

ORDINANCE NO. 2017 - 15

AN ORDINANCE MODIFYING DEFINITIONS, PROCESSES AND STANDARDS FOR CITY ADVISORY COMMISSIONS, INCLUDING THE BOARD OF REVIEW, PLANNING COMMISSION, PARKS, ARTS AND RECREATION COMMISSION, ADVISORY BOARD OF HEALTH, CREATIVE PLACEMAKING COMMISSION, SUSTAINABILITY COMMISSION, AND HUMAN RIGHTS COMMISSION; AND RELOCATING AND MODIFYING ZONING VARIANCE AND INTERPRETATION APPEAL PROCEDURES THEREBY AMENDING CHAPTER 2 OF THE CITY CODE AND RECODIFYING INTERNAL REFERENCES IN CHAPTERS 2, 12, 19, AND 21 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota, ordains:

Section 1. That Chapter 2 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 2

ADMINISTRATION

ARTICLE V: CITY BOARDS AND COMMISSIONS

~~[DIVISION A: GENERAL PROVISIONS]~~

~~§ 2.69 DEFINITIONS.~~

~~—The following words and terms, when used in this Article V shall have the following meanings, unless the context clearly indicates otherwise.~~

~~—**ADVISORY.** To advise the Council with respect to municipal concerns.~~

~~—**COMMISSION.** A body established by the City Council to advise the Council on matters of municipal concern, to investigate subjects of interest to the city and to perform certain quasi-judicial functions.~~

~~—**INVESTIGATE.** To investigate subjects of municipal concern.~~

~~—**QUASI-JUDICIAL.** Possessing the right to hold hearings, make investigations and make recommendations based upon evidence, and where applicable, act upon applications as set forth in the city code.~~

~~—**STUDENT.** For the purpose of City Commissions, **STUDENT** is defined to be a person enrolled as a full-time student as determined according to the classifications provided by the high school or accredited college in which the student is enrolled.~~

~~—**YOUTH.** For the purpose of City Commissions and the Advisory Board of Health, **YOUTH** is defined to be those persons who are between the ages of 12 years through 23 years of age and who are residents of the City of Bloomington. The term of youth members shall be from~~

September 1 through August 31 of each year.

~~§ 2.70 PROHIBITION.~~

~~—Except where specifically authorized by the city code, a commission created by the Council may not assume the role of an administrative or legislative body.~~

~~§ 2.71 CREATION.~~

~~—A commission may be established by a majority of the members of the City Council. An ordinance shall be adopted which will describe the purpose and function of the commission. The ordinance shall prescribe the composition or membership of the commission. Members of city boards and commissions shall be residents of the city unless an ordinance provision establishing a board or commission expressly provides otherwise. Commission members shall be appointed by a majority of the members of the Council and shall have terms not to exceed three years per term. No member shall serve a consecutive period of more than six years on a particular commission, except that no term limit shall apply to members of the Board of Review. When a person is appointed to a vacancy on a city commission, the unexpired portion of the term for that year of appointment shall not be counted in computing the maximum permitted service on a commission and a new term shall begin on January 1 of the following year. No member of a city commission may serve concurrently on another city commission. In any one year, no more than one half of the terms may expire. Any commission member, except the members of the Board of Review, may serve a cumulative period of more than six years on a commission, so long as there is at least a one-year or one-term separation period, whichever is less, between the six-year consecutive period and the next term.~~

~~§ 2.72 FUNCTIONS.~~

~~—The functions of commissions established by the City Council shall be as follows.~~

~~—(1) The advisory function of a commission is accomplished by communicating to the City Council the viewpoint or advice of the commission.~~

~~—(2) The investigative function of a commission may be accomplished by study, review or examination of reports, materials or activities of a municipal concern within the scope of the particular commission, or as specifically directed by the Council.~~

~~—(3) The quasi-judicial function may be accomplished by specific charge delineated by the City Charter or the City Council included in the ordinance establishing the commission. Quasi-judicial functions are accomplished by holding hearings, receiving evidence or making investigations and, on the basis of this evidence, investigation or hearing, making a decision or taking action.~~

~~§ 2.73 COMMITTEES AND SUBCOMMITTEES.~~

~~—To aid in the accomplishment of any of the functions set forth in § 2.72 of this chapter, a commission, after specific approval by the City Council, may establish committees or subcommittees made up of members of the commission or such additional persons as the commission may request. No committee or subcommittee may engage in activities, functions or duties outside the scope of authority granted to the commission which appointed the committee or subcommittee. Prior to approval by the City Council of the establishment of a committee or subcommittee to a commission, the commission shall submit a report to the City Council describing the reasons for requesting the establishment of the proposed committee or~~

subcommittee.

~~§ 2.74 RELATION TO THE CITY COUNCIL.~~

~~—The City Council shall be kept informed of the activities and accomplishments of each commission of the city by means of the following:~~

- ~~—(1) Receiving the minutes of each commission meeting;~~
- ~~—(2) Having a member of the Council or a member of the city staff be a member of the commission if provided by the ordinance establishing the commission; and~~
- ~~—(3) Each commission chairperson shall arrange to have a joint meeting to discuss past, current and future activities of the commission with the City Council; or shall submit a written annual report of the past, current and future activities of the commission.~~

~~§ 2.74.01 ATTENDANCE REQUIREMENTS.~~

~~—(a) A member shall attend at least 75% of the meetings of a city commission and the Advisory Board of Health each year. A member must be present for at least two thirds of an entire commission meeting in order to qualify as having attended the meeting. A **MEETING** is defined for the purpose of this subsection (a) as a regular meeting and does not include special meetings or meetings of a committee or subcommittee of a commission or the Advisory Board of Health.~~

~~—(b) Any member failing to comply with the attendance requirement set forth in subsection (a) above shall be automatically removed from the commission or Advisory Board of Health. Effective January 1, 1999, members removed for failing to comply with the attendance requirement may be reappointed to the same commission or board not sooner than one year from the date of removal.~~

