

# **CITY OF BIWABIK**

## **PLANNING AND ZONING COMMISSION**

### **AGENDA**

**THURSDAY, JANUARY 7, 2021  
6:00 P.M. REGULAR MEETING**

**3<sup>RD</sup> FLR, COUNCIL CHAMBERS  
321 N. MAIN ST., BIWABIK, MN**

- 1. Call to Order/Roll Call/Approve Agenda**
- 2. Approval of Minutes – December 3, 2021**
- 3. Election of Officers**
- 4. Designation of Regular Meeting Time and Place**
- 5. Discussion of Planning & Zoning Commission Projects**
  - A. Comprehensive Plan Update**
  - B. Capital Projects Review**
  - C. Other**
- 6. Board Questions/Comments**
- 7. Adjourn**

**CITY OF BIWABIK  
PLANNING & ZONING COMMISSION  
THURSDAY DECEMBER 3, 2020  
6:00 P.M. COUNCIL CHAMBERS**

**Roll call:**

**Present:** Commissioners Patti Wallert, Kris Weikum, Laurel March, Jon Eng

**Absent:**

**Others present:** City Administrator Jacobson, Deputy Clerk Mackey

**Audience:** Mayor Weikum

Meeting was called to order at 6:17 pm.

Moved by Commissioner Wallert, supported by Commissioner Weikum to approve the agenda. Motion carried.

Commissioner March spoke about the comp plan, discussed the zoning map and possibly leaving it out of the comp plan all together. The future land use map is not correct. Need to remove the 2 paragraphs under future land use map (4.8) the last paragraph on 4.7 doesn't need to be there, on page 25 it starts in the middle of a sentence, take out the fractured sentence.

Spoke about the industrial portion on the future land use, talked about combining industrial and mining, trying to anticipate and guide development.

Administrator Jacobson went over some things that are coming up within the year, Planning and Zoning will have to look at re-zoning some areas here in town.

On page 26 – the part about the wetland designation, nothing to designate wetlands, take this out. Final paragraph on page 26 – take word “light” out of industrial.

Talked about scheduling a public hearing at the Pavilion and following social distancing, Commissioner Weikum suggested waiting a month to see what things are like at that point. The planning commission will hold a public hearing, and it will be voted on by the Council.

Commissioners asked if Administrator Jacobson knows when everyone terms are up. We will discuss this in January – but Commissioner March and Eng are up 12/31/20 and Commissioners Wallert and Weikum go through 2021.

Commissioner March formally congratulated Commissioner Wallert on being elected on to the Council.

Moved by Commissioner Wallert, supported by Commissioner Eng to adjourn meeting at 7:39 pm.

**ORDINANCE NO. 425**  
**AN ORDINANCE ESTABLISHING AND FIXING THE DUTIES OF A**  
**CITY PLANNING COMMISSION**  
**WITHIN THE CITY OF BIWABIK, MINNESOTA**

THE CITY COUNCIL OF THE CITY OF BIWABIK, MINNESOTA DOES ORDAIN:

**SECTION 1. ESTABLISHMENT OF THE PLANNING COMMISSION**

The Planning Commission is hereby established. The Planning Commission shall be the city planning agency authorized by M.S. 462.354, subd. 1, as it may be amended from time to time. Accept as otherwise provided in this ordinance, the Planning Commission shall be advisory directly to the City Council.

**SECTION 2. COMPOSITION AND TERMS**

- (A) **Composition, Number.** Such Planning Commission shall consist of five members, who are residents of the city. Members shall be appointed by the City Council. In addition, the City Council shall select an ex officio member from among its own members to serve on the Commission as a council liaison to the Planning Commission. The ex officio member shall be a non-voting member who is not counted for quorum purposes.
- (B) **Terms.** Of the members of the Commission first appointed, one shall be appointed through December 31, 2015, two shall be appointed through December 31, 2016, and two shall be appointed through December 31, 2017 Their successors shall be appointed for terms of four (4) years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. Terms shall expire each year on December 31.
- (C) **Compensation.** Planning Commission Appointees are not paid.
- (D) **Removal.** Members may be removed by the City Council with or without cause by a four-fifths vote of the City Council.
- (E) **Vacancies.** Vacancies during the term shall be filled by the City Council for the unexpired portion of the term.
- (F) **Oath.** Every appointed member shall, before exercising any of his or her duties, take an oath that he or she will faithfully discharge the duties of the office.

