

CITY OF GRAND RAPIDS

*NOTICE OF MEETING
PLANNING COMMISSION*



**CITY OF
GRAND RAPIDS**
IT'S IN MINNESOTA'S NATURE

Meeting Agenda Full Detail

Thursday, April 5, 2018

4:00 PM

Council Chambers

Planning Commission

**COUNCIL CHAMBERS
CITY HALL - 420 N. Pokegama Ave.
Grand Rapids, MN 55744**

Call To Order**Call of Roll**

Setting of Agenda - This is an opportunity to approve the regular agenda as presented or add/delete an agenda item by a majority vote of the Commissioners present.

Approval of Minutes

18-0197 Approve the minutes of the February 1, 2018, 4:00 pm regular meeting.

Attachments: [February 1, 2018 Meeting Minutes](#)

General Business

18-0218 Consider a recommendation to the City Council regarding the rezoning of a 6-acre parcel of land from R-4 (Multiple-family Residential- high density) to GB (General Business).

Attachments: [Zoning Map Amendment Request: Staff Report](#)
[Zoning Maps & Draft Site Plan](#)
[Zoning Map Amendment: Considerations w/checklist](#)
[Paul Bunyan Comm./Edverson Rezoning Request: Application](#)

18-0198 Consider the election of Planning Commission Officer's-Chairperson and Vice Chairperson/Secretary.

Attachments: [Staff Report: Election of PC Officers \(2018\)](#)

Public Input

Individuals may address the Planning Commission about any non public hearing item or any item not included on the Regular Meeting Agenda. Speakers are requested to come to the podium, state their name and address for the record and limit their remarks to three (3) minutes.

Miscellaneous\Updates

18-0219 Open Meeting Law and Conflict of Interest Guidelines Review

Attachments: [Open Meeting Law Memo](#)
[Conflict of Interest Memo](#)

Adjourn

NEXT REGULAR PLANNING COMMISSION MEETING IS SCHEDULED FOR:
Thursday, May 3rd, 2018



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 18-0197 **Version:** 1 **Name:** Approve the minutes of the February 1, 2018, 4:00 pm regular meeting.

Type: Minutes **Status:** Approved

File created: 3/20/2018 **In control:** Planning Commission

On agenda: 4/5/2018 **Final action:**

Title: Approve the minutes of the February 1, 2018, 4:00 pm regular meeting.

Sponsors:

Indexes:

Code sections:

Attachments: [February 1, 2018 Meeting Minutes](#)

Date	Ver.	Action By	Action	Result
4/5/2018	1	Planning Commission		

Approve the minutes of the February 1, 2018, 4:00 pm regular meeting.

Background Information:

See attached draft meeting minutes.

Staff Recommendation:

Approve the minutes of the February 1, 2018, 4:00 pm regular meeting.



CITY OF GRAND RAPIDS

NOTICE OF MEETING
PLANNING COMMISSION

Minutes - Final Planning Commission

DRAFT

*COUNCIL CHAMBERS
CITY HALL - 420 N. Pokegama Ave.
Grand Rapids, MN 55744*

Thursday, February 1, 2018

4:00 PM

Council Chambers

Call To Order

Call of Roll

- Present** 4 - Chairperson Lester Kachinske, Commissioner Susan Lynch, Commissioner Michelle Toven, and Commissioner Sue Zeige
- Absent** 2 - Commissioner Mark Gothard, and Commissioner Charles Burress

Setting of Agenda - This is an opportunity to approve the regular agenda as presented or add/delete an agenda item by a majority vote of the Commissioners present.

Motion by Commissioner Zeige, second by Commissioner Lynch to approve the agenda as presented. The following voted in favor thereof: Lynch, Zeige, Kachinske, Toven. Opposed: None, passed unanimously.

Approval of Minutes

Approve the minutes of the December 7, 2017, 4:00 pm regular meeting.

Motion by Commissioner Toven, second by Commissioner Lynch to approve the minutes of the December 7th, 2017 regular meeting. The following voted in favor thereof: Toven, Kachinske, Zeige, Lynch. Opposed: None, passed unanimously.

Public Hearings

Conduct a public hearing to consider a recommendation to the City Council regarding a request from Hawkinson Construction Company for a CUP (Conditional Use Permit), allowing for the establishment of a long-term mining/mineral extraction operation.

Community Development Specialist Trast provided a power point with the background information.

Hawkinson Construction Company (HCC) has applied for a Conditional Use Permit, which would allow for the establishment of a long-term mining/mineral extraction operation, as provided for under Section 30-704 Mining Overlay District of Division 11 of the City Code. The property subject to the CUP, owned by Hawkinson Construction, is generally located in the SE quadrant/intersection of MN T.H. #38 and Itasca County

Road #61, and legally described as:

Government Lots 2, 3, and 4, and SW NW Less Hwy 38 ROW, SE NW, and SW NE, Section 4, Township 55 North, Range 25 West, Itasca County, Minnesota

The subject property, consisting of six contiguous parcels, is 230 acres in area and is located within I-1 (Industrial Park) zoning district, combined with the MOD (Mining Overlay District), which was established through a petitioned rezoning in 2008 (see attached maps), and located within a greater area designated as "Resource Management", within the 2011 Comprehensive Plan Future Land Use Map.

In October of 2014, Hawkinson Construction Company (HCC), in letter form, declared their intent to the City of Grand Rapids to mine an aggregate source (granite and quartzite from the underlying bedrock) on the subject property.

Under State environmental review procedures, Rule 4410.4300 subpart 12.b. Nonmetallic Mineral Mining, a project of this scope requires a mandatory EAW. The City of Grand Rapids is the designated responsible governmental unit (RGU) for this type of project, and, as such, is responsible for the preparation, review and consideration of the EAW.

The City, acting as the Responsible Governmental Unit, contracted with Braun Intertec Corporation (Braun Intertec) to prepare the EAW which examines the potential for significant environmental impacts associated with the proposed mining operation. The EAW process included: preparation of a Traffic Analysis Study, 30-day draft EAW public review and comment period, public meeting for draft EAW comments at City Council meeting, published notice in the Environmental Quality Board (EQB) Monitor, distribution of draft EAW for review to required offices on the EQB's official distribution list, and the addressing of comments received regarding the draft EAW.

In December of 2016, based upon their review of the EAW content, the comments received and the criteria established under Rule 4410.1700, subpart 7, Braun Intertec prepared the draft record of decision document in a form that arrives at a negative declaration regarding the potential for significant environmental impacts and need for an EIS. With this decision, the City Council adopted a resolution (#16-115) approving a negative declaration for the Environmental Assessment Worksheet (EAW).

When reviewing Conditional use application and considering a recommendation to the City Council, the Planning Commission should make specific findings based upon their standard list of considerations, which are found in Section 30-531e of the City Code. The Planning Condition must also consider the degree to which the proposed project meets the criteria and objectives established within the Mining Overlay District, Division 11, of the City Code, and if certain conditions or restrictions should be recommended to the City Council to ensure that the project meets those objectives and criteria.

Motion by Commissioner Lynch, second by Commissioner Toven to open the public hearing. The following voted in favor thereof: Toven, Kachinske, Zeige, Lynch. Opposed: None, passed unanimously.

