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MEMO

TO: Sunfish Lake Mayor and Councilmembers
FROM: Timothy J. Kuntz, City Attorney
DATE: October 28, 2020
**RE: Ordinance Amendment relating to Planning Commission Meeting Date;
November 4, 2020 Council Meeting; Agenda Item 8(a)**

Section 1. Background. The Sunfish lake Planning Commission will be changing its regular meeting date from the third Wednesday of the month to the third Thursday of the month.

Section 301.04 of the City Code contains a reference to the Planning Commission meeting date being on Wednesday. Since the Planning Commission is changing its meeting date to Thursday, the ordinance needs to be amended.

To avoid having to change the ordinance again in the future should the Planning Commission meeting date be changed to a different day, a suggestion was made to not specifically recite the meeting day of the week in the ordinance but indicate the Planning Commission will meet one week later on the regularly scheduled meeting date.

Section 2. Ordinance Amendment. The attached ordinance amendment changes the following language in Section 301.04 of the City Code:

The Planning Commission shall have monthly regular sessions at the times and on the days shown by the schedule of regular meetings. The schedule shall be adopted by resolution of the commission and shall be kept on file at the City's primary office and at the clerk's office. If the regularly scheduled meeting falls on a holiday or on a day on which the commission is not by law permitted to meet, then the regular monthly meeting shall be one week later on the next following Wednesday day of the week on which the commission usually holds its regularly scheduled meeting. Adjourned meetings of the commission and special meetings of the commission shall be set by the commission on days and at times that the commission may deem proper. All meetings shall be held in the place designated on the schedule by the commission. If

the commission decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it shall give the same notice of the meeting that is provided for a special meeting.

Section 3. Council Action. The Council is asked to consider the attached *Ordinance Amending Section 301.04 Of The Sunfish Lake City Code Relating To Time And Place Of Planning Commission Meetings* at the November 4, 2020 Council meeting. A notice of consideration of the ordinance amendment was posted in advance of the meeting.

Attachment

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 20-_____

**AN ORDINANCE AMENDING SECTION 301.04 OF THE SUNFISH LAKE CITY
CODE RELATING TO TIME AND PLACE OF
PLANNING COMMISSION MEETINGS**

The City Council of Sunfish Lake does hereby ordain:

Section 1. Amendment of Section 301.04 of City Code. Section 301.04 of the Sunfish Lake City Code is hereby amended to read as follows:

The Planning Commission shall have monthly regular sessions at the times and on the days shown by the schedule of regular meetings. The schedule shall be adopted by resolution of the commission and shall be kept on file at the City's primary office and at the clerk's office. If the regularly scheduled meeting falls on a holiday or on a day on which the commission is not by law permitted to meet, then the regular monthly meeting shall be one week later on the next following Wednesday ~~day of the week on which the commission usually holds its regularly scheduled meeting.~~ Adjourned meetings of the commission and special meetings of the commission shall be set by the commission on days and at times that the commission may deem proper. All meetings shall be held in the place designated on the schedule by the commission. If the commission decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it shall give the same notice of the meeting that is provided for a special meeting.

The schedule of regular meetings shall be adopted by resolution at the December regular meeting for the upcoming calendar year.

Special meetings may be called by the chair or any two members in writing, filed with the clerk at least three (3) days prior to the time specified for the meeting, excluding Sundays and holidays. The demand for the special meeting shall specify the date, time, place and purpose of the special meeting. At least three (3) days prior to the meeting, excluding Sundays and holidays, the clerk shall mail a notice of the special meeting to all members; the notice shall state the date, time, place and purpose of the special meeting. The clerk shall prepare an affidavit that shows the mailing of the notice in the manner here prescribed. The clerk shall post written notice of the date, time, place and purpose of the special meeting on the principal bulletin board of the City, or

if the City has no principal bulletin board, then on the door of the commission's usual meeting place. The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings with the City. This notice shall be posted and mailed or delivered at least three (3) days before the date of the meeting, excluding Sundays and holidays. A person filing a request for notice of special meetings may limit the request to notification of meetings concerning particular subjects, in which case the clerk is required to send notice to that person only concerning special meetings involving those subjects. The commission may establish an expiration date for request for notices of special meetings and require refiling of the request once each year. Not more than sixty (60) days before the expiration date of a request for notice, the clerk shall send notice of the refiling requirement to each person who filed during the preceding year.

Emergency meetings may be called by the chair or any two members in writing filed with the clerk. The demand for the emergency meeting shall specify the date, time, place and purpose of the emergency meeting. As soon as possible the clerk shall telephone all members and leave a message that informs the member of the date, time, place and purpose of the meeting; if a member cannot be reached by telephone, then the telephone message may be left with an adult at the residence of the member or on the answering machine of the member at the member's residence. If the message cannot so be left, the clerk shall deliver a written notice to the residence of the member and tape it to the front door of the residence. The clerk shall make good faith efforts to provide notice of the meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number. Notice of the emergency meeting shall be given by telephone to each requesting news medium. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the members. Notice shall include the date, time, place and purpose of the emergency meeting. Posted or published notice of an emergency meeting shall not be required. An "emergency" meeting is a meeting called because of circumstances that, in the judgment of the commission, require immediate consideration by the commission.

If a person receives actual notice of a meeting of the commission at least 24 hours before the meeting, whether a special or emergency meeting, then all notice requirements of this Section 301.04 are satisfied with respect to that person, regardless of the method of receipt of notice. (Ord. 96-15, 9/3/96)

Section 2. Effective Date. This Ordinance shall be effective from and after its passage and publication according to law.

Passed this 4th day of November, 2020.

Dan O'Leary, Mayor

ATTEST:

Catherine Iago, City Clerk