



# **AGENDA**

## Planning Commission

January 2, 2020, 7:00PM  
Council Chambers

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF MINUTES**
  - a. SEPTEMBER 5, 2019 PLANNING COMMISSION MEETING
- 5. ELECTION OF PLANNING COMMISSION CHAIR AND VICE-CHAIR**
- 6. INFORMATIONAL ITEMS**
  - a. PLANNING AND DEVELOPMENT UPDATE
- 7. ADJOURNMENT**

**The next regular Planning Commission meeting will be held  
February 6, 2020, 7:00PM, Council Chambers**

**REGULAR MEETING  
PLANNING COMMISSION  
City of Oakdale  
September 5, 2019**

The Oakdale Planning Commission held a meeting on Thursday, September 5, 2019 at Oakdale City Hall, 1584 Hadley Avenue North, Oakdale, Minnesota. The meeting began at 7 p.m.

**CALL OF ROLL**

On a call of roll, the following were present:

Chairperson:           Dallas Pierson  
                              Bob Boullianne  
                              Yaya Diatta  
                              Marty Jurgensen  
                              Lee Stolarski  
                              Emily Milles  
                              Chris Campbell

Others present:       Emily Shively, City Planner

**APPROVAL OF MINUTES**

**A MOTION WAS MADE BY COMMISSIONER STOLARSKI, SECONDED BY COMMISSIONER BOULLIANNE TO APPROVE THE MINUTES OF THE REGULAR MEETING OF AUGUST 1, 2019.**

**Ayes   7                   Abstain   0**  
**Nays   0                   Motion Carried**

**PUBLIC HEARINGS**

**1. CONDITIONAL USE PERMIT (CUP) FOR A LARGE ACCESSORY STRUCTURE AT 7989 18<sup>TH</sup> STREET COURT NORTH (WEISS)**

Ms. Shively presented a CUP for a large accessory structure at 7989 18<sup>th</sup> Street Court North (Attachments A-D). Dan Weiss has connected, covered enclosures for chickens on his property. The enclosures are classified as accessory structures in the zoning code. The total size of the enclosures is 450 square feet. As this exceeds the 170 square foot accessory building allowance, a Conditional Use Permit is required.

Mr. Weiss has obtained a permit for keeping chickens from the Police Department, but was not aware of the size limitations for accessory structures at the time. He was recently made aware of the zoning requirements and has applied for a Conditional Use Permit. If granted, the Conditional Use Permit would allow the structures to remain.

Ms. Shively stated staff has reviewed the specific request against the criteria in the ordinance and found the request meets those general criteria. In particular, that there is sufficient lot area to accommodate a large structure on the property. Therefore, she said staff recommends approval of the CUP for a large accessory structure at 7989 18<sup>th</sup> Street Court North.

Mr. Weiss, the owner of the property, stated he has four chickens. They are not free roaming but have plenty of room, are protected from the elements, and the structure is surrounded by trees for privacy. There is also a privacy fence screening the property along 18<sup>th</sup> Street North. He does not own a rooster.

In response to Commissioner Diatta's question if he was aware of the zoning implications when he contacted the Police Department for his permit, Mr. Weiss replied, not at all. A CSO came to property and saw no issues so he went ahead and built the large structure. Commissioner Diatta commented this might be an opportunity for a cross department conversations. Planner Shively agreed and those conversations have begun as a result of this application.

In response to Commissioner Campbell's question if any negative feedback was received when notifying neighbors within 100' of property, Mr. Weiss replied no.

Commissioner Boullianne asked if he has received any complaints about the chickens to which Mr. Weiss replied, no complaints. The chickens are kept for personal use, he does not sell eggs. He provided a brief background on chickens and how they survive the cold winters.

In response to Commissioner Jurgensen's question how long he has had chickens, Mr. Weiss replied two years.

Commissioner Campbell asked for clarification regarding: *(b) The building shall not be of a pole building type construction (defined as a structure that utilizes treated lumber buried in the ground that serves as the building foundation).* He stated based on the criteria, he interprets this structure is not in compliance with the criteria. Ms. Shively explained that the intent of the criteria is primarily for large machine sheds rather than open structures.

In response to Chairperson Pierson's comment that this structure is more like a dog run, Mr. Weiss stated he added a roof to fencing panels typically used for kennels and the posts are above ground.