~~—(c) A member of a city commission or Advisory Board of Health shall notify city staff in advance if he or she is unable to attend a commission or Board meeting.~~

~~—(d) The City Council shall conduct an annual review of the attendance of members of the city commissions and Advisory Board of Health.~~

~~—(e) No member shall be permitted to take a leave of absence from a city commission or Advisory Board of Health.~~

~~§ 2.74.02 CONDUCT OF MEETINGS.~~

~~—(a) Each city commission shall hold at least one meeting per month but shall meet no more than twice per month unless approved by the City Council.~~

~~—(b) City commission meetings shall not be held during regularly scheduled meetings of the City Council.~~

~~—(c) Every city commission meeting shall be conducted by a chairperson who shall be responsible for coordinating preparation of the meeting agenda with the city staff liaison. No City Council liaison shall be assigned to any city commission.~~

~~—(d) Each city commission shall prepare an annual work plan which must be approved by the City Council.~~

~~—(e) A secretary assigned from city staff shall attend every city commission meeting and make a record of the meeting. Agendas for the commission meetings and minutes of the meetings shall be sent to the members of the City Council in a timely manner. The minutes of the commission meetings shall note the attendance of members of the City Council. A calendar of the meetings of each city commission shall be sent to the City Council on an annual basis.~~

~~§ 2.75 REMOVAL OF COMMISSION MEMBERS FROM OFFICE.~~

~~—(a) A commission member or member of the Advisory Board of Health may be removed from office by a majority vote of the City Council. A commission member or member of the Advisory Board of Health shall be automatically removed from office under § 2.74.01(b) of this code.~~

~~—(b) Commission and Advisory Board of Health members are deemed to have resigned from membership in a commission or the Advisory Board of Health under the following circumstances:~~

~~—(1) By providing false information on resume for appointment to a commission or the Advisory Board of Health.~~

~~—(c) The City Council may reinstate a commission member or member of the Advisory Board of Health on its initiative or after consideration of a request for reinstatement made by a commission member or member of the Advisory Board of Health.~~

~~§ 2.76 COOPERATION OF CITY OFFICIALS.~~

~~—All city officials, department heads, employees and appointees shall cooperate with the commissions established by the Council and render all reasonable assistance as directed by the City Manager.~~

~~§ 2.77 REVIEW AND ELIMINATION OF COMMISSIONS.~~

~~—(a) The City Council shall review the role, duties and responsibilities, membership and attendance requirements, and administrative procedures of each advisory board and commission at least every three years.~~

~~—(b) A commission may be eliminated by adopting an ordinance rescinding the ordinance establishing the commission.~~

~~§ 2.78 MEMBERS; VACANCIES IN OFFICE.~~

~~—When any person who has been appointed by the Council, or a member thereof, to any board, commission, authority or other body or organization, except the City Council, becomes a candidate by declaring or filing for an elective city office, such person shall be deemed to have resigned his or her office and the office shall be deemed vacant.~~

DIVISION B: BOARD OF REVIEW

~~§ 2.79 ESTABLISHMENT.~~

~~—There is hereby established a board of review to be known as the Board of Review, which shall have the authority and duties set forth in this Division B. This Board is established pursuant to the authority granted under M.S. § 274.01, subd. 2, as it may be amended from time to time, and § 2.02 of the City Charter.~~

~~§ 2.80 PURPOSE.~~

~~—The purpose of the Board of Review shall be to conduct hearings and to make final property classification and assessment determinations.~~

~~§ 2.81 DUTIES AND RESPONSIBILITIES; RELATION TO COUNCIL.~~

~~—(a) The City Council hereby delegates to the Board of Review the following authority and~~

duties:

- ~~— (1) To conduct annual meetings and hearings as required to fulfill its duties hereunder;~~
- ~~— (2) To determine whether taxable property in the city has been properly placed on the assessment list and properly valued by the Assessor;~~
- ~~— (3) To place omitted real or personal property on the assessment list with its market value;~~
- ~~— (4) Upon application of a property owner or taxpayer, to review the classification of real or personal property and to correct it as appears just; and~~
- ~~— (5) Upon application of a property owner or taxpayer to review the assessment of real or personal property and to decrease, sustain or increase market values as it appears just.~~
- ~~— (b) All determinations of the Board of Review are final in nature and the Board of Review shall act as the local Board of Appeal and Equalization for the city pursuant to § 7.04 of the City Charter.~~
- ~~— (c) The decisions of the Board of Review shall be made within 20 days of the date of the commencement of the Board of Review hearings, unless the time for decision has been extended as authorized by statute.~~
- ~~— (d) The decisions of the Board of Review are final and are appealable to the Hennepin County Board of Appeal and Equalization pursuant to the provisions of state law. Copies of the Board of Review decisions shall be sent to the Hennepin County Assessor.~~
- ~~— (e) The City Assessor shall report the decisions of the Board of Review to the City Council at the first regular City Council meeting after the Board of Review adjourns.~~

~~§ 2.82 MEMBERSHIP; QUORUM; TERMS; COMPENSATION; VACANCIES.~~

- ~~— (a) The Board shall consist of five members appointed by the City Council. Three members constitute a quorum for purposes of conducting Board duties.~~
- ~~— (b) All members shall be residents of the city.~~
- ~~— (c) All members shall have experience as an appraiser, realtor, real estate attorney or property manager, or be otherwise familiar with real estate valuation in the city. At least two of the members shall have experience in commercial, industrial and/or apartment valuation.~~
- ~~— (d) For the initial appointments in 1994, two of the Board members shall be appointed for a one-year term, and three of the Board members shall be appointed for two-year terms. Thereafter, all members shall be appointed for two-year terms.~~
- ~~— (e) Board members may be compensated on a per meeting basis, at rates established by resolution of the City Council. The Board's chairperson may be compensated at a greater amount than other Board members. No compensation shall be paid for attendance at orientation meetings for the Board.~~
- ~~— (f) Members of the Board shall serve until their term has expired and a successor has been appointed, until their resignation, or until they have been removed from office by the City Council. Vacancies shall be filled by appointment of the Council.~~
- ~~— (g) If a member fails to attend three consecutive regular Board meetings and such absences are unexcused, that member shall be deemed to have resigned. An absence shall be deemed excused if: 1) The absence was due to injury, illness, family emergency or other important reason; and 2) The Board member notified the City Assessor of the reason for the absence prior to the Board meeting.~~

~~§ 2.83 RULES AND PROCEDURES.~~

- ~~— (a) The City Council shall establish rules and procedures to be followed by the Board in the~~

exercise of its duties.