Paul Hawkinson, Hawkinson Construction 501 County Rd 63, Grand Rapids, MN explained why they would like to move forward with this project. First the quality of aggregate at the proposed location is a very high quality and there are not many locations that have provide that type of quality. Secondly it would provide additional jobs in the area which would be a big benefit for the community. The activity would be intermittent during start up and blasting

would only happen once. They plan on mining the aggregate 40 feet deep. They are also working with the local snowmobile club to re-route the snowmobile trail that runs through the property and they will also have the area where the work is being done fenced off as a safety precaution.

Dorothy Nihart, 4101 State Hwy 38, Grand Rapids, MN is concerned about the logging of the property and the effects that the blasting may have on her and her neighbors properties.

Paul Hawkinson, Hawkinson Construction 501 County Rd 63, Grand Rapids, MN addressed some of the concerns the neighboring property owners may have and was also open to having a meeting with the property owners to address any additional concerns.

Dorothy Nihart, 4101 State Hwy 38, Grand Rapids, MN would like the Commissioners visit the site before voting on the CUP.

Mark Hawkinson, Hawkinson Construction, 501 County Rd 63, Grand Rapids, MN explained in the past Hawkinson Construction has taken care of any issues that have come up due to the hauling or use of their pits. Hawkinson Construction is more than willing to meet with the homeowners and video their foundations prior to blasting to ensure that if any damage did occur they would take care of it.

Motion by Commissioner Zeige, second by Commissioner Toven to close the public hearing. The following voted in favor thereof: Lynch, Zeige, Kachinske, Toven. Opposed: None, passed unanimously.

The Commissioners reviewed the considerations for the record.

1. Will not be detrimental to the public health, safety, morals, or general welfare?

Why/Why not? No, Hawkinson Construction is an ethical company and there are a fair number of safeguards in place.

2. Will not cause undue traffic congestion or hazards and will not result in a parking shortage?

Why/Why not? No, there will not be any undue traffic congestion and if issues should arise MNDOT will handle them.

3. Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area?

Why/Why not? No, it should not.

4. Will not impede the orderly development of other property in the area?

Why/Why not? No, that area is not zoned for residential development by allowing the CUP the Hawkinson property would be allowing a use that it is zoned for.

5. Will not impose an excessive burden on parks and other public facilities and utilities?

Why/Why not? No it will not, and Hawkinson is working on re-routing the snowmobile trail.

6. Is consistent with the Comprehensive Plan?

Why/Why not? Yes, there is documentation that supports this.

Motion by Commissioner Lynch, second by Commissioner Toven that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby recommend that the City Council grant the following Conditional Use Permit to Hawkinson Construction Company, for the property legally described as: Government Lots 2, 3, and 4, and SW NW Less Hwy 38 ROW, SE NW, and SW NE, Section 4, Township 55 North, Range 25 West, Itasca County, Minnesota:

- **For the establishment of a long-term mining/mineral extraction operation, as described within the CUP application.**

and that the following conditions shall apply:

- **All performance standards listed within Section 30-704(e) and acknowledged in the submitted Stormwater Pollution Prevention Plan/Extractive Use and Reclamation Plan are adhered to.**
- **Mitigation Measures listed within Findings of Fact and Conclusions for the proposed aggregate mine EAW (dated December 6, 2016) are adhered to.**

With the considerations reviewed for the record by the Commissioners. The following voted in favor thereof: Toven, Kachinske, Zeige, Lynch. Opposed: None, passed unanimously.

Public Input**Miscellaneous\Updates**

The City Council has appointed a new Planning Commissioner, Molly Macgregor, she will be in attendance at the next meeting.

Adjourn

Motion by Commissioner Lynch, second by Commissioner Zeige to adjourn the meeting at 5:26 p.m. The following voted in favor thereof: Lynch, Zeige, Kachinske, Toven. Opposed: None, passed unanimously.



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #:	18-0218	Version:	1	Name:	Consider a recommendation to the City Council regarding the rezoning of a 6-acre parcel of land from R-4 (Multiple-family Residential- high density) to GB (General Business).
Type:	Agenda Item	Status:			General Business
File created:	3/23/2018	In control:			Planning Commission
On agenda:	4/5/2018	Final action:			
Title:	Consider a recommendation to the City Council regarding the rezoning of a 6-acre parcel of land from R-4 (Multiple-family Residential- high density) to GB (General Business).				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Zoning Map Amendment Request: Staff Report Zoning Maps & Draft Site Plan Zoning Map Amendment: Considerations w/checklist Paul Bunyan Comm./Edverson Rezoning Request: Application				

Date	Ver.	Action By	Action	Result
4/5/2018	1	Planning Commission		

Consider a recommendation to the City Council regarding the rezoning of a 6-acre parcel of land from R-4 (Multiple-family Residential- high density) to GB (General Business).

Background Information:

See attached Staff Report and Background Information.

Staff Recommendation:

Consider a recommendation to the City Council regarding the rezoning of a 6-acre parcel of land from R-4 (Multiple-family Residential- high density) to GB (General Business).



Planning Commission Staff Report

Agenda Item #2	Community Development Department	Date: 4/5/18
Statement of Issue:	Consider a recommendation to the City Council regarding the rezoning of a 6-acre parcel of land from R-4 (Multiple-family Residential- high density) to GB (General Business).	
Background:	<p>Paul Bunyan Communications and property owner, Mr. Harley Edverson, filed an application for a Zoning Map Amendment with the City on March 16, 2018. The application requests the City's consideration of the rezoning of the following described property from its current R-4 (Multiple-family Residential- <i>high density</i>) designation to that of GB (General Business):</p> <p style="text-align: center;"><i>THAT PT OF E 440' OF W 880' OF NW NE LESS THAT PART LYING SOUTHEASTERLY OF THE FOLLOWING DESCRIBED LINE: COMM AT THE NW CORNER OF SAID NW NE; TH N 89 DEG 34' 08" E, ASSIGNED BEARING, ALG THE N LINE OF SAID NW NE, 880.13' TO THE E LINE OF THE W 880' OF SAID NW NE; TH S 01 DEG 24' 51" E, ALG SAID E LINE 317.26' TO POB OF THE LINE TO BE HEREIN DESC; TH S 37 DEG 13' 17" W 704.71' TO THE E LINE OF THE W 440' OF SAID NW NE & SAID DESC LINE THERE TERM, all in Section 33, Township 55N, Range 25W, Itasca County, Minnesota</i></p> <p>The petition submitted by Paul Bunyan Communications and Mr. Edverson, involves 6 acres of land, and is generally located on the south side of 21st Street SE, approximately 600' west of 7th Avenue SE (<i>see map #1</i>). Map #1 illustrates the subject property in relation to the existing zoning in the area: GB (General Business) adjacent to the west and to the northwest across 21st Street, R-4 to the north and east, and a combination of R-4, I-2 (General Industrial Park) and I-1 (Industrial Park) to the south over properties owned by the City which are located within the Airport Safety Zone "A" for Runway 5-23, and does not allow for structures to be placed within these areas.</p> <p>The Zoning Map Amendment, if approved, would facilitate the purchase of the subject property by Paul Bunyan Communications, and ultimately the development of an office building for Paul Bunyan with an attached garage for the storage of technician vehicles (<i>draft site plan attached</i>).</p> <p>A sample listing of the uses permitted by right in an GB zoning district are as follows:</p> <ul style="list-style-type: none"> • Accessory apartments, multi-family housing, bed and breakfast accommodations, daycare/nurseries, accessory buildings, pet shops, veterinary services, farm equipment/supplies sales, automotive sales, <u>auto-truck fleet storage</u>, transportation dispatch, construction material suppliers, equipment/truck sales & service, banks, restaurants, clinics, <u>offices</u>, administrative & support services, indoor recreation, 	

health/fitness clubs, communication services, general sales & service, nursery/landscaping, grocery stores, taproom/tasting room, medical equipment & supplies, pharmacy's, and educational service institutes, post-high schools, general warehousing, mini-storage, motor freight terminal, cultural facilities, monument work/sales and wholesale distribution facilities.