Commissioner Campbell asked if a dog run is considered an accessory structure or does it become an accessory structure once a roof is added. Ms. Shively responded that the addition of a roof makes it an accessory structure.

In response to Commissioner Jurgensen's questions if a building permit was needed and if this is considered one structure or two, Ms. Shively replied that permits are required for structures over 200 square feet. She is unsure if this structure would qualify and will follow up with the building department. She stated that because the two are connected, the total square footage is used to consider it one structure.

In response to Commissioner Campbell's question regarding the roof material, Mr. Weiss responded it is constructed of metal panels.

**A MOTION WAS MADE BY COMMISSIONER STOLARSKI, SECONDED BY COMMISSIONER DIATTA TO RECOMMEND APPROVAL OF THE CUP FOR A 450 SQUARE FOOT ACCESSORY STRUCTURE AT 7989 18<sup>TH</sup> STREET COURT NORTH.**

**Ayes 7                      Abstain 0**  
**Nays 0                      Motion Carried**

**INFORMATIONAL ITEMS**

**a. PLANNING AND DEVELOPMENT UPDATE**

Planner Shively reported that Taco Bell restaurant in Bergen Plaza is planning on opening in October.

Planner Shively will inform Commissioners if a meeting is scheduled for October.

**ADJOURNMENT**

**A MOTION WAS MADE BY COMMISSIONER STOLARSKI, SECONDED BY COMMISSIONER MILLES TO ADJOURN THE SEPTEMBER 5, 2019 MEETING OF THE OAKDALE PLANNING COMMISSION AT 7:15 PM.**

**Ayes 7                      Abstain 0**  
**Nays 0                      Motion Carried**

Respectfully submitted, Teresa Buhl



# PLANNING COMMISSION MEMORANDUM

<b>To:</b>	City of Oakdale Planning Commission
<b>From:</b>	Emily Shively, Planner
<b>Date:</b>	January 2, 2020
<b>Subject:</b>	Election of 2020 Planning Commission Chair and Vice Chair

## INTRODUCTION

Section 16-5 of the city code states that the Planning Commission shall elect from its membership a Chairperson and Vice-chairperson annually at its first meeting of the year. All commission members are eligible to serve as Chair or Vice-chair in 2020 as neither the code nor the Planning Commission by-laws specify term limits with regards to serving in these positions (attached for reference).

## ROLES AND RESPONSIBILITIES OF THE CHAIR & VICE-CHAIR

The primary role of the Chair, and in their absence, the Vice-chair, is to run an effective and efficient meeting. While the Chair votes on motions, prior to taking action the Chair serves as a facilitator of the discussion with the focus on ensuring that procedures are followed, public comment is well managed, and decisions are deliberated fairly. A strong knowledge of the legal foundations for planning and basic rules of order for meeting procedures is desirable. Staff is prepared to provide assistance and additional training to the Chair and Vice-chair so that they feel comfortable and equipped to serve in those roles.

## PROCESS

### *Election of 2020 Planning Commission Chair*

Step 1. Nominate candidates for the Chair position. Nominations do not require a "second", but other members may "second" the nomination to show support.

"Motion to nominate Commissioner \_\_\_\_\_ for the position of Chair"

Step 2. When there are no new nominations to be made someone should make a motion that nominations close. The motion to close requires a second.

"Motion to close nominations for the position of Chair"

Step 3. Election using the ballot provided. Commissioners write in their choice from those nominated and pass the ballots to staff for tabulating.

Step 4. Staff will announce results.

Step 5. Election of Chair requires a motion and a second.

"Motion to elect Commissioner \_\_\_\_\_ for the position of Chair of the Planning Commission for a period of one (1) calendar year".

## PLANNING COMMISSION MEMORANDUM

Election of 2020 Planning Commission Chair and Vice-chair

Meeting Date: January 2, 2020

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### *Election of 2020 Planning Commission Vice-chair*

Step 1. Nominate candidates for the Vice-chair position. Nominations do not require a "second", but other members may "second" the nomination to show support.

"Motion to nominate Commissioner \_\_\_\_\_ for the position of Vice-chair"

Step 2. When there are no new nominations to be made someone should make a motion that nominations close. The motion to close requires a second.

"Motion to close nominations for the position of Vice-chair"

Step 3. Election using the ballot provided. Commissioners write in their choice from those nominated and pass the ballots to staff for tabulating.

Step 4. Staff will announce results.