~~—(b) The Board may adopt additional rules and procedures not inconsistent with state law, this Division B and any rules established by the City Council. Any rules adopted by the Board shall be approved by the City Council.~~

~~§§ 2.84 — 2.94 RESERVED.~~

~~DIVISION C: PLANNING COMMISSION~~

~~§ 2.95 ESTABLISHMENT.~~

~~—There is hereby established a Commission to be advisory to the City Council and to be known as the Planning Commission, which Commission shall be composed of and have the duties set forth in this Division C.~~

~~§ 2.96 COMPOSITION.~~

~~—The Planning Commission shall consist of seven members to be appointed by the City Council. All members shall be residents of the city. The members shall be appointed for a term of three years, each of said terms to expire on June 30, excepting that the members shall serve until their successors are appointed and qualified. Terms shall be staggered so that no more than three terms expire in any given year. Vacancies during the term of an appointed member shall be filled by the Council for the unexpired portion of the term.~~

~~§ 2.96.01 REMOVAL OF COMMISSIONERS.~~

~~—The City Council may remove any member of the Planning Commission for any cause. Planning Commissioners shall be automatically removed in the event they:~~

- ~~—(a) Have three successive unexplained absences from regular meetings;~~
- ~~—(b) Fail to meet the attendance requirements of city code § 2.74.01; or~~
- ~~—(c) Reach the end of their six year service limit, as set forth in city code § 2.71.~~

~~§ 2.96.02 RESERVED.~~

~~§ 2.97 RULES AND MEETINGS.~~

~~—The Planning Commission shall prescribe its own time and place of meetings and shall meet at least once every month, unless there are no applications to review or other business to conduct. All meetings of the Planning Commission shall be open to the public. No member of the Planning Commission who has a personal financial interest, directly or indirectly, in any matter coming before the Planning Commission shall vote thereon. Violation of this section by any member of the Planning Commission shall be a misdemeanor.~~

~~§ 2.97.01 BYLAWS.~~

~~—The Commission shall formulate bylaws to govern all other matters relating to the Commission such as officers and duties, dates and conduct of meetings, quorum and other relevant matters including, but not limited to, amendment of the bylaws. The bylaws and any amendments thereto shall be submitted to the City Council for approval.~~

~~§ 2.98 POWER AND DUTIES.~~

~~—The Planning Commission shall:~~

- ~~—(a) Hold hearings, review applications, make recommendations, and, where applicable, act upon applications as set forth in the city code;~~
- ~~—(b) Act as a board of appeals and adjustments within the terms and conditions set forth in § 2.98.01 of this code and M.S. § 462.354, subd. 2, M.S. § 462.357, subd. 6 and M.S. § 462.359, subd. 4, as they may be amended from time to time;~~
- ~~—(c) Review and make recommendations on proposed amendments to zoning, subdivision and transportation provisions of the city code;~~
- ~~—(d) Review and make recommendations on proposed amendments to the Comprehensive Plan and district plans; and~~
- ~~—(e) Review and make recommendations on transportation issues including transportation planning, street extensions and modifications, street layout and striping, on street parking, neighborhood traffic plans, transportation grant applications, transit systems, pedestrian ways and bicycle traffic.~~

~~§ 2.98.01 VARIANCES.~~

~~—(a) Statutory authorization. The Planning Commission is hereby empowered to act as a board of appeals and adjustments pursuant to the provisions of M.S. § 462.354, subd. 2, M.S. § 462.357, subd. 6 and M.S. § 462.359, subd. 4, as they may be amended from time to time.~~

~~—(b) Powers and duties. The Planning Commission shall have all the powers and duties prescribed by law and by this Division C, including the following:~~

~~—(1) Interpretation of Zoning Code. Upon appeal from a decision of the issuing authority, to decide any questions involving the interpretation of the Zoning Code including the determination of the location of district boundaries;~~

~~—(2) Recommendations on variances. To make recommendations to the City Council on applications for variances from the provisions of the zoning ordinance as applied to a specific piece of property. Variances may only be permitted:~~

~~—(A) When the variance is in harmony with the general purposes and intent of the ordinance;~~

~~—(B) When the variance is consistent with the Comprehensive Plan;~~

~~—(C) When the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties. Practical difficulties as used in connection with the granting of the variance, means that:~~

~~—(i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;~~

~~—(ii) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and~~

~~—(iii) The variance if granted will not alter the essential character of the locality.~~

~~—(D) Reserved.~~

~~—(3) Conditions may be imposed in the granting of a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.~~

~~—(4) Use variances not allowed. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.~~

~~—(5) Variances in size, placement and number of signs. No variance may be granted in the~~

size, placement or number of permanent or temporary signs, or duration of temporary signs as described in Chapter 19 or 21 of this code, unless the following is found:

~~—— (i) *Size.*~~

~~—— (I) The sign will have an appearance which will not adversely affect or detract from neighboring property.~~

~~—— (II) The sign will be of such size that it will not deter or affect the motoring public on roads or highways adjacent to the placement of the sign.~~

