

**CITY OF BAXTER, MINNESOTA
ORDINANCE 2024-013**

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 1 "ADVISORY
COMMISSIONS"; TITLE 2, CHAPTER 4 "PLANNING AND ZONING
COMMISSION"; AND TITLE 2, CHAPTER 5 "LONG RANGE PLANNING
COMMISSION" OF THE BAXTER CITY CODE**

THE CITY COUNCIL OF BAXTER ORDAINS:

SECTION 1. AMEND. The City of Baxter, County of Crow Wing, State of Minnesota, Title 2, Chapter 1, Chapter 4, and Chapter 5 are hereby amended as follows:

TITLE 2
BOARDS AND COMMISSIONS

CHAPTER 1
ADVISORY COMMISSIONS

SECTION:

- 2-1-1: Establishment Of Commissions
- 2-1-2: Members And Terms
- 2-1-3: Organization
- 2-1-4: Meetings
- 2-1-5: General Duties And Authority
- 2-1-6: Scope
- 2-1-7: Application Of State Laws
- 2-1-8: Appropriations, Compensation, And Expenses

2-1-1: ESTABLISHMENT OF COMMISSIONS:

The council may from time to time find it necessary to establish advisory fact finding bodies to aid the council in specific areas. These bodies shall be called "commissions" and shall be established by ordinance. (Ord. 2013-1, 2-5-2013)

2-1-2: MEMBERS AND TERMS:

A. Number: The commissions shall consist of six (6) members, one of whom shall be a council member serving as a nonvoting liaison.

B. Council Liaison: To preserve the purpose of commissions to serve as independent, fact finding bodies to advise the city council on various matters, the role of the council liaison member is limited to: 1) providing direct communication for the sharing of information between the commission and city council, 2) serve as a commission member for quorum purposes, and 3) vote on any matter in which there is a tie vote among voting members. The council liaison member shall not be eligible to be a commission officer.

C. Quorum: Three (3) members of the commission constitute a quorum, and all actions by the commission require the affirmative vote of a quorum.

D. Residency: Members of commissions shall be residents of the city.

E. Terms Of Office: Members' terms of office shall be for three (3) years commencing January 1 in the year following the enabling resolution except that the terms of the first set of members on any commission shall be staggered so that no more than one-half (1/2) of the total number of members on any commission shall expire in any one year. Upon completion of their term, a member shall continue to serve until a successor is appointed. No individual shall serve more than three (3) consecutive full terms on the same commission, but is eligible for reappointment after one year following completion of the last term.

F. Removal: Members of commissions shall serve at the will of the city council and any member of a commission may be removed from office by two-thirds (2/3) vote of all council members.

G. Vacancies: It shall be the duty of the chairperson of the commission to notify the city council administrator promptly of any vacancies occurring in membership. In the case of any member missing three (3) consecutive commission meetings or more than one-third (1/3) of the meetings held within the calendar year, the mayor may declare a vacancy to exist without formal removal proceedings.

H. Appointments And Vacancies: Members of commissions shall be appointed by the mayor with council approval. Vacancies shall be filled for the unexpired term by the same process. (Ord. 2013-1, 2-5-2013)

2-1-3: ORGANIZATION:

A. Officers: Each commission shall have a chairperson, and vice chairperson and a secretary appointed annually by the mayor and approved by the council at its first meeting of the year. The chairperson, and vice chairperson acting in the absence of the chairperson, shall be responsible for calling meetings and presiding at meetings and shall be entitled to an equal vote with the other members of the commission. City staff assigned to the

Commission shall ~~The secretary shall~~ be responsible for the keeping of the meeting minutes and commission documents and records. ~~The secretary office and duties may be assumed by staff assigned by the council.~~

B. Committees: The commission may establish committees and subcommittees from its membership to serve in an advisory capacity to assist the commission in the conduct of its business.