A sampling of other uses permitted in GB with additional restrictions includes:

- Emergency housing facilities, outdoor storage, auto repair/service, car/truck wash, gas stations, contractors yard, equipment/tool rental, clubs/lodges, temporary outdoor sales, churches, brewery/distillery/winery, essential service structures, light manufacturing, and recycling centers.

In addition to the previously mentioned permitted uses and uses permitted w/restrictions: junk/salvage yards, interim uses, outdoor recreation facilities, and general retail sales and service- *buildings w/footprint greater than 70,000 sq. ft.* are permitted provided a CUP (Conditional Use Permit) is petitioned for and granted by the City. These uses, however, are not a driving factor in the petitioned rezoning request of the subject property.

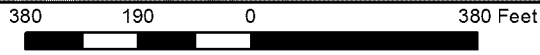
The following table shows a comparison of the yard and bulk requirement of GB and R-4 zoning, and illustrates the minor difference between the two zoning districts, being: smaller minimum width and gross area requirement, smaller setback and lower maximum height requirement, and greater surface coverage allowance in the GB zoning district.

	GB	R-4
Min. Lot Size	<u>gross area-10,500 sq. ft.</u> , area (unit)-3,000 sq. ft., <u>width-75 ft.</u>	<u>gross area-15,000 s.f.</u> area (unit)-2,500 s.f., <u>width- 100 ft.</u>
Min. Yard Setbacks	front-30 ft., int. side-10 ft., street side-15 ft., rear- 10 ft.	front-35 ft., int. side-20 ft., street side-30 ft., rear- 35 ft.
Max. Lot Coverage	building-40%, <u>total surface-90%</u> , GUOS (unit)- 500	building-35%, <u>total surface-75%</u> , GUOS (unit)- 400
Building Size	<u>max. height- 35 ft.</u> , min. dimension- 24 ft.	<u>max. height- 45 ft.</u> , min. dimension- 24 ft.

The Future Land Use map contained within the Comprehensive Plan (*see map #2*) shows the subject property located within a slightly larger area indicated as future Multi-family Residential. The subject property, as well as an expanded area, was rezoned by petition, to the current designations in 2012. At that time, Mr. Edvenson's hope that the R-4 designation (from Industrial) would increase marketability of his property, by addressing the need for more high- density

	<p>residential zoned property within the city.</p> <p>The 9.9 acre property directly adjacent to the west of the current rezoning petition, was subject to a Zoning Map amendment request in October of 2014, in which a change from I-2 to GB was approved by the City Council.</p>
Considerations:	<p>When reviewing a request for a Zoning Map Amendment, the Planning Commission must make findings based on the attached list of considerations.</p>
Recommendation	<p>Staff recommends that the Planning Commissioners visit the site and look at the situation, and surrounding uses in the area.</p> <p>Prior to making a motion to recommend to the City Council approval or denial of the request, the Planning Commission should make specific findings to support its recommendation and reference those specific findings in their motion to either approve or deny the Zoning Map Amendment.</p>
Required Action:	<p>Pass a motion forwarding a recommendation to the City Council for approval or denial of the requested Zoning Map Amendment.</p> <p>Motion by _____, second by _____ that, based on the findings of fact presented here today, and in the public’s best interest, the Planning Commission does hereby forward to the City Council a recommendation to (approve)(deny) the Zoning Map Amendment, as petitioned by Paul Bunyan Communications, and property owner, Mr. Harley Edverson, described within the Staff Report and as shown in the maps presented here today, from R-4 (Multiple-family Residential- <i>high density</i>) to GB (General Business);</p> <p><i>Contingent on the following stipulation(s):</i></p> <hr/>
Attachments:	<ul style="list-style-type: none"> • Site Maps • Copy of the rezoning petition and associated documentation. • List of the Planning Commissions Rezoning Considerations.

Paul Bunyan Comm./Edverson Zoning Map Amendment Request (R-4 to GB Requested)



Paul Bunyan Comm./Edverson Zoning Map Amendment Request (2011 Comprehensive Plan Future Land Use)



(Traditional Neighborhood)

(Highway Commercial)

Beacon Hill

River Hills

(Multi-family Residential)

21st Street SE

Pokegama Ave. S.

2nd Avenue SE

Target

6 acres

Sukhal Center

(Highway Commercial)

(Business Park)

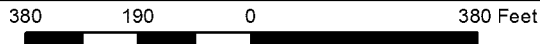
Subject Property
(Requested GB Zoning
blue-green outline)

Super One

(Transportation & ...)

(Business Park)

USDA-FSA-APFO Aerial Photo



LEGEND

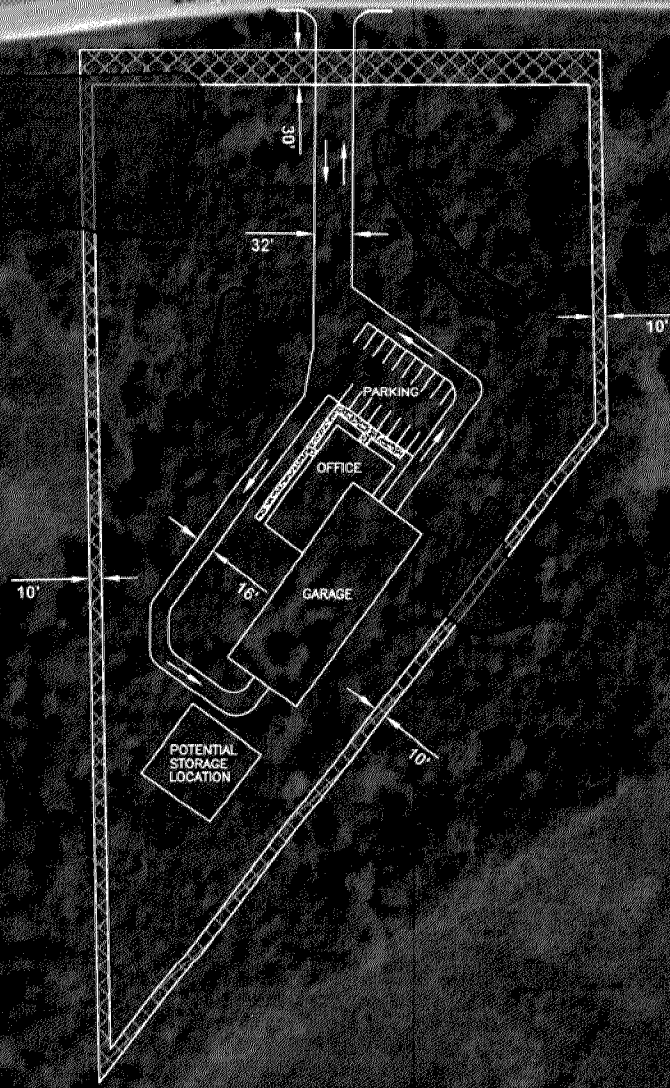


PARCEL SETBACK



LOW AREA

2151 STREET SE



SCALE

2300 BEMIDJI AVE N, SUITE 101, BEMIDJI, MN 56601
PHONE: (218) 444-8004 FAX: (218) 444-9562

DATE: 08/08/08

PAUL BUNYAN COMMUNICATIONS
GRAND RAPIDS OFFICE

SITE EXHIBIT

PLANNING COMMISSION

Considerations

ZONING MAP AMENDMENT

1. Will the change affect the character of neighborhoods?

Why/Why not?