Step 5. Election of Vice-chair requires a motion and a second.

"Motion to elect Commissioner \_\_\_\_\_ for the position of Vice-chair of the Planning Commission for a period of one (1) calendar year".

Assumption of the roles of Chair and Vice-chair may commence immediately following the vote or officers may assume their roles at the next Planning Commission meeting.

### ATTACHMENTS

- A. Planning Commission By-Laws
- B. Excerpt from Chapter 16, Article I: Planning Commission (Oakdale City Code)
- C. Ballot for 2020 Planning Commission Chair
- D. Ballot for 2020 Planning Commission Vice-chair

**BYLAWS  
OAKDALE PLANNING COMMISSION**

**PREAMBLE.** It is the intent of these bylaws to constitute advisory guidelines for the internal management of Planning Commission meetings and procedures. Failure of the Planning Commission, the city staff, or any other person to abide by any provision of these bylaws shall not have an adverse effect upon any action taken by the Commission, the City Council, or the Planning Commission support staff pursuant to recommendations made by the Commission.

**Article I        Origin and Powers; Functions**

**1.1    Origin and Powers.** The city authorized a Planning Commission by the provisions of Chapter 16 of the Oakdale Code of Ordinances and by the provisions of MSA 462-354. The Commission was created in an advisory capacity by action of the City Council in 2007.

**1.2.    Function.** The Planning Commission shall act in an advisory capacity to the City Council in all matters pertaining to planning, development, and redevelopment as described in Section 16-02 of the Oakdale Code of Ordinances.

**Article II        Composition of Commission; Appointments; Quorum; Terms**

**2.1    Composition of Commission; Appointment to Commission.** The Planning Commission shall consist of seven (7) regular members, appointed by the City Council. The City Council may appoint up to two student representatives to serve on the Commission. Such persons shall serve in an advisory role to the Commission without voting privileges; they do not need to meet the residency requirement for a commissioner.

**2.2    Quorum,** A majority of all of the members shall constitute a quorum for any regular or special meeting. If a quorum is not established or maintained during the course of the meeting, no board or commission business may be transacted except a motion to adjourn or recess.

**2.3    Terms.** Members of the Planning Commission shall be appointed by the City Council for three (3) year terms. Terms begin July 1.

**Article III        Organization of Commission**

**3.1    Organization of the Commission.** The Planning Commission shall elect from its membership, a Chairperson and Vice-Chairperson annually at its first meeting of the year as detailed in Attachment A.

**3.2    Presiding Officer.** The Chairperson shall preside at all Commission meetings and be recognized as the head of the Commission for all ceremonial purposes. The Chairperson has no regular administrative or executive duties. In case of the Chairperson's absence or temporary disability, the Vice-Chairperson shall act as Chairperson during the continuance of the absence.

In case of the absence or temporary disability of the Chairperson and Vice-Chairperson, the Acting Chairperson shall act as Chairperson during the continuance of the absences or disabilities. Chairpersons may serve in that capacity for only one of the city's advisory bodies at a time.

**3.3 Special Election.** In the event that the Chairperson is not able to serve out their term due to their resignation or other circumstances, the Vice-Chairperson shall serve as Acting Chairperson until such time as a special election is held to elect a new Chairperson.

The special election for Chairperson shall take place at the commission's next regularly scheduled meeting after the vacancy and follow the nomination and balloting process for Chairperson as detailed in Attachment A.

In the event that that Vice-Chairperson is elected as the new Chairperson, a special election for Vice-Chairperson shall take place following the nomination and balloting process for Vice-Chairperson as detailed in Attachment A.

#### **Article IV Commission Meetings**

**4.1 Meeting Location.** All regular meetings of the Planning Commission shall be held at Oakdale City Hall, 1584 Hadley Avenue North. The Chair may, with proper notice, announce a change in the location for any meeting.

**4.2 Meeting Time.** The regular meetings of the Planning Commission shall be held at 7 PM on the first Thursday of the month. The Chair may, with proper notice, announce a change in the time or date for any meeting or cancelation of a meeting.

**4.3 Meetings Open to the Public.** All meetings of the Planning Commission and of committees thereof shall be open to the public, except as provided for in the state open meeting statutes.