~~—— (III) That, because of the topographic and physical conditions of the land, structures, or surrounding built-up area, strict enforcement of Chapter 19 or 21 of this code would deprive the applicant of the reasonable use of a sign for the purpose of advertising his or her business to the public.~~

~~—— (ii) *Placement.*~~

~~—— (I) The placement of the sign will not be at a location which will have an adverse effect in appearance, height or location on neighboring properties.~~

~~—— (II) The placement of the sign will not be at a location which will adversely affect, deter or detract the motoring public on adjacent streets or highways.~~

~~—— (III) Strict compliance with the provision of Chapter 19 or 21 of this code relating to the placement of signs would deprive the applicant of the reasonable use of the sign for such land or building.~~

~~—— (IV) That, because of the topographic or physical conditions relating to the land, structure, or surrounding built-up areas, strict enforcement of the placement of a sign under Chapter 19 or 21 of this code would result in depriving the applicant of a reasonable placement of the sign on the land or building consistent with the purpose of the sign.~~

~~—— (iii) *Number.* No variance may be granted in the number of signs as set forth in Chapter 19 or 21 of this code except that additional signs may be used as long as the surface area of the multiple signs does not exceed the surface area for the permitted signs as set forth in Chapter 19 or 21 and those findings as set forth in subsections (b)(5)(i) and (b)(5)(ii) above, where applicable, are found by the Commission.~~

~~—— (iv) *Duration of temporary signs.*~~

~~—— (I) The additional duration of display of the temporary sign will not unreasonably affect or detract from neighboring property.~~

~~—— (II) The additional duration of display of placement of the temporary sign will not adversely affect, deter or distract the motoring public on adjacent streets or highways.~~

~~—— (c) *Appeal to the Commission.* The applicant; any occupant or owner of property adjacent to the premises in question; or any person who, in the judgment of the Commission, is affected by the interpretation of the issuing authority may appeal to the Commission.~~

~~—— (d) *Application.* Variance applications must include the following information, unless exempted by the Planning Manager:~~

~~—— (1) An application form signed by the property owner(s) or authorized representative.~~

~~—— (2) The required application fee (see city code § 21.502.01).~~

~~—— (3) Written documentation that includes:~~

~~—— (A) A complete project description;~~

~~—— (B) Specific provisions of the Zoning Code involved and the variance request details; and~~

~~—— (C) Why and how the request meets each of the variance findings in subsection (b)(2) above.~~

~~—— (4) Scaled floor plan, site plan, and building elevations (where applicable).~~

- ~~—(5) Certified survey showing the existing conditions on the property (if setback related).~~
- ~~—(e) Notice of hearing. No action shall be taken by the Commission on any case until notice has been given and a public hearing has been held. Written notice shall be mailed to the applicant and, so far as is practicable, to the affected property owners at least ten days prior to the date of the hearing. If the application pertains to a variance within the Floodplain District, notice shall also be given to the Minnesota Department of Natural Resources at least ten days prior to the date of the hearing.~~
- ~~—(f) Decision of the Commission.~~
 - ~~—(1) Reserved.~~
 - ~~—(2) An affirmative vote of a majority of all the members of the Commission is required to reverse any order, requirement, decision or determination of the issuing authority or to decide in favor of the applicant on any matter upon which it is required to pass under this Division C.~~
 - ~~—(3) Reserved.~~
- ~~—(g) Council review.~~
 - ~~—(1) All decisions of the Commission which grant, deny or modify a variance application or any other decision relative to the variance application shall be reported to the City Council at the earliest practicable time. The Council shall either affirm, modify or overrule the decision and shall state the reasons for such action. In the event of affirmance, the Council may adopt the findings, reasons and decisions of the Commission.~~
 - ~~—(2) The Council shall make its decision based upon the record as made by the Commission. The Council may elect to hold a new hearing and shall do so upon notice of appeal of the Commission decision. Notice of such hearing shall be given as set forth in subsection (e) above.~~
- ~~—(h) Administrative hearing procedure. Notwithstanding any of the provisions of this code, a hearing examiner, in accordance with Chapter 2, Article II, of this code, shall hear certain variance requests pursuant to said Article.~~
- ~~—(i) Variance Board. Notwithstanding any provision of this code, any section therein referring to the "Variance Board" shall be deemed to refer to the Planning Commission.~~

~~DIVISION D: PARKS, ARTS AND RECREATION COMMISSION~~

~~§ 2.98.10 ESTABLISHMENT.~~

~~—There is hereby established a commission to be advisory to the City Council to be known as the Parks, Arts and Recreation Commission, which commission shall be organized and have the duties as set forth in this Division D.~~

~~§ 2.98.11 PURPOSE, DUTIES, AND RESPONSIBILITIES.~~

~~—The duties and responsibilities of the Commission shall include the following.~~

- ~~—(1) Parks and recreation programs. The Commission shall review and evaluate park and recreation programs and how these programs can and do fulfill the existing and future needs of the city. The Commission shall be knowledgeable of park and recreation standards and shall evaluate the park and recreation programs and how they meet these standards. The Commission shall endeavor to foster equitable and compatible working relationships between the city and the Bloomington School District in the joint use of facilities as regard park and recreation programs.~~
- ~~—(2) Long-range planning and development. The Commission shall review and evaluate parks, recreation and arts financing methods as they relate to needs. They shall study and evaluate~~

future park plans for the city and shall plan for the continued maintenance and development of the city's existing park land.