2. Would the change foster economic growth in the community?

Why/Why not?

3. Would the proposed change be in keeping with the spirit and intent of the ordinance?

Why/Why not?

4. Would the change be in the best interest of the general public?

Why/Why not?

5. Would the change be consistent with the Comprehensive Plan?

Why/Why not?

SUPPLEMENTAL CHECKLIST FOR REZONING

When considering rezoning property, the following questions should also be considered:

1. Has there been a change in the development policies of the community?
2. Are there changed conditions in the community that would change the proper zoning of the property?
3. Was there a mistake in the original zoning ordinance?
4. Is the zoning ordinance up to date?
5. Is similarly zoned land currently available?
6. Does the proposed rezoning (or amendment) conform to the comprehensive plan?
7. Is the proposed use compatible with adjacent land uses?
8. Is the proposed rezoning (or amendment) spot zoning?
9. Is the timing proper for the proposed rezoning (or amendment)?
10. What is the effect of the proposed rezoning on public utilities?
11. Will the proposed rezoning place an undue financial burden on the community?
12. Will the rezoning increase tax revenues?



Petition for Rezoning (Zoning Map Amendment)

Community Development Department
 420 North Pokegama Ave.
 Grand Rapids, MN 55744
 Tel. (218) 326-7601 Fax (218) 326-7621
 Web Site: www.cityofgrandrapidsmn.com

The undersigned do hereby respectfully request the following be granted by support of the following facts herein shown:

Paul Bunyan Communications
 Name of Applicant
1831 Anne Street
 Address
 Bemidji MN 56601
 City State Zip
218-444-1234/rstclair@paulbunyan.net
 Business Telephone/e-mail

Harley and Ellen Edvenson
 Name of Owner (If other than applicant)
28719 E Bass Lake Rd
 Address
 Grand Rapids MN 55744
 City State Zip
 Business Telephone/e-mail

Parcel Information:

Tax Parcel # 91-033-1204 Property Size: 6 acres
 Existing Zoning: R4 (multi family) Requested Zoning: GB (General Business)
 Existing Use: Empty Lot
 Proposed Use: Office building for Paul Bunyan Communications
 Property Address/Location: 21st street between Airport road and 2nd Ave
 Legal Description: See attachments
 (Attach additional sheet if necessary)

I(we) certify that, to the best of my(our) knowledge, information, and belief, all of the information presented in this application is accurate and complete and includes all required information and submittals, and that I consent to entry upon the subject property by public officers, employees, and agents of the City of Grand Rapids wishing to view the site for purposes of processing, evaluating, and deciding upon this application.

[Signature]
 Signature(s) of Applicant(s)

3/16/18
 Date

[Signature]
 Signature(s) of Owner(s)-(If other than applicant)

3-16-18
 Date

Office Use Only			
Date Received MAR 16 2018	Certified Complete <u>3/16/2018</u>	Fee Paid <u>\$505</u>	
Planning Commission Recommendation	Approved _____ Denied _____	Meeting Date <u>4/5/2018</u>	
City Council Action	Approved _____ Denied _____	Meeting Date _____	
Summary of Special Conditions of Approval: _____			

Required Submittals (5 copies of each & electronic versions of all pertinent information):

- Application Fee - \$505.00 *¹ Location Map Map Showing Surrounding Zoning
- Proof of Ownership – (a copy of a property tax statement or deed will suffice)

**¹The application fees charged are used for postage to mail the required notices to adjacent properties, publication of the public hearing notice in the Grand Rapids Herald Review, and for a small portion of staff time for case review and preparation of documents. It is the policy of the City of Grand Rapids to require applicants for land use approvals to reimburse the City for costs incurred by the City in reviewing and acting upon applications, so that these costs are not borne by the taxpayers of the City.*

Justification of Proposed Rezoning: Please answer all of the following questions (attach additional pages if needed). The Planning Commission will consider these questions and responses, and other issues (see attached list) in making their findings of fact and recommendation on the proposed rezoning.

A. What are the Surrounding land uses? Describe the existing uses and zoning classifications in the area surrounding the subject property.

_The properties to the west are zoned GB (General Business) – Wellness Center/Salon/Yoga studio. The property to the north is R-4 – multi family apartments, east is R-4 – vacant property, and to the NW is GB – multi family residential housing complex.

B. Would the uses permitted by the proposed zoning map change be appropriate for the surrounding area?

North/West/South and East zoning was previously I-2 Industrial zoning. The areas directly to the west were changed to GB (General Business) to accommodate for the Wellness Center and the property to the NW was changed to GB (General Business) to accommodate for Red Willow and LJ Hair Salon. I believe Paul Bunyan’s retail location would be appropriate at this location and would fit in with the current businesses in the surrounding area. The building we are proposing will be set back from the roadway at least a couple of hundred feet. The intention would be keep as many of the mature trees as possible. By doing so the building will not be very visible from the road therefore it will not change the look and feel of the neighborhood. It will be set back much like the building to the west. See attached proposed building layout.

C. Is the property adequately served by public infrastructure (streets, sidewalks, utilities, etc)? _____

_YES, there are utilities in the street and a sidewalk with a driveway cut in the curb already. _____

D. Demonstrate the need for additional property in the proposed zoning district. _____

_Paul Bunyan Communications is looking to build an office building with an attached garage to house our technicians vehicles. PBC feels that this location would be a very suitable location for such a building. PBC would utilize the existing landscape and mature hardwoods as much as possible.

E. What effect will the proposed rezoning have on the growth and development of existing neighborhoods, other lands in the proposed district, commercial and industrial neighborhoods? _____

In 2012 the property owner made a case for the current R-4 zoning and the need for additional multi-family land for additional housing options. There have been several multi – family housing units built on the north side of 21st street in the past 4 years so I am not sure why Mr. Edvenson has not sold his land for this use.

F. Demonstrate that the proposed rezoning is the minimum change needed to allow a reasonable use of the property? In order to construct an office building we need the zoning changed to General Business, this property will otherwise fit our needs perfectly. We had an engineering firm provide us an assessment of the property as well as a proposed site layout, which is attached for your review. The assessment recommends working around any wetlands as much as possible. _____

G. How does the proposed rezoning conform to the City's Comprehensive Plan? _____

The City's 2011 Future Land Use map recommended this area as Multi-Family Residential (rezoned accordingly in 2012 by petition)

H. Is the timing proper for the proposed rezoning? _____

After spending the last few months searching for property in the Grand Rapids market I have found very little property that would accommodate our building needs. The majority of the property is zoned Industrial and not in an ideal location for a retail space.

I. Any additional information that the Petitioner would like to supply. _____

Paul Bunyan would like to consolidate our location in Deer River MN and Grand Rapids to one facility.

This new facility would allow Paul Bunyan to have a retail space as well as a location for our technicians. _____

Additional Instructions:

Prior to submitting your Petition to Rezone, you will need to arrange for one or more preliminary meetings with the Director of Community Development. This meeting is intended to ensure that the proposed application is complete, to answer any questions the applicant may have, discuss meeting schedules and, if applicable, the scope of the required submittals. Completed applications required to be submitted to the Grand Rapids Community Development Department by the 15th of the month.