**4.4 Meeting Agenda.** The Planning Commission support staff shall arrange a list of such matters according to the order of business and prepare an agenda for the Commission. A copy of the agenda and supporting materials shall be prepared for Commission Members and city staff preceding a Commission meeting. The Commission shall have the option of adding or deleting any item(s) from the agenda or deferring an item(s) on the agenda to a subsequent Commission meeting. No binding or final action may be taken on any matter not on the written agenda except by unanimous vote of the members in attendance or two-thirds vote of the entire membership.

**4.5 Order of Business.** The business of all regular meetings of the Planning Commission shall typically be transacted as follows and the Presiding Officer may, during a Commission meeting, rearrange items on the agenda to conduct the business before the Commission more expeditiously.

1. Call to Order/Roll Call/Pledge of Allegiance
2. Approval of minutes of the previous meeting
3. Consent
4. Management Reports
5. All other items
6. Adjournment

**4.6 Special Meetings.** A special meeting may be called by the Presiding Officer. Written notice shall be prepared by Commission's support staff and contain the following information: time, place, and purpose of special meeting. The notice shall be provided to each Commission Member and posted at City Hall at least three (3) days prior to the meeting.

**4.7 Study Sessions.** The presiding officer may designate informal study sessions where no official action is taken. Posted notice shall be made of such sessions. The Commission will promote the use of subcommittees within the Commission to assist in the accomplishment of goals. The Commission may request that the City Council appoint other members of the community to ad hoc Commission Committees, which may be created by the Commission for specific purpose and duration. At least one (1) voting member of the Commission also shall be appointed to each such committee. Committees may make recommendations on proposed programs, services, ordinances, and resolutions within their area of responsibility before the Commission takes action. The Committee Chair may present the recommendations of the committee during the discussion of the item of business.

**4.8 Conflict of Interest.** Prior to any formal action, each Commission Member should consider whether a conflict of interest exists. When a conflict exists, the Commission Member should declare it and recuse themselves during the discussion and voting on the matter.

## **Article V Meeting Procedures**

**5.1 Rules of Order.** Rules of order not specified by statute, ordinance, or resolution shall be governed by Robert's Rules of Order. The Planning Commission support staff or designee shall serve as parliamentarian and shall advise the Presiding Officer as to correct rules of procedure or questions of specific rule application.

**5.2 Voting.** The votes during all meetings of the Planning Commission shall be transacted as follows:

- (a) Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Commission Member, Commission support staff shall take a roll call vote. The Presiding Officer shall determine the order of the roll call vote.
- (b) In case of a tie in votes on any proposal, the proposal shall be considered lost.
- (c) Every member who was in the meeting chambers when the question was put shall give their vote unless the Commission, for special reasons, shall excuse the member by motion or unless the Commission Member is excused in accordance with the Fairness Doctrine. If any Commission Member declines to vote "aye" or "nay", their vote shall be counted as an "aye" vote.

## **Article VI Commission Expenditures**

**6.1 Compensation of Commission Members.** The members of the Planning Commission shall be paid for each meeting attended at an amount determined by City Council resolution. Such remuneration shall be paid by the city on a quarterly basis; it shall be the duty of the Planning Commission staff liaison/recording secretary to prepare a record of attendance to present to the Finance Division.

**6.2 Commission Expenditures.** The expenditures of the Planning Commission shall be within the limitations set forth by the City Council and all expenditures must be in compliance with normal purchasing procedures approved by the city administrative staff.

## **Article VII      Commission Liaison**

**7.1      Planning Commission Liaison.** The city shall provide a staff liaison to act as the Planning Commission support staff. This liaison or their designee shall attend all meetings of the Commission unless excused by the Presiding Officer or City Council. The Commission support staff may take part in the Commission's discussion on all matters on the agenda, and otherwise concerning the welfare of the city. In the event that the Commission support staff is unable to attend a Commission meeting, the Commission support staff shall appoint another qualified staff member to attend the meeting on behalf of city management. Commission support staff shall record Commission meetings and arrange for the preparation of meeting minutes and perform other duties as may be required.



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## PROCESS

### *Election of Commission Chair*

Step 1. Nominate candidates for the Chair position. Nominations do not require a "second", but other members may "second" the nomination to show support.

*"Motion to nominate Commissioner \_\_\_\_\_ for the position of Chair"*

Step 2. When there are no new nominations to be made someone should make a motion that nominations close. The motion to close requires a second.

