

CITY COUNCIL  
CITY OF CLEARWATER

ORDINANCE NO. 2023-03

AMENDING PART II, CHAPTER 101, ARTICLE II – PLANNING COMMISSION  
OF THE CLEARWATER CITY CODE

THE CITY OF CLEARWATER HEREBY ORDAINS AS FOLLOWS:

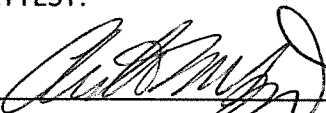
City Code PART II, CHAPTER 101, ARTICLE II – PLANNING COMMISSION is hereby repealed in its entirety and replaced as follows:

*See attached Exhibit A.*

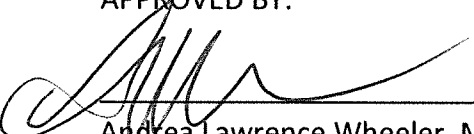
**Effective Date.** This ordinance shall be in full force and effect upon its passage and summary publication, which is hereby authorized by the City Council.

ADOPTED THIS 8<sup>th</sup> DAY OF MAY 2023

ATTEST:

  
\_\_\_\_\_  
Annita M. Smythe, City Administrator

APPROVED BY:

  
\_\_\_\_\_  
Andrea Lawrence Wheeler, Mayor

*Exhibit A*  
**ARTICLE II. PLANNING COMMISSION**

**Sec. 101-23. Established.**

There is hereby established a planning commission. The planning commission shall be the city planning agency authorized by Minn. Stat. § 462.354 subd.(1) as may be amended from time to time. The planning commission shall also act as the board of appeals and adjustments pursuant to Minn. Stat. § 462.354 subd.(2) as may be amended from time to time.

**Sec. 101-24. Powers and duties.**

The planning commission has the powers and duties assigned to it under Minn. Stats. Ch. 462.351 – 462.365, Municipal Planning Enabling Act, by this Code, and state law.

**Sec. 101-25. Members.**

The planning commission shall consist of five members appointed by the city council, or the city council may sit as the planning commission. A council member shall be appointed annually to serve on the commission as a liaison to the city council and shall have the same voting powers as other members. All commission members shall have equal voting privileges.

The non-city council members shall be appointed from a pool of applicants. City residents shall be given priority over non-residents. Non-residents shall only be appointed if the pool of resident-applicants has first been exhausted. A non-resident, once appointed, shall not be removed from office and replaced by a resident-applicant until their term of office has expired or otherwise becomes vacant for reasons other than residency.

Any member of the commission may be removed for cause by a majority vote of the city council upon written charge. Absences from any three meetings in a year, unless excused in advance, may be grounds for removal by the city council. Any such removal creates a vacancy on the commission.

**Sec. 101-26. Term of office; Vacancies**

Members shall serve staggered terms of three years commencing in January in the year of appointment. Council members appointed to the commission shall be appointed annually. In the event of any vacancy, the city council shall appoint a person to complete the unexpired term.

**Sec. 101-27. Officers; By-laws.**

At the first regular meeting each year, the planning commission shall elect a chair and a vice-chair from among its appointed members. The chair presides at all meetings of the planning commission and represents the commission at other meetings as requested by the city council. The vice-chair acts as the chair in the chair's absence. The city administrator or designee shall fill the role of secretary to the commission.

The commission shall also adopt its own by-laws for the conduct of its business.

**Sec. 101-28. Meetings.**

- (a) *Regular meetings.* The planning commission shall hold at least one meeting each month unless there is no business before the commission, in which case the monthly meeting will be cancelled. City staff shall notify members via email of any meeting cancellation.
- (b) *Special meetings.* Special meetings may be called by city staff if needed to comply with statutory deadlines, or at the request of a developer who shall reimburse the city for the costs of such special meeting. City staff shall contact members when scheduling a special meeting to ensure a quorum is available on the date chosen.
- (c) All meetings shall comply with the Open Meeting law.

**Sec. 101-29. Compensation.**

Compensation of the commission members shall be established via ordinance or resolution of the city council.

**Secs. 101-30 – 104-99 Reserved.**