Findings for Approval:

The Planning Commission, in formulating its recommendation, and the City Council, in support of its action will make findings of fact based on their responses to the following list of considerations:

- Will the change affect the character of the neighborhoods?
- Would the change foster economic growth in the community?
- Would the proposed change be in keeping with the spirit and intent of the ordinance?
- Would the change be in the best interest of the general public?
- Would the change be consistent with the Comprehensive Plan?

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

More information may be requested by the City of Grand Rapids Planning Commission or City Council, if deemed necessary to properly evaluate your request. The lack of information requested may be in itself sufficient cause to deny an application.

ITASCA COUNTY
 Itasca County
 Auditor/Treasurer
 123 NE 4th Street
 Grand Rapids, MN
 55744

218-327-2859
 www.co.itsasca.mn.us

Property ID: 91-033-1204
 Owner: EDVENSON, HARLEY R & ELLEN

Taxpayer(s):

TAXPAYER # 6301
 EDVENSON, HARLEY R & ELLEN
 28719 E BASS LAKE RD
 GRAND RAPIDS MN 55744

Property Description:

GRAND RAPIDS CITY
 SEC:33 TWP: 55.0 RG:25 LOT: BLK: ACRES: 5.93
 THAT PT OF E 440' OF W 880' OF NW NE LESS
 THAT PART LYING SOUTHEASTERLY OF THE
 FOLLOWING DESCRIBED LINE: COMM AT THE NW

2017 Property Tax Statement

		VALUES & CLASSIFICATION	
		Taxes Payable Year: 2016 2017	
STEP	Estimated Market Value:	157,600	157,600
1	Homestead Exclusion:		
	Taxable Market Value:	157,600	157,600
	New Improvements/ Expired Exclusions:		
	Property Classification:	COMM	COMM
Sent in March 2016			
STEP	PROPOSED TAX		
2	Proposed Tax:(excluding special assessments) Sent in November 2016		
STEP	PROPERTY TAX STATEMENT		
3	First-half Taxes: May 15		8,076.00
	Second-half Taxes: October 16		8,076.00
	Total Taxes Due in 2017:		16,152.00

\$\$\$ You may be eligible for one or even two refunds to reduce your property tax.
REFUNDS? Read the back of this statement to find out how to apply.

		Taxes Payable Year: 2016 2017	
1. Use this amount on Form M1PR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible.			
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.			
PROPERTY TAX AND CREDITS			
3. Property tax before credits		5,080.72	5,131.36
4. Credits that reduce property taxes:			
A. Agricultural market value credit			
B. Taconite tax relief			
C. Other credits			
5. Property tax after credits		5,080.72	5,131.36
PROPERTY TAX BY JURISDICTION			
6. County		1,073.53	1,090.24
7. City or Town		1,463.37	1,497.07
8. State General Tax		1,168.31	1,100.06
9. School District: A. Voter approved levies		119.78	31.62
0318 B. Other local levies		363.84	471.42
10A. Special taxing district		5.46	5.30
B. Tax increment			
C. Fiscal disparity			
11. Non-school voter approved referenda levies		886.43	935.65
12. Total property tax before special assessments		5,080.72	5,131.36
SPECIAL ASSESSMENTS			
13A. PROJ 2001-6 21ST ST SE		11,561.28	11,020.64
B.			
C.			
14. Total property tax and special assessments		16,642.00	16,152.00

ISSUED: 12/11/2017

2 ND HALF PAYMENT STUB



*910331204

TAXPAYER # 6301
 EDVENSON, HARLEY R & ELLEN

COMM ACCT# 73639

Property ID Number:	91-033-1204
Full Tax for Year	16,152.00
Balance Due	.00
Penalty	
Total Paid	

\$30.00 service charge for all returned checks.

ISSUED: 12/11/2017

1000009103312042017073639

0000000000000016152006

Pay on or before October 16 to avoid penalty
Real Estate ITASCA COUNTY

Note: When you provide a check as payment you authorize the County to use information from your check to make a one-time electronic fund transfer from your account. The funds may be withdrawn from your account the same day. You will not receive your check back from your financial institution.

Make checks payable to:
 Jeffrey T. Walker
 County Auditor/Treasurer

Mall to: Itasca County
 Auditor/Treasurer
 123 NE 4th Street
 Grand Rapids, MN
 55744

Check if address change on back
 If box is checked you owe delinquent taxes
 Detach stub and include with second half payment

Payable in **2017**

R
 CASH
 CHECK
 COUNTER
 MAIL

1 ST HALF OR FULL PAYMENT STUB



*910331204

TAXPAYER # 6301
 EDVENSON, HARLEY R & ELLEN

COMM ACCT# 73639

Property ID Number:	91-033-1204
Full Tax for Year	16,152.00
Balance Due	.00
Penalty	
Total Paid	

\$30.00 service charge for all returned checks.

ISSUED: 12/11/2017

1000009103312042017073639

0000000000000016152006

Pay on or before May 15 to avoid penalty
Real Estate ITASCA COUNTY

Note: When you provide a check as payment you authorize the County to use information from your check to make a one-time electronic fund transfer from your account. The funds may be withdrawn from your account the same day. You will not receive your check back from your financial institution.

Make checks payable to:
 Jeffrey T. Walker
 County Auditor/Treasurer

Mall to: Itasca County
 Auditor/Treasurer
 123 NE 4th Street
 Grand Rapids, MN
 55744

Check if address change on back
 If box is checked you owe delinquent taxes
 Detach stub and include with first half or full payment