~~—(3) *Revenue facilities.* The Commission shall review, study and evaluate the use, operation and need for revenue facilities in the city such as the golf courses, swimming pools and Bloomington Ice Garden.~~

~~—(4) *Cultural activities.* The Commission shall study, review and evaluate existing and future programs and facilities in the area of cultural activities as an important additional source of recreation for the people and shall study how these programs and facilities meet the cultural needs of the community.~~

~~§ 2.98.12 MEMBERSHIP.~~

~~—(a) The Commission shall consist of seven members, including at least one young adult member (age 16 to 23), all of whom shall be residents of the city. A young adult member may remain on the Commission in that capacity after age 23 if that member is a full-time student in an accredited post-secondary educational institution. If there are more than seven members on the Commission, no vacancies in membership positions shall be filled by the City Council until the Commission is composed of seven members. The Commission members shall serve in a comprehensive fashion to evaluate the recreational, cultural and leisure time needs of the community and recommend alternative ways to meet those needs.~~

~~—(b) All members currently holding office at the date of this Division D shall continue until expiration of their current terms. Thereafter, vacancies shall be filled by three-year terms, with the exception of the young adult member who shall have a one-year term. All terms shall expire on December 31 of the respective year.~~

~~—(c) Members of the city staff may also serve as members of the Commission provided they meet the requirements of this Division D and the two positions are not incompatible.~~

~~§ 2.98.13 BYLAWS.~~

~~—(a) The Commission shall formulate bylaws to govern all other matters relating to the Commission, such as officers and duties, dates and conduct of meetings, quorum, and other relevant matters including, but not limited to, amendment of the bylaws. The bylaws of the Commission shall be submitted to the City Council for approval.~~

~~—(b) The bylaws may create standing committees in each of the four areas designated in § 2.98.11 above. They may provide that members of the Commission be evenly divided among the four standing committees and that, at the request of the Commission, up to three members of the general public may be appointed by the Council to each of the standing committees.~~

~~DIVISION E: ADVISORY BOARD OF HEALTH~~

~~§ 2.98.20 ESTABLISHMENT.~~

~~—There is hereby established a board to be advisory to the City Council to be known as the Advisory Board of Health, which board shall be organized and shall have the duties as set forth in this Division E.~~

~~§ 2.98.21 PURPOSE.~~

~~—The purpose of the Board shall be to research and evaluate issues of health and environment~~

and to report to the City Council those issues which affect the city.

~~§ 2.98.22 DUTIES AND RESPONSIBILITIES.~~

~~—The Board shall research, study and evaluate issues concerning the health and environment of the city and shall advise the City Council of its activities and findings relating to the issues of health and environment of the residents of the city and shall recommend action when indicated.~~

~~§ 2.98.23 MEMBERSHIP.~~

~~—(a) The Board shall consist of no more than seven members. Members shall be residents of the city. If there are more than seven members on the Board, no vacancies in membership positions shall be filled by the City Council until the Board is composed of seven members.~~

~~—(b) Members shall be appointed by the City Council for two year terms and no member shall serve more than three consecutive terms. Terms may be renewed by the City Council and members willing to accept another term of office must notify the City Council in writing at least two weeks before their terms of office expire. Terms shall be staggered with one half the members appointed or reappointed each year.~~

~~—(c) Members shall be appointed by the City Council, and the Board members may submit names for appointment to the Board to the City Council.~~

~~—(d) Four members shall be providers of health services and three members shall be consumers of health services.~~

~~§ 2.98.24 BYLAWS.~~

~~—The Board shall formulate bylaws to govern all other matters relating to the Board such as officers and duties, dates and conduct of meetings, quorum and other relevant matters including, but not limited to, amendment of the bylaws. The bylaws of the Board shall be submitted to the City Council for approval.~~

~~DIVISION F: CREATIVE PLACEMAKING COMMISSION~~

~~§ 2.98.30 ESTABLISHMENT.~~

~~—There is hereby established a board to be known as the Creative Placemaking Commission, to be advisory to the City Council, and which Commission shall be composed of and have the duties set forth in this Division F.~~

~~§ 2.98.31 PURPOSE.~~

~~—The purpose of the Creative Placemaking Commission shall be to advise the City Council in the use of arts, design, culture and creativity to help accomplish the city's goals for change, growth and transformation in a way that also builds character and quality of place in Bloomington.~~

~~§ 2.98.32 DUTIES AND RESPONSIBILITIES.~~

~~—The Creative Placemaking Commission shall:~~

~~—(a) Establish strategies and approve work plans for Bloomington's creative placemaking initiatives;~~

~~—(b) Promote and market placemaking activities in the city to residents, visitors, employers,~~

developers, and the media;

- ~~—(c) Adopt criteria and processes for making decisions about the use of resources and selection of placemaking projects;~~
- ~~—(d) Cultivate relationships with project hosts and placemaking partner organizations;~~
- ~~—(e) Review placemaking proposals and make recommendations;~~
- ~~—(f) Submit written annual work plans and progress reports to the City Council and Artistry Board of Directors.~~

~~§ 2.98.33 MEMBERSHIP; QUORUM; TERMS; VACANCIES.~~

- ~~—(a) The Creative Placemaking Commission shall consist of nine members, six members appointed by the City Council and three members appointed by the Artistry Board.~~
- ~~—(b) At least five of the nine members shall be qualified voters and residents of the city.~~
- ~~—(c) Members may also be City Council members, Artistry Board members, city or Artistry staff or members of other city advisory commissions.~~
- ~~—(d) For the initial appointments in 2016, three of the Commission members shall be appointed for a one-year term; three of the Commission members shall be appointed for two-year terms, and three of the Commission members shall be appointed for three-year terms. Thereafter, all members shall be appointed for three-year terms, each of the said terms to expire on January 1, except that the members shall serve until their successors are appointed. Terms shall be staggered so that no more than three terms expire in any given year. Vacancies during the term of an appointed member shall be filled by the designated appointing authority for the unexpired portion of the term.~~
- ~~—(e) Service on the Commission shall be limited to six consecutive years. This six-year service limit does not apply to members who are city or Artistry staff members.~~
- ~~—(f) Members of the Commission shall serve until their term has expired and a successor has been appointed, or until their resignation, or until they have been removed from office by the appointing authority as set forth in the rules of procedure of the Commission. Members appointed by the City Council may be removed by a majority vote of the City Council; Members appointed by the Artistry Board may be removed by a majority vote of the Artistry Board. Vacancies shall be filled as provided in § 2.98.33(d).~~
- ~~—(g) If a member fails to attend three consecutive regular Commission meetings and such absences are unexcused, that member shall be deemed to have resigned. An absence shall be deemed excused if: 1) the absence was due to injury, illness, family emergency, or other important reason; and 2) the Commission member notified the responsible city staff member of the reason for the absence prior to the Commission meeting.~~

