town Board shall attend meetings on a monthly rotating basis to observe the proceedings and serve as liaison with the Planning Commission.

Notification of all upcoming openings on the Planning Commission shall be made public. Commission members shall be appointed from among persons in a position to represent the general public interest. Geographic dispersion should be considered as part of the appointment process. No person shall be appointed with private or personal interests likely to conflict with the general public interest. If any Member shall find that the Member's private or personal interests are involved in any manner coming before the Commission, the Member shall disqualify himself from taking part in action from the matter, or the Member may be disqualified by the Chairperson of the Commission.

The term of Commission Members shall be three (3) years beginning on May 1 and ending on April 30 three (3) years after.

The Town Board of Supervisors shall appoint Commission Members in April with respect to the terms that commence on the following May 1.

No person shall be appointed to serve more than two successive terms on the Planning Commission; provided, however, if no other applicants apply for the position, the Town Board may waive the prohibition against serving more than two successive terms and in such case the Town Board may appoint the Member to serve one more additional successive term of three (3) years; provided further, existing Members shall nonetheless be eligible to be reappointed to serve two (2) additional successive terms, the duration of which shall be determined by the Town Board.

Section 3 - REMOVAL FROM OFFICE; VACANCIES

Any Commission Member may be removed from office for just cause by a minimum of 3 members of the Town Board, provided that the Member is given ten days advance notice in writing of the proposed action of the Board and an opportunity for a public hearing before the vote is taken. In addition, any Member may be removed for non-attendance at Planning Commission meetings without action by the Town Board according to rules adopted by the Planning Commission.

It shall be the duty of the Chairperson of the Planning Commission to notify the Town Board promptly of any vacancies occurring in the membership. The Town Board shall fill such vacancies within 60 days for the unexpired term of the original appointment.

Section 4 - OFFICERS, RULES, EMPLOYEES, SALARIES AND EXPENSES

The Commission shall elect a Chairperson, Vice-Chairperson, and Secretary from among the Members. The election of officers shall take place at the May meeting of the Planning Commission. No person shall serve as Chairperson of the Planning Commission for more than two successive years.

The Commission shall adopt rules for its governance and for the transaction of its business, and shall keep a written record of attendance at its meetings and of resolutions, transactions, findings and determinations, showing the vote of each Member on each question requiring a vote, or if absent or abstaining from voting, indicating such fact. The records of the Commission shall be a public record. Copies of the minutes of the Planning Commission meetings shall be transmitted to the Clerk of the Town Board at least twenty-four hours prior to the next regularly scheduled meeting of the Town Board following the meeting of the Planning Commission.

Subject to the approval of the Town Board and within limits set by appropriations or other funds made available, the Commission may employ such staff, technicians, and experts as may be deemed proper, and may incur such other expenses as may be necessary and proper for the conduct of its affairs.

Members of the Commission shall receive such salaries or fees for their services thereon, as set by the Town Board at the reorganizational meeting. Members may receive necessary travel per diem and other expenses, while on official business for the Commission, if funds are available for this purpose.

Section 5 - TIME AND PLACE OF MEETING

The Planning Commission shall have monthly regular sessions at the times and on the days shown by the schedule of regular meetings. The schedule shall be adopted by resolution of the Board of Supervisors at the reorganizational meeting and shall be kept on file at the Township's primary office and at the clerk's office. Adjourned meetings of the Commission and special meetings of the Commission shall be set by the Commission on days and at times that the Commission may deem proper. All meetings shall be held in the Town Hall or at a place designated on the schedule by the Commission. If the Commission decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it shall give the same notice of the meeting that is provided for a special meeting.

Special meetings may be called by the Chairperson or any two Members in writing, filed with the clerk at least three (3) days prior to the time specified for the meeting, excluding Sundays and holidays. The demand for the special meeting shall specify the date, time, place and purpose of the special meeting. At least three (3) days prior to the meeting, excluding Sundays and holidays, the clerk shall mail a notice of the special meeting to all Members; the notice shall state the date, time, place and purpose of the special meeting. The clerk shall prepare an affidavit that shows the mailing of the notice in the manner here prescribed. The clerk shall post written notice of the date, time, place and purpose of the special meeting on the principal bulletin board at the Town Hall. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings with the Town Board. This notice shall be posted and mailed or delivered at least three (3) days before the date of the meeting, excluding Sundays and holidays. A person filing a request for notice of special meetings may limit the request to notification of meetings concerning particular subjects, in which case the clerk is required to send notice to that person only concerning special meetings involving those subjects. The Commission may establish an expiration date for request for notices of special meetings and require refiling of the request once each year. Not more than sixty (60) days nor less than thirty (30) days before the expiration date of a request for notice, the clerk shall send notice of the refiling requirement to each person who filed during the preceding year.

Emergency meetings may be called by the Chairperson or any two Members in writing filed with the clerk. The demand for the emergency meeting shall specify the date, time, place and purpose of the emergency meeting. As soon as possible the clerk shall telephone all Members and leave a message that informs the member of the date, time, place and purpose of the meeting; if a Member cannot be reached by telephone, then the telephone message may be left with an adult at the residence of the member or on the answering machine of the Member at the Member's residence. If the message cannot so be left, the clerk shall deliver a written notice to the residence of the Member and tape it to the front door of the residence. The clerk shall make good faith efforts to provide notice of the meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number. Notice of the emergency meeting shall be given by telephone to each requesting news medium. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the Members. Notice shall include the date, time, place and purpose of the emergency meeting. Posted or published notice of an emergency

meeting shall not be required. An "emergency" meeting is a meeting called because of circumstances that, in the judgment of the Commission, require immediate consideration by the Commission.