Payable in **2017**

R
 CASH
 CHECK
 COUNTER
 MAIL

LEGEND

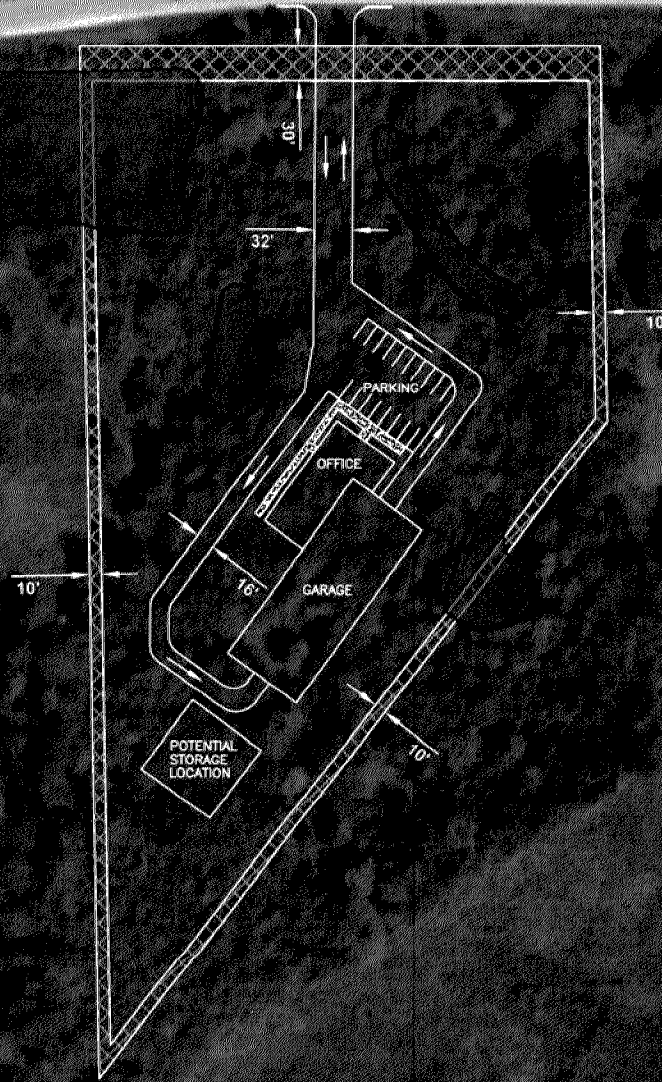


PARCEL SETBACK



LOW AREA

2151 STREET SE



SCALE



2300 BEMIDJI AVE N, SUITE 101, BEMIDJI, MN 56601
PHONE: (218) 444-8004 FAX: (218) 444-9562

DATE: 08/08/08

PAUL BUNYAN COMMUNICATIONS
GRAND RAPIDS OFFICE

SITE EXHIBIT

Itasca County GIS Map



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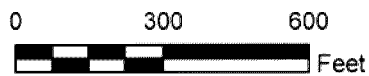
No reproduction of this map is allowed by any
method or in any form without written permission.

Itasca Geographic Information System
"decision support through automation"

This information is a compilation of
data from different sources with
varying degrees of accuracy and requires
a qualified field survey to verify.



1 inch = 376 feet



Legend

Tax Parcel



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 18-0198 **Version:** 1 **Name:** Consider the election of Planning Commission Officer's-Chairperson and Vice Chairperson/Secretary.

Type: Agenda Item **Status:** General Business

File created: 3/20/2018 **In control:** Planning Commission

On agenda: 5/3/2018 **Final action:**

Title: Consider the election of Planning Commission Officer's-Chairperson and Vice Chairperson/Secretary.

Sponsors:

Indexes:

Code sections:

Attachments: [Staff Report: Election of PC Officers \(2018\)](#)

Date	Ver.	Action By	Action	Result
4/5/2018	1	Planning Commission		

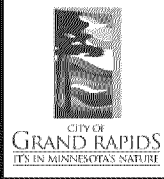
Consider the election of Planning Commission Officer's-Chairperson and Vice Chairperson/Secretary.

Background Information:

See attached Staff Report.

Staff Recommendation:

Consider the election of Planning Commission Officer's-Chairperson and Vice Chairperson/Secretary.



Planning Commission Staff Report

Agenda Item # 3	Community Development Department	Date: 4/5/2018
Statement of Issue:	Consider the election of Planning Commission Officer's-Chairperson and Vice Chairperson/Secretary.	
Background:	<p>Section 30-31 of the City Code requires the Planning Commission to elect a Chairperson and a Vice Chairperson/Secretary, as well as any other officers it deems necessary.</p> <p>To date, the Planning Commission's slate of officers has consisted of a Chairperson and a Vice Chairperson/Secretary, with Commissioner Kachinske currently serving as Chairperson (2nd Term), and Commissioner Gothard currently serving as Vice Chairperson/Secretary (2nd Term).</p> <p>Per Article I, Section E(4) of the Planning Commission Bylaws, the Planning Commission may re-elect the current Chair and/or Vice-Chair/Secretary to a second term, but may only re-elect either officer to a third successive term if no other nominations are put forth.</p> <p>The Planning Commission Bylaws call for the election of officers to take place at the first meeting of the year; however, in the past several years the Planning Commission has chosen to wait until the March or April meeting.</p>	
Considerations:		
Recommendation:	After staff reads this short introduction, the Chair will request nominations for Chairperson first; it is customary to nominate one or more candidates. When all nominations have been made, then the vote is taken on each, in the order in which they were nominated, until one is elected. The nominations need not be seconded.	
Required Action:	Consider nominations to elect a Chairperson and Vice Chairperson/Secretary.	



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #:	18-0219	Version:	1	Name:	Open Meeting Law and Conflict of Interest Guidelines Review
Type:	Reports	Status:		Status:	Miscellaneous
File created:	3/26/2018	In control:		In control:	Planning Commission
On agenda:	4/5/2018	Final action:		Final action:	
Title:	Open Meeting Law and Conflict of Interest Guidelines Review				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Open Meeting Law Memo Conflict of Interest Memo				

Date	Ver.	Action By	Action	Result
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Open Meeting Law and Conflict of Interest Guidelines Review

Background Information:

Open Meeting Law and Conflict of Interest Guidelines Review

League of MN Cities Memos Attached

Staff Recommendation:

Open Meeting Law and Conflict of Interest Guidelines Review

OPEN MEETING LAW

1. **Purpose.**

The purpose of Minnesota's Open Meeting Law is:

- a.) to prohibit public actions from being taken at secret meetings where it is impossible for the interested public to detect improper influence;
- b.) to ensure the public's right to be informed; and
- c.) to afford the public an opportunity to present its views.

2. **Who is Subject to the Open Meeting Law?** *See* Minn. Stat. § 13D.01

- All city council, school board, county board and town board meetings and executive sessions (with a few narrow exceptions).
- State agencies, boards, commissions and departments.
- Committee, subcommittee, board, department, or commission meetings of the public body.
- Meetings of governing bodies of local public pension plans.
- Housing and redevelopment authority meetings.
- Economic development agency meetings.

3. **What is a "Meeting?"** *See* Moberg v. Independent Sch. Dist. No. 281, 336 N.W. 2d 510 (Minn. 1983); St. Cloud Newspapers, Inc. v. District 742 Community Schs., 332 N.W.2d 1 (Minn. 1983).

The Open Meeting Law statute does not define the term "meeting." Minnesota courts have ruled that the Open Meeting Law applies to gatherings of officials where at least a *quorum* is present and issues relating to official business are discussed or information relating to official business is received or action (such as a vote) is taken.

- Examples:
 - chamber of commerce gatherings with councilmembers;
 - staff planning sessions with councilmembers;
 - neighborhood land use gatherings with councilmembers;

- hockey association discussions with councilmembers;
 - field trips;
 - retreats;
 - council meeting with fire department
- Telephone conversations, e-mail, letters among a quorum to create a consensus or decision.
 - Applies to deliberations as well as actions.
 - Applies to commissions, task forces.
 - Applies to serial meetings.
 - Applies to “after meeting” meetings and “before meeting” meetings.
 - Applies to intergovernmental meetings.
 - Does not apply if the gathering is only discussing non-governmental matters (the social or casual gathering).
 - Does not apply to generalized training sessions held by the League of Cities.
 - Does not apply to less than a quorum where the gathered members have no decision-making authority.
 - According to the Attorney General, a quorum of the council may attend a planning commission meeting without notice of a council meeting if the councilmembers just observe and do not participate or discuss.

4. Electronic Communications.

- See League memo, “Meetings of City Councils” Section II G 8.

5. Use of Social Media.

Minnesota Statute § 13D.065 provides:

The use of social media by members of a public body does not violate this chapter so long as the social media use is limited to exchanges with all members of the general public. For purposes of this section, e-mail is not considered a type of social media.

6. **Interactive Television.**

- Councilmembers must hear and see each other and all discussion and testimony.
- The public at the regular meeting location must hear and see all discussion, testimony, and voting.
- There must be at least one councilmember at regular meeting location.
- Each location where a councilmember is present is “open and accessible to the public.”