~~§ 2.98.34 RULES AND PROCEDURES.~~

- ~~—(a) The Creative Placemaking Commission shall prescribe its own time and place of meetings. All meetings of the Creative Placemaking Commission shall be open to the public. No member of the Creative Placemaking Commission who has a personal financial interest, directly or indirectly, in any matter coming before the Commission shall vote thereon. Violation of this section by any member of the Creative Placemaking Commission shall be a misdemeanor.~~
- ~~—(b) The Commission shall formulate rules of procedure to govern all other matters relating to the Commission such as officers and duties, dates and conduct of meetings, and other relevant matters including, but not limited to, amendment of the rules of procedure. The rules of procedure and any amendments thereto shall be submitted to the City Council for approval.~~

~~DIVISION G: SUSTAINABILITY COMMISSION~~

~~§ 2.98.40 ESTABLISHMENT.~~

~~—There is hereby established a board to be known as the Sustainability Commission, to be advisory to the City Council, and which Sustainability Commission shall be composed of and have the duties set forth in this Division G.~~

~~§ 2.98.41 PURPOSE.~~

~~—The purpose of the Sustainability Commission shall be to advise the City Council on policies and practices that relate to the sustainable use and management of environmental resources that include air, water, energy, land, and ecological resources, and waste. The Sustainability Commission will help to ensure that such resources will be sustained and continue to provide for a high quality of life for present and future generations of Bloomington.~~

~~§ 2.98.42 DUTIES AND RESPONSIBILITIES.~~

~~—The Sustainability Commission shall:~~

- ~~—(a) Collaborate with city staff to review, evaluate, develop, and advise the City Council on policies and practices regarding the sustainable use and management of environmental resources that include air, water, energy, land and ecological resources, and waste;~~
- ~~—(b) Act as change agent, coordinator and educator for policies, procedures and proposals that relate to environmental sustainability;~~
- ~~—(c) Engage with the Bloomington community and serve as a community liaison for issues, ideas, and proposals and provide appropriate feedback;~~
- ~~—(d) Cultivate relationships with residents, community groups, businesses, institutions of higher learning, faith-based organizations, outside government bodies, and non-governmental institutions;~~
- ~~—(e) Serve as a resource for other Bloomington Commissions, boards, committees, and task forces on any issues related to sustainability;~~
- ~~—(f) Adopt criteria and processes for making decisions about the use of resources and selection of sustainability projects;~~
- ~~—(g) Review sustainability proposals and make recommendations; and~~
- ~~—(h) Submit written annual work plans and progress reports to the City Council.~~

~~§ 2.98.43 MEMBERSHIP; QUORUM; TERMS; VACANCIES.~~

- ~~—(a) The Sustainability Commission shall consist of no more than nine members appointed by the City Council. The majority of the members shall be technical experts in one or more of the areas of sustainability and one seat shall be reserved for a City Council Member.~~
- ~~—(b) All nine members of the Sustainability Commission shall be residents of the City.~~
- ~~—(c) For the initial appointments in 2017, three of the members shall be appointed for a one-year term; three of the members shall be appointed for two-year terms, and three of the members shall be appointed for three-year terms. Thereafter, all members shall be appointed for three-year terms, each of the said terms to expire on January 1, except that the members shall serve until their successors are appointed. Terms shall be staggered so that no more than three terms expire in any given year.~~

- ~~—(d) Service on the Sustainability Commission shall be limited to six consecutive years. This six-year service limit does not apply to City Council members.~~
- ~~—(e) Each member shall serve until their term has expired and a successor has been appointed, until their resignation, or until they have been removed by a majority vote of the City Council. A vacancy shall be filled by the City Council for the unexpired portion of a term.~~
- ~~—(f) If a member fails to attend four consecutive regular meetings or misses more than 25% of the regular meetings during any 12-month period, that member shall be deemed to have resigned.~~

~~§ 2.98.44 RULES AND PROCEDURES.~~

- ~~—(a) The Sustainability Commission shall prescribe its own time and place of its meetings. No member of the Sustainability Commission who has a personal financial interest, directly or indirectly, in any matter coming before the Sustainability Commission shall vote thereon. Violation of this section by any member of the Sustainability Commission shall be a misdemeanor.~~
- ~~—(b) The Sustainability Commission shall formulate bylaws to govern all other matters relating to the Sustainability Commission such as officers and duties, dates and conduct of meetings, and other relevant matters including, but not limited to, amendment of the bylaws. The rules of procedure and any amendments thereto shall be submitted to the City Council for approval.~~

~~DIVISION H: RESERVED~~

~~DIVISION I: HUMAN RIGHTS COMMISSION~~

~~§ 2.98.60 ESTABLISHMENT.~~

- ~~—There is hereby established a commission to be advisory to the City Council to be known as the Human Rights Commission, which commission shall be organized and have the duties as set forth in this Division I.~~

~~§ 2.98.61 PURPOSE.~~

- ~~—The purpose of the Human Rights Commission shall be to aid and advise the City Council in ensuring for all citizens of the city equal opportunity in those areas protected by law and in such other affairs as may affect the social standards of the city.~~

~~§ 2.98.62 DUTIES AND RESPONSIBILITIES.~~

- ~~—The Human Rights Commission shall:~~
 - ~~—(a) Study and review programs and policies and aid the City Council in enlisting the cooperation of agencies, organizations and individuals in the city in an active program directed to create equal opportunity and eliminate discrimination and inequalities;~~
 - ~~—(b) Advise and aid the City Council in implementing such recommendations as may be appropriate to the city, including, but not limited to, such things as: (1) specific programs of public information regarding the statutory requirements of the Minnesota State Human Rights Act, being M.S. Chapter 363A, as it may be amended from time to time; (2) comprehensive studies and surveys of practices in the community; (3) programs of affirmative action to be developed with employers, the housing industry, the educational institutions and governmental~~

agencies; (4) programs of review to give and gain information regarding compliance with state requirements concerning equal opportunity; (5) programs designed to alleviate community tension; and (7) programs designed to create a genuine climate of community readiness to accept orderly and demonstrable change in eliminating barriers of equal opportunity.