If a person receives actual notice of a meeting of the Commission at least 24 hours before the meeting, whether a special or emergency meeting, then all notice requirements of this Section are satisfied with respect to that person, regardless of the method of receipt of notice.

Section 6 - FUNCTIONS, POWERS AND DUTIES

The functions, powers and duties of the Commission shall be, in general:

- A. To acquire and maintain in current form such basic information and background data as is necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions.
- B. To prepare and keep a current comprehensive general plan for meeting present requirements, and such future needs as may be foreseen.
- C. To establish principles and policies for guiding action affecting development in the Township and its environs.
- D. To prepare and recommend to the Town Board ordinances, regulations, and other proposals promoting orderly development along lines indicated as desirable by the Comprehensive Plan.
- E. To determine whether specific proposed development conforms to the principles and requirements for the Comprehensive Plan and the Ordinances.
- F. To keep the Town Board and the general public informed and advised as to all planning and development matters.
- G. To conduct such public hearings, as may be required to gather information necessary for the drafting, establishment, and maintenance of a Comprehensive Plan and Ordinances and regulations relating to it, and to establish public committees for the purpose of collecting and supplying information necessary for the Plan, or for the purpose of promoting the accomplishment of the Plan in whole or in part.
- H. To perform other duties which may be lawfully assigned to it, or which may have bearing on the preparation or accomplishment of the Plan.

In connection with its duties, and within the limit of its funds, the Commission may make, cause to be made, or obtain maps, aerial photographs and surveys, and special studies of the location, condition, and adequacy of specific facilities of the Township and, as appropriate, its environs, including, but not limited to: studies on housing; commercial and industrial facilities; economic development; parks; playgrounds and other recreational facilities; schools; public and private utilities; and traffic, transportation, and parking.

All town employees shall, upon request within a reasonable time, furnish to the Commission or its employees or agents such available records or information as may be required in its work. The Commission, or its employees or agents, may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized Town Board agents or employees, and shall have such other powers as are required for performance of official functions in carrying out the purpose of this Ordinance.

Section 7 - PLAT APPROVAL

With respect to applications for plats, the Planning Commission shall hold the public hearing required by statute. The Planning Commission shall recommend to the Board whether the proposed plat should be approved or disapproved. If the Planning Commission has not made its recommendation in a timely fashion to allow the Board to approve or disapprove the proposed plat within the timeframes set by Minnesota Statute § 462.358, the Board may proceed to act on the application for the plat without the recommendation of the Planning Commission.

Section 8 - BUILDING PERMITS

No building permit for any structure to be erected on any property within the Township shall be issued until the application for the permit has been referred to the Planning Commission for review and a recommendation as to whether the building permit should be approved or disapproved and until the Planning Commission's review and recommendation has been made. An attested copy of the review and recommendation shall be forwarded to the Town Board prior to action by the Town Board in approving or denying the building permit. If the report and recommendation is not received by the Town Board in a timely manner so as to enable the Town Board to act on the building permit application within any timeframe set by law or ordinance the Town Board may nonetheless approve or disapprove the building permit application without the review and recommendation from the Planning Commission.

The review and recommendation of the Planning Commission is advisory only to the Town Board and shall not be considered dispositive of the action to be taken by the Town Board.

Section 9 - CHANGES

No change shall be made in the present zoning of land, or in the zoning plan or future street or public land plan or regulations governing the platting of land, until the proposed change has been referred to the Planning Commission for a review and recommendation and until such review and recommendation has been made. No ordinance or resolution establishing any such plans or specifications shall be adopted by the Town Board until such ordinance or resolution has been referred to the Planning Commission for review and recommendation and until such review and recommendation has been made.

An attested copy of the Commission's reviews and recommendations shall be forwarded to the Town Board. If the reviews and recommendations are not received by the Town Board in a timely fashion so as to enable the Town Board to act on the

matters within the timeframes required by law or ordinance, the Town Board may proceed to act on the actions without the reviews and recommendations of the Planning Commission.

The reviews and recommendations are advisory only to the Town Board and are not dispositive on the actions to be taken by the Town Board.

Section 10 - RECOMMENDED PUBLIC WORKS

As a part of its duties, the Planning Commission, upon request by the Town Board, shall prepare a list of public works, which it believes are necessary and desirable to be constructed. Such list shall be arranged in order of preference with recommendations as to which projects shall be constructed with Township general funds and which with road and bridge funds, and such other methods of financing as it deems advisable.

Section 11 - CONFLICTS WITH OTHER ORDINANCES; SEPARABILITY

All ordinances or portions of ordinances in conflict herewith are hereby repealed. Should any section of this Ordinance be held unconstitutional or void, the remaining provisions shall nevertheless remain in full force and effect.

– Section II –
General Policies

Ch. 1 – Member Orientation and Training

A. Orientation. To assist new Planning Commissioners to learn their responsibilities and develop their understanding of planning and zoning, new commissioners are strongly encouraged to:

1. Attend the Government Training Service’s annual courses “The Basics” and “Beyond the Basics”;
2. Read the Eureka Township Zoning Ordinance (Ordinance 3);
3. Read the Eureka Township Comprehensive Plan;
4. Read “Township Planning and Zoning: A General Overview” (MAT Document PZ1000) and “Zoning Decisions: Limitations and Pitfalls) (MAT Document PZ2000), both available from the Minnesota Association of Townships (MAT) website at www.mntownships.org.
5. Obtain a copy of the Minnesota Association of Townships *Manual of Township Government*, available from the MAT website.