7. **What Actions Can/Must be Closed?**

A. **Labor Negotiations** *Minn. Stat. § 13D.03*

The governing body of a public employer *may*, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations.

- The time of commencement and place of the closed meeting must be announced at the public meeting.
- Following the closed meeting, a written record of all members present must be made available to the public.
- After all labor contracts have been signed, a tape-recording of the meeting must also be made available to the public.
- If a claim is made that public business, other than labor negotiation strategy, was discussed at the meeting, a court must privately review the tape-recording of the meeting. The tape must be kept for two years after the contract is signed.

B. **Specific Types of Non Public Data** *Minn. Stat. § 13D.05*

The general rule is that meetings cannot be closed to discuss data that is not public. Any portion of a meeting *must* be closed if expressly required by another law or if the following types of data are discussed:

- Data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults.

- Active investigative data created by a law enforcement agency or internal affairs data relating to allegations of law enforcement personnel misconduct.
- Educational, health, medical, welfare, or mental health data that are not public data under separate statutes.

Data discussed at an open meeting retains its original classification. However, a record of the meeting will be public.

C. Misconduct Allegations or Charges *Minn. Stat. § 13D.05, Subd. 2(b)*

A public body *shall close* one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If members conclude that discipline is warranted, any subsequent hearings related to the charge or allegation must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

D. Performance Evaluations *Minn. Stat. § 13D.05, Subd. 3(a)*

A public body *may close* a meeting to evaluate the performance of an individual who is subject to its authority. The public body must identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body must summarize its conclusions regarding the meeting. A meeting must also be open at the request of the individual who is the subject of the meeting.

E. Attorney-client Privilege *Minn. Stat. § 13D.05, Subd. 3(b); Northwest Publications, Inc. v. City of St. Paul, 435 N.W.2d 64(Minn.Ct.App.1989); Star Tribune v. Board of Educ., 501 N.W.2d 869 (Minn.Ct.App.1993); Prior Lake American v. Mader 642 N.W.2d 729 (Minn. 2002); Clearwater v. Independent School Dist. No. 166, 2001 WL 1155706 (Minn.App.); The Free Press v. County of Blue Earth, 677 N.W.2d 471 (Minn.Ct.App. 2004).*

A meeting may be closed if permitted by the attorney-client privilege. This privilege does not extend to a request for general legal advice or opinions.

F. Security Briefings *Minn. Stat. § 13D.05, Subd. 3(d)*

Meetings may be closed to receive security briefings and reports and emergency response procedures if disclosure of the information would pose a danger to public safety or compromise security procedures or responses.

Financial issues relating to security must be discussed at an open meeting.

Must tape record the closed portion of the meeting and must keep the tape for four years.

G. Appraisals; Developing Offers Or Counteroffers For Purchase Of Real Estate Or Personal Property *Minn. Stat. § 13D.04, Subd. 3.*

Meetings may be closed:

- to determine the asking price for real or personal property to be sold by the city
- to review appraisal data
- to develop or consider offers or counteroffers for the purchase or sale of real or personal property.

Before closing the meeting, the council must identify on the record the real or personal property that will be discussed.

Must tape record the closed meeting and must keep the tape for eight years after the date of the meeting. Must keep a list of the persons at the closed meeting. The list of those present is available after closed meeting.

Must make the tape available after the city buys or sells the property or the city abandons the sale or purchase.

Actual sale or purchase and purchase price must be approved at an open meeting; vote to sell or purchase must be at an open meeting.

H. Keeping Tapes of Closed Meetings *Minn. Stat. § 13D.05, Subd. 1(d)*

All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the public body. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting.

8. Legal Meetings - Notice and Agenda Issues. *Minn. Stat. § 13D.04*

- A schedule of the *regular meetings* of a public body shall be kept on file at its primary offices. If a regular meeting is to be held at a time or place different from that stated in the schedule of regular meetings, the public body shall give notice as provided for a “special meeting.”
- For a *special meeting* the public body shall post written notice of the date, time, place and purpose of the meeting on the principal bulletin board of the public body or on the door of its usual meeting room. Publication is an alternative.

- For an *emergency meeting* the public body shall make a good faith effort to provide notice to each news medium that has filed a written request for notice.
- All notice requirements apply to closed meetings.
- In statutory cities, the mayor may call a meeting or two of the five-person council may call a meeting.
- Possible use of interactive television
- A “recessed” meeting does not have to be renoticed as long as the time and place of the recessed meeting were established and recorded at the previous meeting.

9. **Procedures for Closing a Meeting.** *Minn. Stat. § 13D.01, Subd. 3*

- The body must first meet in open
- The body must announce why the meeting is to be closed (the exception that allows a closed meeting)
- The body must identify who will attend the closed meeting
- The body must specifically describe the matter to be discussed at the meeting vs. merely identifying the issues. *See The Free Press v. County of Blue Earth, 677 N.W.2d 471 (Minn.Ct.App. 2004).*
- All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the public body. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting.

10. **Remedies and Penalties.** *Minn. Stat. § 13D.06; Claude v. Collins, 518 N.W.2d 836 (Minn 1994).*

- Any person who intentionally violates the Open Meeting Law is subject to personal liability in the form of a civil penalty of up to \$300.
- If a person has been found to have intentionally violated the Open Meeting Law three or more times involving the same governing body, such person shall forfeit the right to serve on the governing body for a period of time equal to the term of office that was being served.
- A court may award costs and attorney’s fees of up to \$13,000 to any party in an action under the Open Meeting Law. Specific intent must be found.

- The court shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this section if the public body that is the defendant in the action was also the subject of a prior written opinion issued under section 13.072, and the court finds that the opinion is directly related to the cause of action being litigated and that the public body did not act in conformity with the opinion. The court shall give deference to the opinion in a proceeding brought under this section.

11. **Other Citizen Rights Under Open Meeting Law.**

Right to Know When the Public Body Meets

- Regular meeting (schedule at City Offices)
- Special meeting (three days posted and mailed notice or delivered notice)
- Emergency meeting (notification of news media)

Right to Convenient Location

- Accessible
- Generally, must be in city corporate limits

Right to Watch and be Present

- Open meeting law (public right to be present)
- All meetings of the Council shall be open to the public (*Minn. Stat. § 412.191, Subd. 2*)

Right to Know How the Public Body Voted

- Record votes in journal
- Votes taken in public

Right to Know What Supporting Material the Public Body Had in Front of It

- Available at meeting
- Rule does not apply to confidential data or closed meeting information

Right to Have a Summary Record of Council Minutes – or Else Publish Them – or Else Mail to Those Who Have Requested

- Within 30 Days After Meeting
- Distribution at City Expense
- Rule Does Not Apply to Cities of Less Than 1,000 Population

Right to Have Ordinances Published

- Minn. Stat. § 421.191, Subd. 4
- Minn. Stat. Chp. 331A

12. Update and Review of Relevant Caselaw.

Canons of Construction

- *Prior Lake American v. Mader*, 642 N.W.2d 729 (2002)
- *Merz v. Leitch*, 342 N.W.2d 141 (1984)
- *St. Cloud Newspapers, Inc. v. District 742 Community Schools*, 332 N.W.2d 1 (1983)

Social Gatherings

- *Berglund v. City of Maplewood*, 173 F.Supp.2d 935 (D.Minn.2001)
- *St. Cloud Newspapers, Inc. v. District 742 Community Schools*, 332 N.W.2d 1 (1983)
- *Hubbard Broadcasting, Inc. v. City of Afton*, 323 N.W.2d 757 (1982)

