



Legislation Text

File #: 22-015, **Version:** 1

City Council Meeting Date: January 11, 2022

To: Mayor and City Council
City Administrator

From: Ben Martig, City Administrator
Mitzi A. Baker, Community Development Director

Discuss Planning Commission Request for Response to Preliminary Plat Action.

Action Requested:

The Northfield City Council is asked to provide feedback to staff on procedures related to recommendations from boards/commissions for preparation and delivery of a written response.

Summary Report:

Planning Commission (PC) member Heisler made a motion, at the November PC meeting requesting an explanation from Council on why they differed from two items on the preliminary plat resolution for the Kraewood development.

There was an original motion made with an amendment. The motions are below:

A motion was made by Commissioner Heisler, seconded by Schroeer, requests that City Council provide written rational to the Planning Commission regarding their rejection of the Planning Commissions conditions of approval regarding the Kraewood Preliminary Plat which came before the Council on October 19, 2021 specifically regarding the recommendation regarding the Highland stub not being paved or curbed and the multi-modal path between Ivanhoe and Kraewood. All in favor, motion passes.

An amendment was made by Commissioner Heisler, seconded by Schroeer, to request that City Council provide written rational to the Planning Commission regarding their rejection of the Planning Commissions conditions of approval specifically the condition of the Highland stub not being paved or curbed and the multi-modal path between Ivanhoe and Kraewood. All in favor, motion passes.

Yes: 5 - Heisler, Schroeer, Buckheit, Nowak, and Kuhlman (Chair Gasior and Commissioner Siems were absent)

A copy of the staff report on the preliminary plat for the Kraewood Addition that was provided to the City Council is attached, along with a copy of the approved resolution. The PC recommendations are included in the first portion of the staff report, along with a staff response. Some of the PC recommendations differ from those staff presented to the PC originally. In addition, staff responses provided considerations, and supporting explanation, that may be germane to the Council's final decision. Please see pages 2-4, condition #4 and #7, of

the attached October 19, 2021 memo.

Language in the City Charter includes provisions for considering recommendations from a board or commission and for situations in which the Council may reject, or not agree with, a recommendation (see language below).

City Charter: Section 3.2. - Boards and Commissions.

The council may establish boards or commissions to advise it with respect to any municipal function or activity, to investigate any subject of interest to the city, and to perform quasi-judicial functions. The mayor shall appoint the members of advisory boards and commissions subject to confirmation by a majority vote of the council. Recommendations presented to the council from its duly constituted boards and commissions shall receive consideration within six (6) months of presentation unless otherwise required by law or requested by the presenting body. The presenting body shall be notified of the progress of consideration of the recommendation. In case of rejection of a recommendation or a decision not to act on a matter, written reasons for such a response shall be forwarded to the presenting body. Any member of a city board or commission may be removed upon the affirmative vote of five (5) members of the council.

Procedural Discussion:

From a policy standpoint, how does Council desire to address the following: “In case of rejection of a recommendation or a decision not to act on a matter, written reasons for such a response shall be forwarded to the presenting body.”

To date staff has relied on the Council action, resolution, findings, and staff memo as documentation of supporting rationale. These documents are a matter of public record and provide the basis of decisions, in addition to public testimony via video, which are available for viewing/listening.

If a staff report, findings, or resolution address the rejection or alteration of a board/commission recommendation, then that would seem sufficient to meet the “written reasons” requirement of the Charter, provided the same has been forwarded to the board/commission following the decision of the Council. The City Attorney has provided counsel in support this approach to applying this section of City Charter.

Producing new documentation, narratives or explanation for the decisions on formal actions, such as a Plat, is not advised. The decision is already a public record, made at a public meeting in a transparent way. Relying on the record avoids any potential discrepancies between memory and facts presented and considered at the time of decision; it avoids possible inadvertent introduction of materials or justification outside of the official proceeding which is closed.

City Administrator Martig is suggesting to add some review and clarity to this clause in the current governance work underway. This may be achieved by providing some more clarity by policy on how the City Council would apply this clause.

For the time being, City Administrator Martig is suggesting a discussion of the issue of the Council at the

worksession for input related to the specific questions posed by the Planning Commission. A written response will be prepared based on that discussion and provided to the planning commission by the Mayor and City Administrator.

Alternative Options:

- A. The City Council may concur with the above procedural handling of referring to the findings, resolution, staff memo or other facts of record considered by the City Council, or the City Council may specify alternate means to communicate the reasoning for conditions that differ from the PC recommendation.

Financial Impacts:

N/A

Tentative Timelines:

N/A