**SECTION 3. ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES**

- (A) **Officers.** At the first regular meeting in January, the Planning Commission shall elect a Chairperson, and a Vice-Chairperson, each for a term of one year. The Planning Commission may create and fill other offices as it may determine necessary.
- (B) **Meeting.** The Planning Commission may hold at least one meeting each month as needed at the time and place as they may fix by resolution, subject to City Council approval and file with the City Clerk. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson, or as directed by the City Council or Mayor.

**(C) Commission Policy on Meetings, Organizational Form and Rules of Order.** Subject to approval by the City Council, the Planning Commission shall adopt rules of order or bylaws for the transaction of business, ordering meetings, adopting findings of fact and holding public hearings.

**(D) Minutes.** Written minutes of meetings shall be kept and filed with the City Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to approval at the next Planning Commission meeting.

**(E) Expenditures.** No expenditures by the city on behalf of the Planning Commission shall be made unless and until authorized by the City Council.

#### **SECTION 4. ATTENDANCE**

Duly appointed members of the Planning Commission shall be required to attend at least 9 of 12 of the official meetings of the Planning Commission held within a given calendar year unless specifically excused by the Chair of the Planning Commission and said excused absences noted in the minutes. Failure to attend no less than half of the official meetings within a given calendar year, without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from said Planning Commission. In addition, failure to attend four-consecutive regular meetings without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from said Planning Commission.

#### **SECTION 5. STAFF FOR THE COMMISSION**

The Deputy City Clerk, Utility Billing Clerk or City Administrator may perform secretarial duties for the Commission, such as the keeping of minutes, and may be responsible for the keeping of records.

#### **SECTION 6. POWERS AND DUTIES**

**(A) Generally.** The Planning Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by City Council or city policy. The Planning Commission also shall exercise the duties conferred upon it by this ordinance.

**(B) Comprehensive Plan.** The City of Biwabik shall maintain a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. The Planning Commission shall periodically, but at least every five years, review and approve the comprehensive plan and any ordinances or programs implementing the plan.

**(C) Zoning Ordinance.** Pursuant to M.S. 462.357, subd. 3, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed amendments to the zoning ordinance, conduct public hearings as directed by City Council or city policy, and make recommendations to the City Council concerning zoning ordinance amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.

**(D) Conditional Permits.** The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

**(E) Interim Use Permits.** The Planning Commission may make recommendations on all requests for an interim use permit under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

**(F) Subdivision Regulations.** The Planning Commission may make recommendations about the subdividing of land as prescribed by the ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

**(G) Zoning Variances.** All applications for variances may be referred to the Planning Commission, and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. 462.357, subd. 6, as it may be amended from time to time for its decision.

**(H) Appeals to Denials of Zoning, Land Use or Building Permits Based on the Official Map.** All appeals to denials of zoning, land use or building permits based on the official map may be referred to the Planning Commission, and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. 462.359, subd. 4, as it may be amended from time to time for its decision.

**(I) Purchase and Sale of Real Property.** Pursuant to M.S. 462.356, subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed acquisitions or disposals of publically owned interests in real property within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed acquisition or disposal of real property with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

**(J) Capital Improvements.** Pursuant to M.S. 462.356, subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, the **Planning Commission shall review all proposed capital improvements within the city** by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed capital improvement with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgment it finds that the proposed improvement has no relationship to the comprehensive municipal plan.

**(K) Comprehensive Plan Amendments.** Pursuant to M.S. 462.355, subsd. 2, 3, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed amendments to the comprehensive plan, and make recommendations to the City Council comprehensive plan amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission may report its recommendations to the City Council for action.

**SECTION 7. EFFECTIVE DATE**

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by M.S. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of M.S. § 331A.01, subd. 10, as it may be amended from time to time. This Ordinance repeals any previous Ordinances regarding the duties of the City Planning Commission

Passed by the Council this 10th, day of August, 2015.

Jim F. Weikum

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Mayor

Attested: Jeff M. Jacobson

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Clerk