~~—(c) Attempt to conciliate, within its authority, all grievances involving discrimination occurring within the city and make all appropriate reports to the City Council and State Department of Human Rights;~~

~~—(d) Advise the Bloomington Independent School District No. 271 on matters relating to human rights, in accordance with the resolution of the City Council adopted May 4, 1970;~~

~~—(e) Establish committees, as the Commission finds it to be necessary, in the following areas: (1) the various areas of concern under the State Human Rights Act (e.g., employment and housing); (2) public information; (3) legislation; and (4) liaison with other organizations including other city commissions and agencies.~~

~~—(f) Perform such other functions concerning human rights as the city may from time to time direct; and~~

~~—(g) Hold hearings and make recommendations to the City Council when a complaint is brought against a contractor for violation of §§ 2.100 to 2.104 of this code. Hearings for all contract compliance complaints shall be conducted in accordance with the procedures stated in § 2.104 of this code.~~

~~§ 2.98.63 MEMBERSHIP.~~

~~—(a) The Commission shall be composed of nine members, all of whom are residents of the city. If there are more than nine members on the Commission, no vacancies in membership positions shall be filled by the City Council until the Commission is composed of nine members. Two of the nine members shall be youth, as defined in § 2.69 of the city code.~~

~~—(b) The members of the Commission shall be appointed by the City Council after due consideration has been given the interest and commitment of such individuals to civil and human rights principles; to their knowledge in the fields of employment, housing, public accommodations, public services, education and other areas affected by the State Human Rights Act, being M.S. Chapter 363A, as it may be amended from time to time; to their ability to serve in a genuine leadership role in the community by virtue of their positions of responsibility in business and civic affairs; to adequate representation of the classes of persons protected under the State Human Rights Act; and to recommendations obtained from various sources including any local human rights committee.~~

~~—(c) Each youth member shall be appointed for a one-year term. All other members shall be appointed for two-year terms that are staggered in order to provide continuity of policy and program. In any one year no more than one-half of the terms may expire. No member shall serve more than six years, not including the time served filling the unexpired term of another.~~

~~§ 2.98.64 BYLAWS.~~

~~—The Commission shall formulate bylaws to govern all other matters relating to the conduct and operation of the Commission, such as officers and duties, dates and conduct of meetings, quorum and other relevant matters including, but not limited to, amendment of the bylaws. The bylaws of the Commission and any amendments thereto shall be submitted to the City Council for approval.~~

DIVISION J: RESERVED

DIVISION A: GENERAL PROVISIONS

§ 2.69 DEFINITIONS.

The following words and terms, when used in this Article V shall have the following meanings, unless the context clearly indicates otherwise.

ADVISORY. To advise the City Council with respect to municipal concerns.

COMMISSION. A body established by the City Council to advise the City Council on matters of municipal concern, to investigate subjects of interest to the city and to perform certain quasi-judicial functions. The term Commission includes all advisory boards and commissions established in this Article V.

INVESTIGATE. To investigate subjects of municipal concern.

QUASI-JUDICIAL. Possessing the right to hold hearings, make investigations and make recommendations based upon evidence, and where applicable, act upon applications as set forth in the city code.

YOUNG ADULT. A person who is between the ages of 16 years through 23 years of age and a resident of the City of Bloomington.

§ 2.70 COMMISSIONS.

(a) **Establishment.** The following commissions are established:

- (1) Advisory Board of Health;
- (2) Board of Review;
- (3) Creative Placemaking Commission;
- (4) Human Rights Commission;
- (5) Parks, Arts and Recreation Commission;
- (6) Planning Commission; and
- (7) Sustainability Commission.

(b) **Creation.** A commission may be established by a majority of the members of the City Council through an ordinance to the City Code that establishes the commission, and sets forth its purpose, duties, responsibilities, and membership.

(c) **Review.** The City Council shall periodically review the purpose, duties and responsibilities, membership and attendance requirements, and administrative procedures of each commission.

- (d) Elimination. A commission may be eliminated by a majority of the members of the City Council through an ordinance deleting reference to the commission in the City Code.

§ 2.71 FUNCTIONS.

- (a) A commission may have the following functions:
- (1) Advisory. The advisory function of a commission is accomplished by communicating to the City Council the viewpoint or advice of the commission.
 - (2) Investigative. The investigative function of a commission may be accomplished by study, review or examination of reports, materials or activities of a municipal concern within the scope of the particular commission, or as specifically directed by the City Council.
 - (3) Quasi-judicial. The quasi-judicial function may be accomplished by specific charge delineated by the City Charter or the City Code. Quasi-judicial functions are accomplished by holding hearings, receiving evidence or making investigations and, on the basis of this evidence, investigation or hearing, making a decision or taking action.

§ 2.72 COMMISSIONERS.