*"Motion to close nominations for the position of Chair"*

Step 3. Election using the ballot provided. Commissioners write in their choice from those nominated and pass the ballots to staff for tabulating.

Step 4. Staff will announce results.

Step 5. Election of Chair requires a motion and a second.

*"Motion to elect Commissioner \_\_\_\_\_ for the position of Chair of the (Commission Name) for a period of one (1) calendar year".*

*Election of Commission Vice-chair*

Step 1. Nominate candidates for the Vice-chair position. Nominations do not require a "second", but other members may "second" the nomination to show support.

*"Motion to nominate Commissioner \_\_\_\_\_ for the position of Vice-chair"*

Step 2. When there are no new nominations to be made someone should make a motion that nominations close. The motion to close requires a second.

*"Motion to close nominations for the position of Vice-chair"*

Step 3. Election using the ballot provided. Commissioners write in their choice from those nominated and pass the ballots to staff for tabulating.

Step 4. Staff will announce results.

Step 5. Election of Vice-chair requires a motion and a second.

*"Motion to elect Commissioner \_\_\_\_\_ for the position of Vice-chair of the (Commission Name) for a period of one (1) calendar year".*

Assumption of the roles of Chair and Vice-chair may commence immediately following the vote.

# CHAPTER 16 PLANNING AND DEVELOPMENT

## ARTICLE I. PLANNING COMMISSION

**Sec. 16-01. Commission Established.** A Planning Commission for the city is hereby established. The Commission serves as an advisory board for the City Council and City Administrator. All conclusions reached by the commission shall serve as recommendations and powers of execution shall be vested in the City Council. The Planning Commission shall adopt its own rules of order and bylaws for the purpose of governmental procedure.

**Sec. 16-02. Functions and Duties of Commission.** The Planning Commission shall act in an advisory capacity to the City Council and City Administrator in all matters pertaining to planning, development, and redevelopment. Specific responsibilities of the commission shall be:

- (1) To establish plans, policies, and procedures in matters relating to planning, development, and redevelopment.
- (2) To assist the City Council in developing, reviewing, and analyzing planning programs, development proposals, and redevelopment programs.
- (3) To educate the City Council on planning, development, and redevelopment issues.
- (4) To interview and review work of the planning consultant.
- (5) To assist in the collection of background data to assist the City Council to determine goals, policies, and programs for future development of the community.
- (6) To assist with the preparation and updating of the comprehensive plan.
- (7) To assist in the preparation of development controls.
- (8) To review development proposals and proposed changes to city ordinance.
- (9) To assist in preparation of a Capital Improvements Program.
- (10). To make recommendations on proposed boundary changes.

**Sec. 16-03. Composition of Commission.** The Planning Commission shall consist of seven (7) regular members, appointed by the City Council. Terms begin July 1. A majority of all of the members shall constitute a quorum for any regular or special meeting. If a quorum is not established or maintained during the course of the meeting, no board or commission business may be transacted except a motion to adjourn or recess. At their discretion, the City Council may appoint up to two (2) student representatives to serve on the commission; such individuals shall serve in an advisory role without voting privileges and do not need to meet the age or residency requirements for a commissioner.

**Sec. 16-04. Repealed.**

**Sec. 16-05. Organization of Commission.** The Planning Commission shall elect from its membership, a Chairperson and Vice-Chairperson annually at its first meeting of each year.

**Sec. 16-06. Commission Meetings and Records.** The Planning Commission shall hold regular meetings as established in the bylaws. These meetings shall be open to the public. The Planning Commission shall submit copies of its approved meeting minutes to the City Council and shall submit periodic reports when requested by the City Council.

**Sec. 16-07. Removal of Commission Members.** Commission members may be removed, at will, by action supported by a majority of the City Council.

**Sec. 16-08. Residency Requirement.** No person appointed to represent the residents shall continue to serve on the commission once that member has taken residence outside of the corporate limits of Oakdale. (Ord. No. 851, 10/08/2019).

# BALLOT



## Election of Planning Commission Chair

Please write in your choice for Chair from those nominated tonight:

Chair: \_\_\_\_\_

Pass your ballot to staff when completed; votes will be tallied and announced immediately following the vote.

# BALLOT



## Election of Planning Commission Vice-Chair

Please write in your choice for Vice-Chair from those nominated tonight:

Vice-Chair: \_\_\_\_\_

Pass your ballot to staff when completed; votes will be tallied and announced immediately following the vote.