B. Training and professional conferences. The Planning Commission recognizes that the acquisition and maintenance of a body of knowledge and skills related to planning and zoning is necessary and desirable to perform the job of Planning Commissioner. The Planning Commission therefore encourages and highly recommends periodic attendance at educational seminars, training sessions, and conferences. The following is the policy on attendance at such events:

1. Planning Commissioners must request approval from the Township Board of Supervisors to attend any training or informational meeting for which they intend to ask the township for reimbursement for fees or mileage. Reimbursement is subject to availability of funds.
2. Planning Commissioners should notify the Planning Commission chair and town clerk immediately of any educational or informational meetings at which there is the potential for a quorum of commissioners so the meeting can be posted on the township calendar.
3. Planning Commissioners shall, at the next regular meeting of the Planning Commission, make a report to the Commission about the information they received at any training or informational meetings they have attended.

Ch. 2 – Meeting Attendance

A. Regular attendance at all scheduled Planning Commission meetings is expected. Attendance at regular town board meetings is strongly encouraged.

- B. If a Planning Commissioner is absent from regular Planning Commission meetings three (3) months in a row, or is absent from more than fifty percent (50%) of all scheduled Planning Commission meetings in a one-year period, then the commissioner's position shall be considered vacant, and the Planning Commission chair shall advise the town board that there is a vacancy on the Planning Commission.
- C. If a commissioner is unable to attend a scheduled Planning Commission meeting, they are requested to contact the town clerk or Planning Commission chair in advance of the meeting to provide notice that they will be unable to attend.

Ch. 3 – Representing the Township

Eureka Township has an interest in ensuring that the township is represented appropriately at public meetings outside of the community. The following policies govern Planning Commission attendance at meetings outside of Eureka Township:

- A. If a Planning Commissioner is representing the township in an official capacity (i.e., they are a presenter or speaker at an event at which they are identified as "a Planning Commissioner from Eureka Township" or they intend to speak at an event as a representative of Eureka township), they must notify the Planning Commission and town board in advance of the event that they will be attending in this capacity.
- B. Planning Commissioners are free to attend, as a private citizen, public meetings in other communities on issues affecting Eureka without notifying the Planning Commission or town board. Members should be cognizant, however, that if they identify themselves as a "Planning Commissioner from Eureka," those in attendance may take what they say as a representation of the township's view of the matter. Therefore, members are strongly encouraged to make clear at all times that they are speaking as private citizens and for themselves only.
- C. Contacting the Minnesota Association of Townships (MAT). Planning Commission members are encouraged to contact MAT concerning general questions of procedure or statutory requirements. However, MAT has a limited budget and limited staff, and has asked communities to coordinate with each other before contacting the organization for information. Before contacting MAT with a question, Planning Commissioners shall notify the town clerk about the general subject matter of their inquiry to ensure that the township is not sending multiple requests for the same information. In general, requests should be limited to general questions about proper procedure or statutory requirements; as a rule, MAT will not advise townships about policy matters.

Ch. 4 – Conflicts of Interest

Refer to the MAT *Manual of Township Government*, Chapter 9, "Conflicts of Interest."

[For future update, include what constitutes a conflict of interest, expectations for recusal, etc.]

Ch. 5 – Open Meeting Law

Refer to Minnesota State Statute 13D.01; the MAT Publication “Practical Guide to the Open Meeting Law”; and the MAT *Manual of Township Government*, Chapter 6, Section 8, “Open Meeting Law.”

[For future update, include statutory requirements, guidelines for communication outside of meetings, e-mail exchanges, etc.]

Ch. 6 – Compensation and Reimbursement

Planning Commission members are entitled to receive compensation and mileage reimbursement for all of the following:

- A. All official meetings of the Planning Commission
- B. Required site inspections
- C. Approved training sessions or informational meetings

Ch. 7 – Yearly Work Plan

The Planning Commission shall create a yearly work plan each May. The plan shall include, but not be limited to, the following:

- ◆ Ordinance and comprehensive plan review
- ◆ Permit form review
- ◆ Fall road review (October)
- ◆ Annual road recommendations (December)
- ◆ Capital improvements plan (infrastructure, town hall, etc.)

— Section III —

Roles and Responsibilities

Ch. 1 — Meeting Preparation

Preparation for Planning Commission meetings is essential. The township does not have the luxury of regular staff to conduct research on issues that come before the Planning Commission, so much of this work must be done by individual commissioners as part of their regular duties.

- A. Information Packets.** It is expected that Planning Commissioners will pick up information packets for upcoming meetings from the town hall the week before the meeting. Packets for regular meetings will be available for pickup by 5:00 pm Monday, one week before the scheduled meeting. Requests for additional background information for items on the agenda may be made to the town clerk.
- B. Preparing for Meetings.** Planning Commissioners are responsible for being prepared to discuss each item on the agenda for all Planning Commission meetings. In addition to reviewing permit application forms, this may include consulting township ordinances, conducting research and gathering information, contacting staff from other communities, consulting with planning and land use professionals, contacting county or state officials, and (where applicable) consulting county ordinances and state statutes.

Ch. 2 — Conducting Inspections or Site Visits

[For future update, include info on responsibilities and expectations, number of members to attend, reporting requirements]

Ch. 3 — Chair Responsibilities

The Planning Commission chairperson shall be the presiding officer of Planning Commission meetings. In the absence of the chairperson, the vice chairperson shall preside. The presiding officer is a full member of the Planning Commission and retains all the rights to speak, make and second motions, and vote on matters of town business to the same extent as any other Planning Commissioner.

