

***PLANNING AND ZONING COMMISSION WORKSHOP MEETING  
FEBRUARY 23, 2021***

The Workshop Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Bert Koehler IV on February 23, 2021, 6:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Karen Godfrey, Mary VanderLaan, Scott Hudson, Nick Loehlein (remote), and Wes Volkenant

Commissioners absent: Marni Elias

Also present: City Planner Peter Hellegers  
Associate Planner Jake Griffiths  
Others

***PLANNING AND ZONING COMMISSION PROCESS AND PROCEDURES***

City Planner Hellegers stated tonight the Planning and Zoning Commission will be reviewing the Planning Commission Process and Procedures. The Planning and Zoning Commission makes recommendations to the City Council. Mr. Hellegers asked Commissioners to let staff know when they will miss a meeting so staff can ensure a quorum will be present.

Mr. Hellegers stated the Commission is making recommendations to establish law or apply law. Mr. Hellegers referred to the Pyramid of Discretion and stated the City has the most discretion when they are creating law (for example comprehensive planning, developing City Code, zoning amendments, and rezoning). There is some discretion when they are acting in a judicial capacity such as Conditional Use Permits and variances. The City has the least discretion when acting in an administrative capacity such as when reviewing site plans and issuing building permits.

Mr. Hellegers reviewed the definition of terms under the umbrellas of establishing law and applying law. The City establishes law through the Comprehensive Plan, Comprehensive Plan Amendments, Zoning Ordinance, Zoning Amendments, and Rezoning. The City applies laws through lot splits, sketch plans, ghost plats, Preliminary

Plat, Conditional Use Permits (CUP), Interim Use Permits (IUP), variances, and Planned Unit Developments (PUD).

Mr. Hellegers described the public hearing process and the open meeting law.

Commissioner VanderLaan stated that Commissioners will discuss things after the meeting or in the parking lot. She asked for guidance on this relating to the open meeting law. Mr. Hellegers replied the Commission needs to be cautious discussing items together outside of the public meeting process. He stated chance or social gatherings are acceptable, however, intentionally meeting to discuss items in small groups as a way of circumventing the public process is prohibited.

Chairperson Koehler asked if anything prohibits the Commission from secret ballots. Mr. Hellegers replied secret ballots are acceptable however when there is a member participating remotely, it is not possible and the results of the ballot must be made public immediately following the vote.

Commissioner Volkenant asked if voting by ballot requires a motion. Mr. Hellegers stated open meeting laws do not prohibit it but there could be procedures set in place by the Commission to require a motion.

Commissioner Volkenant asked if there is a difference between discussing official business and discussing what occurred during the meeting. Mr. Hellegers stated if the Commissioners aren't discussing content of the meeting the topic is acceptable. Mr. Hellegers stated the term official business refers to items that come or came before the Commission. Mr. Hellegers recommended that Commissioners bring questions or concerns to staff and staff can present it to the Commission.

Commissioner Volkenant asked if it is acceptable for four Commissioners to attend a Council meeting where the Council is discussing an item that came before the Commission. Mr. Hellegers replied the Commission can attend the meeting as long as they are not discussing Commission business while there.

Mr. Griffiths stated the open meeting law does not take away the Commissioners' rights to attend public meetings. The intention of open meeting law is to make sure decisions and discussions occur in the Council Chambers with the public able to attend instead of other places.

Commissioner Hudson asked if the Commission already voted on something, is it considered dead and not an item that comes before the Commission. Mr. Hellegers stated it can be considered that, but there may be a follow up or additional situations may apply so the Commission should still be cautious.

Chairperson Koehler explained Roberts Rules of Order says vote can be reversed at anytime so items are not officially dead and once it goes to City Council, it can be

returned to Planning and Zoning. He recommended not discussing any official business that the Commission has acted on until after the City Council makes their final decision.

Mr. Griffiths stated there are items that return to the Commission, such as sketch plans coming back as Preliminary and Final Plats.

### ***MEETING CADENCE***

Chairperson Koehler reviewed the meeting cadence with the Commission. He stated public hearings are intended to gather input from staff, the public, applicants, and Commissioners prior to the Commission making a recommendation to the City Council. He stressed the importance of gathering fact in lieu of opinions at meetings.

Chairperson Koehler reviewed the meeting process item by item and the appropriate time for Commissioners to ask questions of staff, the applicant, and the public. He stated the time for Commission discussion and opinion is after the public meeting closes.

Chairperson Koehler stated the Commission then approves or denies the item in front of them and makes the recommendation to Council. The Commission is not to approve the language in a Resolution. Chairperson Koehler stated the Commission's purpose is to provide a recommendation and if the recommendation is denial, the Commission must provide reasons for the denial.

Commissioner Godfrey stated in addition to approval or denial, the Commission can also table the item. She said it is not used often and may not be advisable, but it is an option. Chairperson Koehler concurred that tabling is an option, and the item can be returned to the dais at any time. He explained the Commission can also postpone an item. Chairperson Koehler stated if the Commission decides to table or postpone, there needs to be a good reason to do that since the Commission's purpose is to provide a recommendation.

Commissioner Godfrey stated the Commission can approve an item with encouragement to include something additional for the Council to consider.

Commissioner VanderLaan stated when making a motion the Commission tends to shorten the motion stating, "motion to approve" or "motion to deny" and asked if Chairperson Koehler preferred the short version or preferred the motion to be fully read. Chairperson Koehler replied it can be short such as stating, "motion to approve/deny as written" or "motion to approve/deny with changes".

Commissioner Loehlein complemented Chairperson Koehler for providing the meeting cadence. He asked for clarification if the Commission is recommending approval of the item or approval of the resolution. Chairperson Koehler stated it depends as how the Commission wants to present it to City Council as long as the recommendation is clear. Mr. Griffiths replied the Commission can provide a simple recommendation if they

desire. He stated historically, the Commission has requested copies of the resolution with conditions.

Chairperson Koehler stated the discussion is as important as the recommendation. He explained the City Council looks at the discussion that led to the recommendation and uses it for their decision making.

Commissioner Godfrey stated she looks at the write-up from staff and what decision staff is requesting of the Commission.

***OTHER BUSINESS***

No additional business was discussed.

***ADJOURNMENT***

***Motion*** by Volkenant, seconded by VanderLaan, to adjourn the meeting at 6:45 p.m.

Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

VanderLaan - aye

Volkenant – aye

Loehlein – aye

Motion carries unanimously.

Respectfully Submitted,

Shari Kunza, Recording Secretary  
*TimeSaver Off Site Secretarial, Inc.*