C. Advisors: The city attorney, city staff and city consultants shall serve as advisors to the commission. (Ord. 2013-1, 2-5-2013)

2-1-4: MEETINGS:

A. Frequency: Meetings are scheduled to be held once per month or may be called by the chairperson or set by the council as often as necessary to accomplish the duties of the commission. At the last regular meeting of each year, the commission shall approve the schedule of regular meeting dates, times and locations for the next calendar year. Notice of the time and place of a special meeting shall be communicated to the members and publicly noticed at least three (3) days prior to the meeting except in the event of emergency. All commission meetings shall be open to the public.

B. Quorum: Three (3) members of a commission shall constitute a quorum for the conduct of business, except when a greater number of votes are required by statutes.

C. Rules Of Conduct: The commissions shall be governed and operate pursuant to "Robert's Rules ~~Of~~ Order". The commission may adopt additional rules for its governance and for the transaction of its business, following review by the city council. The commissions shall keep a record of attendance, resolutions, motions, findings and determinations at its meetings, 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. No member of a commission shall make or vote on any motion in which the member has direct or indirect interests. (Ord. 2013-1, 2-5-2013)

2-1-5: GENERAL DUTIES AND AUTHORITY:

A. Duties: Commissions shall review all business items that are within their established duties or as assigned by the council which comes before them in relation to all city ordinances, plans and policies that exist at the time the business comes to their agenda.

B. Program Of Work: On an annual basis, each commission shall prepare and submit to the city council for its approval a proposed work plan for the next year, describing actions needed to effectively fulfill the purpose and duties of the commission.

C. Effect: The decisions of any commission shall be considered advisory only and all final decisions shall rest with the city council. (Ord. 2013-1, 2-5-2013)

2-1-6: SCOPE:

This chapter shall apply to all advisory commissions currently existing or hereafter created unless specifically excluded by council resolution. (Ord. 2013-1, 2-5-2013)

2-1-7: APPLICATION OF STATE LAWS:

The provisions of the government data practices act, Minnesota statutes chapter 13, the open meeting law, Minnesota statutes chapter 13D and the laws relating to gifts to local officials, Minnesota statutes section 471.895, as these laws may be amended from time to time, apply to the advisory commissions and all of their members. (Ord. 2013-1, 2-5-2013)

2-1-8: APPROPRIATIONS, COMPENSATION, AND EXPENSES:

A. Appropriations: The city council shall make available to the commission such appropriations as it may see fit for expenses necessary to conduct its work.

B. Compensation, Expenses: Members of the commission may be compensated as determined by the council and may receive necessary expenses while on official business for the commission, if funds are approved by the city council for these purposes. (Ord. 2013-1, 2-5-2013)

CHAPTER 4 PLANNING AND ZONING COMMISSION

SECTION:

2-4-1: Establishment

2-4-2: Purpose

2-4-3: Duties

2-4-1: ESTABLISHMENT:

There is hereby established a planning and zoning commission, hereinafter referred to as the "commission". (Ord. 2013-04, 3-19-2013)

2-4-2: PURPOSE:

The planning and zoning commission serves as the city's planning agency and board of appeals and adjustments and shall have the powers and duties given these bodies by Minnesota statutes sections ~~462.357, 462.358, and 462.359~~462.351 through 462.365, as may be amended from time to time. (Ord. 2013-04, 3-19-2013)

2-4-3: DUTIES:

The commission shall hold meetings of its members and hold necessary public meetings and hearings to carry out the purposes and duties established in this chapter, to consider matters as referred to the commission by the council, or initiated by the members of the commission and deemed necessary to carry out the purposes and duties established in this chapter. Such duties shall include:

~~A. To establish procedures for guiding actions affecting development in the city and its environs~~To establish principles, procedures, policies and plans for guiding actions affecting the development of the city and its environs;

~~B. To prepare and keep current a comprehensive plan for meeting present requirements and such future needs as may be foreseen;~~

~~C. To acquire and maintain in current form such basic information and background data as is necessary for an understanding of past trends, present conditions and forces at work to cause changes in these conditions;~~

~~D. To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan and development ordinances;~~

~~-BE.~~ To prepare and recommend to the council practical means to implement the objectives of the comprehensive plan, which may include ordinances establishing zoning regulations, regulations for the subdivision of land, site plan regulations, sanitary codes, building standards and official maps;