In addition to the duties and obligations outlined herein and in township ordinances, the Planning Commission chair (or, in the chair's absence, the vice chair) shall be responsible for the following:

- A. Working with the town clerk to create an agenda for upcoming regular and special Planning Commission meetings;
- B. Maintaining regular communication with the Town Board chair regarding Planning Commission business;
- C. Making a report of Planning Commission business to the Town Board at each regularly scheduled Town Board meeting;

- D. Identifying upcoming training or informational opportunities for Planning Commission members and alerting members to these opportunities;
- E. Ensuring compliance with open meeting law requirements regarding availability of public documents during the meeting. *(See Minnesota Statutes §13D.01)*

Ch. 4 – Recorder Responsibilities *(See also Section III, Ch. 6 – Building Inspector Responsibilities)*

In addition to the duties and obligations outlined herein and in township ordinances, the Planning Commission recorder (or, in the recorder’s absence, a volunteer from the Planning Commission) shall be responsible for the following:

- A. Take minutes of all regular or special Planning Commission meetings;
- B. Work with the building inspector to maintain a current list of “Open Permits” that tracks, for each permit, (1) when construction commenced (first inspection), (2) status at 180 days (extended or expired), and (3) when final inspection was completed.
- C. Make reports to the Planning Commission on a monthly basis about expired and closed out permits;
- D. Provide draft copies of Planning Commission meeting minutes to the Planning Commission and town board as required;
- E. Provide an electronic copy of approved Planning Commission meeting minutes to the Eureka web manager to post on the township website, and to the town clerk to include in the permanent township records.

Ch. 5 – Clerk Responsibilities *(See also Section III, Ch. 6 – Building Inspector Responsibilities; and Appendix D—Clerk Checklists for Planning Commission)*

- A. Accept and process application forms for upcoming meeting.
 - 1. The deadline for all applications shall be at noon ten (10) days before the Planning Commission meeting.
 - 2. Only complete applications that include all required information, supplemental exhibits, and fees shall be placed on the Planning Commission agenda for action.
 - 3. Consistent with state statutes, incomplete applications shall be returned to the applicant within fifteen (15) days of receipt, accompanied by a written explanation why the application is incomplete.
- B. Compile and distribute information packets.
 - 1. Copies of permit forms shall be placed in Planning Commission members’ folders no later than 5:00 pm Monday, one week before the Planning Commission meeting. Original application materials shall be available for Planning Commission members to examine during regular township office hours or by arrangement with the town clerk.

2. Draft minutes of the last town board meeting shall be placed in Planning Commission members' folders no later than 5:00 pm Monday, one week before the Planning Commission meeting.
 3. Any additional information relevant to items on the agenda shall be placed in Planning Commission members' folders as soon as available.
- C. Create meeting agendas in consultation with Planning Commission chair.
1. Items shall be placed on the agenda in the order in which they are received under the proper category, as follows:
 - a. Permit Requests. This item is reserved for building permit requests.
 - b. Other Land Use and Zoning Items. This item is reserved for land use and zoning requests that do not require a building permit (e.g., lot splits, building right clusters, variance requests, lot of record verification, conditional use permits, nonconforming use verification), as well as questions from the audience regarding land use and zoning items not on the agenda.
 - c. Other Business. This item is reserved for other business conducted by the Planning Commission.
 2. The agenda shall include a version number to distinguish the final version from earlier versions.
 3. A draft agenda shall be e-mailed or faxed to all Planning Commission members no later than 5:00 pm Monday, one week before the Planning Commission meeting.
 4. The final agenda for the meeting shall be e-mailed or faxed to all Planning Commission members no later than 12:00 noon the day of the Planning Commission meeting.
- D. Compile copies of items for inclusion in the public notebook as required under the open meeting law.
- E. Attend the permit portion of Planning Commission meeting to answer questions about applications and procedures as requested, to collect fees as necessary, and to assist applicants with preparation for town board meeting.

Ch. 6 – Building Inspector and Zoning Administrator Responsibilities

In addition to the duties and obligations outlined herein, in statute statutes, in township ordinances, and in the Building Inspector's contract with the township, the Building Inspector shall report to the Planning Commission on the status of open building permits using the following procedure:

- A. After each town board meeting, and no later than two weeks before the next planning commission meeting, the planning commission recorder will update and forward to the building inspector and zoning administrator a current list of approved permits and land use requests that remain "open." The list shall include the following information for each permit or request:

- Name of applicant
- Site address
- Type of permit(s) or request(s)
- Date of town board approval.

B. At least one week prior to the next planning commission meeting, the building inspector (for building permits) and zoning administrator (for land use requests) shall provide to the planning commission recorder an updated list of the status of all permits or requests on the list.

1. For each building permit listed, the building inspector shall provide the following information:

- Date work commenced (first inspection)—provide either a date or “none” if work has not yet commenced
- Current status of work, using the following designations:

Status	Provide . . .
Ongoing	Date of last inspection
Extension ¹	Date extension granted in writing
Expired ²	Date of last inspection
Completed	Date of final inspection

2. For each land use request listed, the zoning administrator shall provide the following information:

- Date request approved by town board
- Current status of request, using the following designations:

Status	Provide . . .
Recorded with County	Date recorded
Open	Leave blank (for CUPs within 6 months of issuance)
Extension ³	Date extension granted by town board
Expired ⁴	Date request expired

¹ The Minnesota State Building Code provides that the building inspector *may* grant extensions, in writing, if “justifiable cause is demonstrated” (Section 1300.0120 PERMITS, Subpart 11 EXPIRATION).

² The Minnesota State Building Code states that “Every permit issued shall become invalid unless the work authorized by the permit is commenced within 180 days after its issuance, or if the work authorized by the permit is suspended or abandoned for a period of 180 days after the time the work is commenced.” Work is considered suspended or abandoned if no required inspection has been requested within the last 180 days.

³ For conditional use permits, township ordinances state: “One or more extensions for not more than six (6) months each may be granted by the Town Board for good cause” (Ordinance 3, Ch. 2, Section 13(c)(12)).