Generalized Legal Advice

- *Northwest Publications, Inc. v. City of St. Paul*, 435 N.W.2d 64 (Minn.Ct.App. 1989)

Serialized Meetings

- *Mankato Free Press v. City of Mankato*, 563 N.W.2d 291 (Minn.Ct.App. 1997); Department of Administration Advisory Opinion 09-020

Councilmembers Attending Committee Meetings

- *Op.Atty.Gen., 63a-5, August 28, 1996* (re City Council of Ely)

No Delegated Authority to Act

- *Sovereign v. Dunn*, 498 N.W.2d 62 (Minn.Ct.App. 1993)

Attorney – Client Privilege

- *Demming v. Housing and Redevelopment Authority of Duluth*, 847 F.Supp. 130 (1994)
- *Minneapolis Star Tribune v. Housing and Redevelopment Authority In and For City of Minneapolis*, 313 Minn. 313, 251 N.W.2d 620 (1976)
- *Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002)

- *The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn.Ct.App. 2004)
- *City Pages v. State of Minnesota, et al*, 655 N.W.2d 839 (Minn.Ct.App. 2003).
- *Brainerd Daily Dispatch v. Dehen*, 693 N.W.2d 435 (Minn.Ct.App. 2005)

Purpose of Open Meeting Law

- *Rupp v. Mayasich*, 533 N.W.2d 893 (Minn.Ct.App. 1995)

General Training Session

- *Op.Atty.Gen., 63a-5, Feb. 5, 1975*

Whether Ex-Officio Meeting is Really a Meeting

- *St. Cloud Newspapers, Inc. v. District 742 Community Schools*, 332 N.W.2d 1 (1983)
- *Minnesota Educ. Ass'n v. Bennett*, 321 N.W.2d 395 (1982)

Meeting of a Public Body

- *Star Tribune Company, et al v. University of Minnesota Board of Regents, et al.*, 2004 WL Minn. Jul 15, 2004.

Right To Record Meeting

- The public can record open meetings as long as it doesn't disrupt the proceedings.
Minnesota Attorney General Opinion 63a-5 (December 4, 1972)

Public Accessible Location

- *Quast v. Knutson*, 150 N.W.2d 199 (Minn. 1967).

Whether Every Communication Is a Meeting

- *O'Keefe v. Carter*, No. A12-0811 (Minn.Ct.App. Dec. 31, 2012) (unpublished opinion)

CONFLICTS OF INTEREST

1. WHAT IS A CONFLICT OF INTEREST?

A conflict of interest occurs when an individual has a personal interest in a decision that he or she has the power to make. A prohibited personal interest may be contractual or non-contractual. It includes decisions in which personal involvement, gain, or financial benefit exist for the decision-maker.

2. CONTRACT SITUATIONS:

A.) General Rule #1 - Prohibition Against Personal Financial Interest.

Except as authorized in Minn. Stat. § 471.88, a public officer who is authorized to take part in any manner in making any sale, lease or contract in official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom. Every public officer who violates this provision is guilty of a gross misdemeanor.

B.) Common Exceptions To General Rule #1 Allowed By Statute.

- 1.) Designation of bank depository.
- 2.) Only official newspaper in the city.
- 3.) Contract with a cooperative association of which the public officer is a shareholder or stockholder but not an officer or manager.
- 4.) A contract for which competitive bids are not required by law, but only if the contract price is as low as or lower than the price at which the commodity or services could be obtained elsewhere.
- 5.) A contract with a volunteer fire department for the payment of compensation to its members or for the payment of retirement benefits to those members.
- 6.) An officer of a government unit may contract with the unit to provide construction materials or services, or both, by sealed bid process if the unit has a population of 1,000 or less according to the last federal census. The officer may not vote on the question of the contract when it comes before the governing body for consideration.
- 7.) A public officer may rent space in a public facility at a rate commensurate with that paid by other members of the public.

C.) General Rule #2 - Prohibition Against Direct or Indirect Interest.

Except as provided in Minn. Stat. Sections 471.87 to 471.89, no member of a council shall be directly or indirectly interested in any contract made by the council.

D.) Exception to General Rule # 2.

- 1.) No ownership interest in the firm.
- 2.) Not an officer or director.
- 3.) Compensated only on a salary or hourly wage basis and receives no commissions, bonus or other remuneration.
- 4.) Is not involved in supervising the performance of the contract for the employer and has no other interest in the contract.

E.) General Rule #3 - Contracts With Family Prohibition Against Immediate Family Benefit.

If the money earned under the contract is used to support the family so that the councilmember derives some benefit from it, the attorney general has uniformly held that there is an indirect interest on the part of the council member in the contract.

F.) Exceptions to General Rule # 3.

- Adult children living outside the home
- Earnings from contract do not support family

G.) General Rule #4 – Mayor and Council Cannot Be Full-Time Employees of City.

- In a statutory and in a charter city, neither the mayor nor any city council member may be employed by the city. “Employed” refers to full-time permanent employment as defined by the city’s employment policy.

3. NON-CONTRACT SITUATIONS:

A.) General Rule.

Any official who has a personal economic interest that may conflict with public interest in considering an official action generally is disqualified from participating in the action.

B.) How to Determine Whether a Conflict Exists.

- 1.) The nature of the decision being made.

- 2.) The nature of the financial interest.
- 3.) The number of interested officials.
- 4.) The need, if any, for the interested officials to make the decision.
- 5.) Other means available, if any, such as an opportunity for review of the decision.

C.) Common Situations That Pose Conflict Questions.

- Zoning - platting - planning
- Public improvements
- Special assessments
- Licenses
- Church memberships
- Family associations
- Club memberships
- Land purchases
- Regulations
- Vacation of streets
- City comprehensive plan
- Locating highways
- Designations of development districts
- Selection of location for municipal parking lots
- Improvements to the business district where the councilmember owns a business

D.) Need To Maintain an Open Mind.

A councilmember may not engage in an advocacy role or have a “closed mind” when the councilmember has to perform a quasi-judicial function. In *Continental Property Group, Inc. v. City of Minneapolis*, the Minnesota Court of Appeals noted:

“But when deciding CPG’s procedural due-process claim, the district court found that Councilmember Goodman, who took part in making the council’s decision: “took a position in opposition and exhibited a closed mind with regarding to [CPG’s] proposed project prior to hearing [CPG’s] appeal”; “adopted an advocacy role in opposition to [CPG’s] proposed project well before she discharged her quasi-judicial duties”; and “was clearly involved in an effort not only to assist to organize and mobilize neighborhood opposition to the project, but also to sway the opinions of her fellow council members.” The court also noted that “the opinion of the council member in whose ward a project is proposed is given substantial weight” by other members of the council. The court’s findings, which are supported by the record, establish that the city council relied on factors it was not intended or permitted to consider in denying CPG’s applications. We therefore conclude that the city council’s decision was arbitrary and capricious and that the district court erred by upholding it on review under *Minn. Stat. § 462.361, subd. 1.*”

The underlying district court decision also stated:

“The timeline of events and communications further demonstrates that Goodman adopted an advocacy role in opposition to Plaintiff’s proposed project well before she discharged her quasi-judicial duties. She was clearly involved in an effort not only to assist to organize and mobilize neighborhood opposition to the project, but also to sway the opinions of her fellow council members. Such actions were improper and impermissible for someone acting in a quasi-judicial capacity.”