~~F. To advise the council on matters which have an impact on existing plans and the future development of the city, including, but not limited to, plans of other jurisdictions, major improvements, and annexations;~~

~~G. To conduct such public meetings and hearings as may be required to gather information necessary for the drafting, establishment, maintenance and administration of the comprehensive plan, zoning ordinance and subdivision regulations;~~

~~H. To establish public committees for the purpose of collecting and compiling information necessary for the comprehensive plan or for the purpose of promoting the accomplishment of the plan in whole or in part, as authorized by the city council;~~

~~-C. To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan and development ordinances;~~

- ~~DJ.~~ To keep the city council informed and advised on development matters;
- ~~EJ.~~ To perform other duties which may be assigned by the council. (Ord. 2013-04, 3-19-2013)

~~CHAPTER 5~~ ~~LONG RANGE PLANNING COMMISSION~~

~~SECTION:~~

~~2-5-1: Establishment~~

~~2-5-2: Composition~~

~~2-5-3: Purpose~~

~~2-5-4: Duties~~

~~2-5-1: ESTABLISHMENT:~~

~~There is hereby established a long range planning commission, hereinafter referred to as the "commission". (Ord. 2013-04, 3-19-2013)~~

~~2-5-2: COMPOSITION:~~

~~The long range planning commission shall consist of the chairs or designees, of the planning and zoning commission, public utilities commission, parks and trails commission, architectural review commission, president of the economic development authority, a citizen representative, and a city council member. (Ord. 2013-04, 3-19-2013)~~

~~2-5-3: PURPOSE:~~

~~The long range planning commission serves as the city's planning agency and shall have the powers and duties given planning agencies by Minnesota statutes sections 462.355 and 462.356, as may be amended from time to time. (Ord. 2013-04, 3-19-2013)~~

~~2-5-4: DUTIES:~~

The commission shall hold meetings of its members and hold necessary public meetings and hearings to carry out the purposes and duties established in this chapter, to consider matters as referred to the commission by the council, or initiated by the members of the commission and deemed necessary to carry out the purposes and duties established in this chapter. Such duties shall include:

- ~~—A. To acquire and maintain in current form such basic information and background data as is necessary for an understanding of past trends, present conditions and forces at work to cause changes in these conditions;~~
- ~~—B. To prepare and keep current a comprehensive plan for meeting present requirements and such future needs as may be foreseen;~~
- ~~—C. To establish principles, policies and plans for guiding action affecting the development of the city and its environs;~~
- ~~—D. To recommend to the council practical means to implement the objectives of the comprehensive plan, which may include ordinances establishing zoning regulations, regulations for the subdivision of land, site plan regulations, sanitary codes, building standards and official maps;~~
- ~~—E. To advise the council on matters which have an impact on existing plans and the future development of the city, including, but not limited to, plans of other jurisdictions, major public improvements, and annexations;~~
- ~~—F. To keep the city council and the general public informed and advised on planning and development matters;~~
- ~~—G. To conduct such public meetings and hearings as may be required to gather information necessary for the drafting, establishment, maintenance and administration of the comprehensive plan;~~
- ~~—H. To establish public committees for the purpose of collecting and compiling information necessary for the comprehensive plan or for the purpose of promoting the accomplishment of the plan in whole or in part, as authorized by the city council;~~
- ~~—I. To perform other duties which may be assigned by the city council. (Ord. 2013-04, 3-19-2013)~~

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The City Council adopted an ordinance amending the Title 1 Chapter 2 Advisory Commission, Chapter 4 Planning and Zoning Commission, and Chapter 5 Long Range Planning Commission into a new, cleaner, updated, reorganized and more efficient

document. It contains updated statutory citations, the removal of unnecessary or duplicative sections, as well as implementing best practices in all areas of the chapter to ensure an efficient and user-friendly document for the general public.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect upon publication.

Passed this 16th day of July, 2024.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, Assistant City Administrator/Clerk

City Seal