⁴ For conditional use permits, township ordinances state: “Granted conditional use permits shall become void if applicant does not proceed substantially on the work within six months. To proceed substantially means to make visible improvement to the property” (Ordinance 3, Ch. 2, Section 13(c)(12)).

- C. At its next regular meeting, the planning commission will review the list and identify expired permits or land use requests for action. The planning commission chair (or vice-chair) shall notify the town board of expired permits or requests at the board's next regular meeting
- D. At its discretion, the town board may:
 - 1. In the case of expired building permits, direct the building inspector to send a certified letter to the permit holder notifying them that the permit has expired and that a new or renewed permit must be obtained from the township before work on the project can commence.
 - 2. In the case of expired land use requests, direct the zoning administrator to notify the landowner by certified letter that the request has expired and is now void, and that a new application must be made to the township.

– Section IV –

Operating Procedures

Ch. 1 – Permitting Procedures

The goal of the Planning Commission is to process permit applications and land use and zoning requests as expediently as possible while fulfilling its purpose to protect the health, safety, and welfare of the community. Consistent with this goal, the Planning Commission has adopted, and the Eureka Town Board has approved, the following policies regarding the level of review required for various permit applications and land use requests:

A. Remodeling and repair projects.

1. The clerk will determine whether the project requires Planning Commission and town board review. Generally remodeling and repair projects do not require such review unless they enlarge the building, move or extend the outside dimensions of the building, or change the land use or occupancy of the building.
2. If the clerk determines the permit application is complete and does not require Planning Commission and town board review, the clerk may approve the permit, and applicants need not appear before the Planning Commission or town board. The clerk will forward the application to the township building inspector, who will issue a permit per his usual procedure. Once a permit has been issued, applicants can obtain their permit from the town clerk after paying the appropriate permit fees. No work shall begin on the project until the applicant has paid for and obtained the proper permits.
3. If the clerk determine the permit application does require Planning Commission and town board review, then the application will be forwarded to the Planning Commission per the township's standard procedures for reviewing permits; in such cases, the applicant must appear before the Planning Commission and town board. No work shall begin on the project until the proper permits have been obtained.

B. Decks, Pools, and Septic Systems.

1. The town clerk and Planning Commission chair (or vice chair) will jointly review applications for decks and pools as soon as they are received. Incomplete applications will be returned within 15 days, and must be resubmitted.
2. If the clerk and the Planning Commissioner agree the proposal meets township ordinances, the clerk may approve the permit, and applicants need not appear before the Planning Commission or town board. The clerk will forward building plans to the township building inspector, who will issue a permit per his usual procedure. Once a permit has been issued, applicants can obtain their permit from the town clerk after paying the appropriate permit fees. No work shall begin on the project until the applicant has paid for and obtained the proper permits.

3. If the clerk and the Planning Commissioner do not agree that the proposal meets township ordinances, then the application will be forwarded to the Planning Commission for review per the township's standard procedures for reviewing permits; in such cases, the applicant must appear before the Planning Commission and town board. No work shall begin on the project until the proper permits have been obtained.

C. Rebuilds in Case of Fire.

1. The town clerk and planning commission chair (or vice chair) will jointly review applications for buildings or structures being rebuilt after destruction by fire as soon as they are received. Incomplete applications will be returned within 15 days, and must be resubmitted.
2. If the building permit is for an **exact rebuild** of a conforming building or structure on its original foundation, and if the clerk and the planning commissioner agree the proposal meets township ordinances, the clerk may approve the permit, and applicants need not appear before the planning commission or town board. The clerk will forward building plans to the township building inspector, who will issue a permit per his usual procedure. Once a permit has been issued, applicants can obtain their permit from the town clerk after paying the appropriate permit fees. *No work shall begin on the project until the applicant has paid for and obtained the proper permits.*
3. Any **one** of the following will require that the application be forwarded to the planning commission and town board for review per the township's standard procedures for reviewing permits:
 - The clerk and the planning commissioner do not agree that the proposal meets township ordinances;
 - Changes to the foundation or footprint of the building or structure;
 - Changes to the location of the building or structure on the parcel;
 - Changes in the physical dimensions of the building or structure (square footage, height, etc.); or
 - Rebuilding a nonconforming building or structure.⁵

In such cases, the applicant must appear before the planning commission and town board at their next regularly scheduled meetings. *No work shall begin on the project until the applicant has paid for and obtained the proper permits.*

D. Other Permit Applications and Land Use Requests.

1. A complete application must be submitted to the Eureka Town Clerk. For a request to be considered at the next Planning Commission meeting, the application must be received by 12:00 noon on the Thursday **ten days prior to** the meeting. Generally, applications received after this time will not be acted on until the following month's meeting. If the zoning administrator deems an application incomplete, the zoning administrator may, at his or her discretion,

⁵ Minnesota Statutes state: "If a nonconforming building or structure is destroyed by fire or other peril to the extent of 50% of its market value, the board may impose reasonable conditions upon a building permit in order to mitigate any newly created impacts on adjacent property" (M.S. 394.36, Subd. D).

accept the information needed to complete the application up until noon on Monday, one week before the planning commission meeting.

2. The applicant or a representative shall attend the Planning Commission meeting to represent the application. The Planning Commission will review the application and make recommendation to the Town Board for its next regularly scheduled meeting.
3. Building permit applications are forwarded to the building inspector, who reviews the plans, calculates the building permit fees, and does physical inspections of the structure or project.
4. The applicant or a representative shall come before the Town Board at its next regularly scheduled meeting for representation of the application.

Ch. 2 – Procedures for Regular and Special Planning Commission Meetings

- A. Opening the meeting.** The opening statement in Appendix B, or a substantially similar statement, shall be read by the chair at the beginning of each regular or special meeting.
- B. Agenda.** Agendas for regular and special Planning Commission meetings shall be created by the chair and town clerk. Members may contact the town clerk or chair to request that an item be added to the agenda for an upcoming meeting, ideally by noon Monday, one week before the meeting. The presiding officer may vary or alter the order of business.

Agendas for regular meetings shall include the following categories of items:

1. Call to order
2. Approval of agenda
3. Approval of minutes
4. Permit Requests. This item is reserved for permit requests. To be placed on the agenda, a complete application must be received by the town clerk by noon ten (10) days before the Planning Commission meeting.
5. Other Land Use and Zoning Items. This item is reserved for
 - a. land use and zoning requests (e.g., lot splits, building right clusters, variance requests, lot of record verification) that do not require a building permit and for which complete applications were received by the town clerk by noon ten (10) days before the Planning Commission meeting; and
 - b. questions from the audience regarding land use and zoning items not on the agenda.
6. Other Business. This item is reserved for other business conducted by the Planning Commission.
7. Adjournment

C. Procedures.

- 1. Rules of order.** Planning Commission meetings shall be governed by the Parliamentary Rules of Order listed in Appendix A. The Planning Commission may from time to time adopt other rules of order to govern the conduct of its business. The presiding officer shall make the final determination on all questions of procedure and order.
- 2. Method of taking action.** All actions of the Planning Commission shall be taken by motion, including the adoption of resolutions.
- 3. Voting.** A majority vote of those commissioners present and voting shall be required to pass a motion, unless a greater number is required by law or ordinance. Abstentions from voting shall reduce the number considered voting on the motion, shall not be considered as a vote either for or against the matter under consideration, and shall be recorded in the minutes of the meeting along with a reason for the abstention.
- 4. Roll call vote.** Any Planning Commission member may request a roll call vote for any issue on which a vote is made. In such instances, the recorder shall record the name and vote of each individual Planning Commission member.
- 5. Dissenting votes.** At the request of any commissioner who casts a dissenting vote, the reason for the dissenting vote shall be recorded in the minutes of the meeting.
- 6. Continuing a meeting.** The Planning Commission may by motion continue a meeting to a later time by announcing as part of the motion and recording in the minutes the date, time, and place of the reconvened meeting.
- 7. Tape recording.** Unless the Planning Commission expressly states otherwise in the minutes of a particular meeting, any tape recordings of meetings by the Planning Commission are solely for the purpose of assisting the recorder to develop accurate minutes. Such tapes are not part of the Town's official records. If a motion is passed to make a tape a part of the official record, the Town Clerk shall preserve the tape as part of the official record and make it available in the same manner as written minutes.

D. Minutes.

1. The recorder (or, in the recorder's absence, a volunteer from the Planning Commission) shall take minutes of all regular and special Planning Commission meetings. For each item on the agenda, the minutes shall include a generalized summary of the issues discussed, a record of any motions or resolutions made (including who made and seconded the motion or resolution), and a record of the vote of each member. When referring to Planning Commissioners, applicants, or audience members who speak during the meeting, full names shall be used, and home address shall be included for applicants and audience members.
2. A draft of the minutes from the permit portion of regular Planning Commission meetings shall be transmitted to the town clerk and each town board member no later than 96 hours (4 days) prior to the next regularly scheduled town board meeting.

3. A complete copy of the draft minutes of any regular or special Planning Commission meeting shall be transmitted to the town clerk, each town board member, and each Planning Commission member no later than one week after the meeting takes place.
4. Minutes of a regular or special meeting are not considered official until they have been approved by a majority of the Planning Commission members who attended the meeting.
5. Approved minutes shall be sent electronically to the township web manager and town clerk within 72 hours after they are approved so they can be posted on the township website.

Ch. 3 – Procedure for Public Hearings

A. Opening the meeting. Part I of the statement in Appendix C, or a substantially similar statement, shall be read by the chair at the beginning of each public hearing.

B. Procedure for public hearing.

- 1. Purpose of hearing.** The chair shall explain the purpose of the public hearing (i.e., to consider a CUP application, an ordinance change, etc.).
- 2. Applicant statement.** At the discretion of the Planning Commission, the applicant may be permitted to make a brief statement.
- 3. Open hearing for public testimony.** Part II of the statement in Appendix C, or a substantially similar statement, shall be read by the chair before opening the hearing to take public testimony.
- 4. Taking public testimony.**
 - a. The applicant shall remain in the audience.
 - b. Testimony shall be taken following the order in which people signed in on the speaker's list.
 - c. At the discretion of the Planning Commission, audience members may be allowed to speak a second time on the matter before the commission, but only after all other individuals on the speaker's list have had the opportunity to address the commission.
 - d. Comments shall be limited to 10 minutes (or less by consensus of Planning Commission).
 - e. All comments shall be addressed to the chair. The purpose of the hearing is to take testimony from the public, not conduct a debate with the applicant. NO direct discussion should occur between the applicant and audience or between audience members except at the direction of the chair.

- f. Planning Commission member comments during the public hearing shall be limited to questions or to testimony for the record, and members should ask to be recognized by the chair.
- g. If a citizen raises a question during testimony, the chair may answer the question, or simply make note of the issue for the Planning Commission to discuss during its deliberation.

5. Closing the public hearing.

- a. The chair shall ask for final comment three times before closing the meeting.
- b. Once the public hearing is closed, no more public discussion or comment shall be permitted.

6. Planning Commission deliberation *(Note: The issue may be tabled and discussion and deliberation deferred to another meeting by a motion and simple majority vote.)*

- a. Discussion is limited to Planning Commission members.
- b. The applicant shall not be part of the discussion unless directly asked a question by the Planning Commission. In such cases, their reply shall be directed to the chair and shall be limited to the question at hand.
- c. If the public hearing involves a request for a conditional use permit, interim use permit, or variance, the discussion shall include establishing conditions in the event the permit or variance is granted.

7. Planning Commission recommendation. *(Note: The issue can be tabled for further discussion at another meeting by motion and simple majority vote.)*

- a. The recommendation should be in the form of a motion.
- b. Written findings of fact should be prepared immediately documenting the following:
 - i. the issue under discussion,
 - ii. the nature of the recommendation to the board (including the outcome of the vote),
 - iii. the facts as the Planning Commission finds them, and
 - iv. a description of applicable law and how it applies to the situation at hand.

C. Minutes.

- 1. The town clerk (or, in the clerk's absence, the Planning Commission recorder) shall audiotape and take minutes of all public hearings. The minutes shall include a complete record of public comment, a generalized summary of Planning Commission members' discussion and deliberation on the matter, a record of any motions or resolutions made (including who made and seconded the motion or

resolution), and a record of the vote of each member. The audiotape of the public hearing shall be retained by the Town Clerk as part of the official record of the township as required by the Town Board's established records retention policy.

2. A draft of the minutes shall be transmitted to the Planning Commission within one week of the public hearing.
3. Minutes of public hearings are not considered official until they have been approved by a majority of the Planning Commission members in attendance at the meeting in question.
4. Approved minutes shall be sent electronically to the township web manager within 72 hours after they are approved so they can be posted on the township website.

Ch. 4 – Public Participation

Members of the public may address the Planning Commission at the time designated in the order of business for citizen comments, and at such other times during the meeting as may be allowed by the presiding officer, subject to the following:

A. Time limits. Unless further time is granted by vote of the Planning Commission, remarks from the public shall be limited to five (5) minutes per speaker

B. Public conduct. Everyone who attends a meeting shall at all times conduct themselves in a professional manner and shall not: speak until recognized by the presiding officer; engage in disorderly conduct; disrupt the proceedings; speak longer than the allotted time; speak to matters beyond the scope of the particular matter currently before the commission; use profane language; or engage in any other activity which disturbs the peace and good order of the meeting. Any person who persists in disturbing the meeting after having received a warning from the presiding officer may be asked to leave the meeting. If the person does not leave, the presiding officer or other town officer or staff may contact law enforcement to have the person removed from the meeting.

C. Audio or videotaping. Those attending meetings may use sound or video recording devices provided their use does not interfere with or disrupt the meeting and does not violate the constitutional rights of others.

D. Written materials. Citizens may submit written comments or materials to the Planning Commission before or at a meeting and may ask that they be added to the record. The Planning Commission shall enter the information into the record as requested unless doing so would be unduly burdensome.

Ch. 5 – Procedure for Requesting Attorney Representation at a Meeting

Refer to the Eureka Town Board "Attorney Engagement Policy" (adopted June 2007)

Appendices

— Appendix A — Rules of Order

The following are permitted motions. The motions or points are listed below in established order. When any one is pending, commissioners may not introduce another that is listed below it, but may introduce another that is above it. Where motions require a second, motions are considered dead if there is no second. In the case of tie votes, motions fail.

Motion	Say. . .	Second?	Debateable?	Amendable?	Vote required?
To adjourn	"I move that we adjourn"	Yes	No	No	No vote unless someone objects, then majority vote
To recess	"I move that we recess until. . ."	Yes	No	Yes	No vote unless someone objects, then majority vote
To end debate	"I move the question"	Yes	No	No	2/3 vote
To table an item	"I move we table this item until. . ."	Yes	Yes	Yes	Majority or general assent
To postpone consideration	"I move we postpone this motion by. . ."	Yes	Yes	Yes	Majority
To amend a motion	"I move to amend this motion by. . ."	Yes	Yes	Yes	Majority
To offer a friendly amendment	"I offer a friendly amendment to. . ."	No	Yes	Yes	Must be accepted by members who made and seconded original motion, then becomes part of main motion to be voted on
To take action or introduce business	"I move that. . ."	Yes	Yes	Yes	Majority
To limit debate	"I move we limit debate to. . ."	Yes	Limited	Yes	2/3 vote
To suspend the rules	"I move we suspend the rules and. . ."	Yes	No	No	2/3 vote
Challenge a ruling by the chair	"I appeal the ruling of the chair"	Yes	Yes	No	Majority
Point	Say. . .	Second?	Debateable?	Amendable?	Vote required?
Ask for count to verify voice vote	"I ask for a roll call vote"	No	No	No	No vote unless someone objects, then majority
Raise a question of procedure	"Point of order"	No	No	No	No vote—chair decides
Request information	"Point of privilege"	No	No	No	No vote—chair replies

— Appendix B —
Opening Statement for
Regular Planning Commission Meetings

I now call the <MONTH> <DAY> <YEAR> regular meeting of the Eureka Township Planning Commission to order.

The Planning Commission is an appointed body that makes recommendations to the town board on planning and zoning issues. Our recommendations are advisory only. The elected town board makes the final decision on all issues brought before us.

To be acted upon at tonight's meeting, applications for permits were due to the town clerk by noon 10 days before tonight's meeting. Applications received after that time will be placed on next month's agenda. However, if you have questions about a late application, we're happy to address them this evening under item #2 on our agenda.

I'd like to remind everyone that this is a public meeting, not a public hearing. Public meetings are open to the public to observe. However, comment from the audience is generally limited to those with business pending before the Planning Commission.

If you did not do so, please take a minute to sign in on the attendance sheet at the back of the room. The township is required by law to keep a record of audience members in attendance at all public meetings.

Finally, if you have a cell phone, please turn it to off or set to vibrate.

– Appendix C –
Opening Statement for Public Hearings

Part I

I now call the <MONTH> <DAY> <YEAR> special meeting of the Eureka Township Planning Commission to order. The only item on tonight’s agenda is _____.

Before we begin, I ask that you turn off cell phones or set to vibrate as a courtesy to the Planning Commission and to other people in the audience. If you feel the need to take a phone call or have a conversation, we ask that you step into the vestibule.

The Planning Commission is appointed by the town board to make recommendations to the board on planning and zoning issues. Our recommendations are advisory only. The final decision on issues brought before us is made by the elected township board.

With certain types of applications such as this one, it’s also our responsibility to conduct a public hearing. The purpose of the hearing is to ensure that everyone with an interest in this matter has an opportunity to present testimony and evidence in support of his or her position.

We’ll begin tonight with an explanation of the application that is before us. We’ll then allow a brief statement by the applicant before we open the floor to public comment.

Part II

Before I open the public hearing to take comment, I want to explain some of the procedures for tonight’s hearing.

First, you should be aware that our job as the Planning Commission is to review applications based on the regulations that exist in our ordinances and the laws of the State of Minnesota. We do not have discretion to change or ignore those rules as part of our review process.

In this case, we are charged with . . . [*explain applicable statutory or ordinance requirements*].

We understand there may be strong feelings on both sides of the issue before us. We’re committed to conducting a fair and open process and providing everyone with an opportunity to be heard, but we insist that everyone participate in an atmosphere of civility and mutual respect.

One person will have the floor at a time. You’ll be called on to speak in the order you signed in on the speaker’s list.

Please come up to the microphone before speaking, state and spell your name, and state your address for the record. By law, we have to create a complete record of this hearing, and your comments will not be recorded unless you are near the microphone.

There is a 10 minute time limit on comments. Please observe this limit so everyone has a chance to speak.

I will not call on a speaker a second time until everyone has the chance to speak for the first time.

All comments should be addressed to the chair. The purpose of this hearing is to take testimony from the public, not conduct a debate or cross-examine the applicant.

We ask that you listen respectfully to other speakers and hold your comments until it's your turn. Applause, cheering, heckling, or other disruptions will not be tolerated.

Finally, we ask that you please refrain from personal attacks or references to matters that are not directly relevant to this application.

— **APPENDIX D** —
Clerk Checklists for Planning Commission

Reviewing Applications

Deadline: noon ten (10) days before the Planning Commission meeting. Enforce strictly beginning April 2007

1. Application:

- ▶ Are **all sections** filled out?
- ▶ Is the information that is provided **complete**?
- ▶ Is the application **signed**?

2. Shoreland—if property is in shoreland, have applicant contact SWCD before the PC meeting.

3. Site plan—review *carefully* for all required structures and setbacks.

4. Supplemental materials—use the checklist for the type of permit.

5. Application fee and escrow—must be paid at the time of application.

6. Other permits that may be required (indicate in OFFICE USE portion of application form):

- ▶ Driveway
- ▶ Septic
- ▶ North Cannon Watershed
- ▶ Other Building Permits
- ▶ CUP
- ▶ NCU expansion

7. Complete a review form—one copy to **applicant** and one copy to **file**.

8. Complete the OFFICE USE ONLY portion of the permit.

Incomplete applications—Return to applicant within fifteen (15) days of receipt, accompanied by written explanation why application is incomplete. Keep a copy of the application and the letter for the file.

Creating Agenda

1. **Discuss agenda with chair**—Do not send out the agenda without first consulting with the PC chair and getting a list of items to be included on the agenda.
2. **Agenda item categories**—Place items in the proper category in the order they are received:
 - ▶ **Permit Requests.** This item is for **building permit requests only**. Only *complete* applications that were submitted *on time* shall be placed on the agenda under this item.
 - ▶ **Other Land Use and Zoning Items.** This item is for **land use and zoning requests** that do not require a building permit (lot splits, clusters, variances, lot of record verification, nonconforming use verification, etc.).

This is also where late applications should be placed if people have questions.
 - ▶ **Other Business.** This item is reserved for other business conducted by the PC.
3. **Draft agenda**—Distribute to PC the **Monday one week before meeting**, by e-mail and in their folders.
4. **Version numbers**—Include a version number or date on each new version of agenda.
5. **Final agenda**—Distribute to PC by **noon the day of the meeting**, by e-mail and in their folders. Only the Planning Commission can amend the agenda after this time.

Creating Packets

Place copies of materials in PC members' packets and in the public notebook as follows:

By 5:00 pm Monday, one week before the PC meeting. . .

1. Permit forms

- ▶ application form
- ▶ site plan
- ▶ proof of ownership
- ▶ any attachments to the permit (except for building plans or survey)

Original application materials must be available for PC members to examine during regular township office hours or by arrangement with the town clerk.

2. Tentative agenda (include version number on bottom)

3. Draft minutes of last regular town board meeting

As soon as available:

1. Final agenda (include version number on bottom)

2. Draft minutes of previous PC meetings (clerk—public hearings; recorder—other PC meetings)

3. Any "group e-mails" sent to the entire PC by the clerk or by PC members

4. Any additional information relevant to items on the agenda

Public Hearings

- 1. Prepare the following items and place at back table:**
 - ▶ Attendance sheet
 - ▶ "Public Hearing Procedures" handout
 - ▶ Speaking list (clerk's table)
 - ▶ Public notebook
- 2. Set up tape recorder and microphone** at center aisle
- 3. Tape record the meeting** (including PC discussion/deliberation)
- 4. Prepare draft minutes for PC chair to review**
- 5. Distribute reviewed draft minutes to PC and town board** one week after meeting
- 6. Prepare final approved minutes** based on PC corrections and approval
- 7. Post approved minutes to website**