- (a) Residency. Each commissioner must be a resident of Bloomington except that up to four (4) of the nine (9) members of the Creative Placemaking Commission are not required to be residents of Bloomington.
- (b) Appointment Process.
- (1) Each commissioner shall be appointed by a majority of the members of the City Council, except that three (3) of the nine (9) members of the Creative Placemaking Commission shall be representatives of the Bloomington Theatre and Art Center.
 - (2) A commissioner removed from a commission pursuant to § 2.72 (i)(4) of this chapter may be reappointed to the same commission or any other commission twelve (12) months after the commissioner's removal.
 - (3) No full-time employee of the City of Bloomington shall be appointed to serve on a commission. No part-time, temporary or seasonal employee shall be appointed to a commission that addresses matters that relate to that employee's department or work assignments, except that a young adult member of a commission may be part-time, temporary or seasonal employees of the City in a position or department that relates to the scope of the commission's duties and responsibilities.
- (c) Terms.
- (1) Duration. Commissioner terms shall be three (3) years in duration, except that a member shall serve until a successor is appointed and qualified and except for designated young adult commission seats, which terms shall be twelve (12) months in duration.
 - (2) Staggering. The term on each commissioner shall be staggered so in any one (1) year, no more than one-half (1/2) of the terms on a commission may expire.
 - (3) Timing. Commission terms shall begin on January 1, except that Planning Commission terms shall begin on July 1 and young adult terms begin on September 1.
 - (4) Vacancies. A vacancy during the term of an appointed commissioner shall be filled by the City Council for the balance of the unexpired portion of the term.
- (d) Service Limits. No member may serve a consecutive period of more than six (6) years on a particular commission, except that a member may serve until a successor is appointed and qualified. No service limit shall apply to members of the Board of Review or to members of the City Council serving on a commission. When a person is appointed to a vacancy on a commission, the unexpired portion of the term for that year of appointment shall not be

counted in computing the maximum permitted service on a commission. Any commissioner may serve more than six (6) years on a particular commission provided there is at least a one (1) year separation period between the six-year consecutive period and the next term.

- (e) *Quorum.* A quorum for the transaction of commission business consists of a majority of the members appointed to the respective commission.
- (f) *Compensation.* Commissioners serve without compensation, but may be reimbursed for commission related expenses.
- (g) *Attendance.* A commissioner is automatically removed upon failing to attend at least 75% of the meetings of their commission held each year. A member must be present for at least two-thirds (2/3) of an entire commission meeting in order to qualify as having attended the meeting. Meeting attendance shall be measured on a calendar year for those commissioners whose terms begin on January 1 and measured in a twelve-month increment for those commissioners whose terms begin on dates other than January 1. For purposes of this subsection, a meeting is defined as a regular or study meeting of a commission and does not include a meeting of a committee or subcommittee of a commission. A commissioner must notify the City staff liaison for the commission in advance if unable to attend a commission meeting. No member shall be permitted to take a leave of absence from a commission.
- (h) *Conflicts of Interest.* No commissioner shall participate in a matter that affects the commissioner's financial interests or those of a business with which a commissioner is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation. A commissioner must disclose any conflict of interest in a matter before the commission and must abstain completely from direct or indirect participation in any matter in which the commissioner has a conflict of interest.
- (i) *Removal.* Any of the following can cause the removal of a commissioner:

 - (1) *Vote of City Council.* A commissioner may be removed with or without cause by a super majority vote of the City Council;
 - (2) *Attendance.* A commissioner may be removed for failing to comply with the attendance requirement;
 - (3) *Successive Absence.* A commissioner is automatically removed upon three (3) successive unnotified absences from a regular or study meeting of the commission;
or
 - (4) *Service Limits.* A commissioner is automatically removed upon reaching the service limits set forth in § 2.72 (d) of this chapter.

§ 2.73 COMMITTEES AND SUBCOMMITTEES.

To aid in the accomplishment of any of the functions set forth in § 2.71 of this chapter, a commission, after specific approval by the City Council, may establish committees or subcommittees made up of members of the commission or such additional persons as the commission may request. No committee or subcommittee may engage in activities, functions or duties outside the scope of authority granted to the commission by the City Council. Prior to approval by the City Council of the establishment of a committee or subcommittee to a commission, the commission shall submit a report to the City Council describing the reasons for requesting the establishment of the proposed committee or subcommittee.

§ 2.74 RELATION TO THE CITY COUNCIL.

- (a) Each commission shall inform the City Council of its activities and accomplishments through the following means:
 - (1) Providing the minutes of each commission meeting via web posting, electronic delivery or paper delivery;
 - (2) Providing the annual report and work plan of the commission. The City Council must review and approve the annual commission work plan; and
 - (3) When requested by the City Council or by the chairperson of the commission, having a joint meeting between the City Council and the commission to discuss past, current and future activities of the commission.

§ 2.75 CONDUCT OF MEETINGS.

- (a) Every city commission meeting shall be conducted by a chairperson who shall be responsible for coordinating preparation of the meeting agenda with the city staff liaison.
- (b) A secretary assigned from city staff shall attend every commission meeting and make a record of the meeting. Agendas for the commission meetings and minutes of the meetings shall be made available to the members of the City Council in a timely manner. The minutes of the commission meetings shall note the attendance of members of the City Council. A calendar of the meetings of each commission shall be sent to the City Council on an annual basis.
- (c) Each matter to be considered by a commission must be provided to the city staff liaison for that commission prior to being considered at a meeting of the commission.
- (d) Commission meetings shall not be held during regularly scheduled meetings of the City Council.

§ 2.76 RULES OF PROCEDURE.

Each commission shall formulate rules of procedure consistent with all applicable laws that govern matters relating to the commission including but not limited to meeting schedules and times, meeting locations, conduct of meetings, officers, and procedures. The rules of procedure and any amendments thereto shall be submitted to the City Council for approval.

§ 2.77 PROHIBITION.

Except where specifically authorized by the city code, a commission may not assume the role of an administrative or legislative body.

DIVISION B: ADVISORY BOARD OF HEALTH

§ 2.80.01 PURPOSE.

The purpose of the Advisory Board of Health shall be to research and evaluate issues of health and environment and to report to the City Council those issues which affect the city.

§ 2.80.02 DUTIES AND RESPONSIBILITIES.

The Board shall research, study, and evaluate issues concerning the health and environment of the city and shall advise the City Council of its activities and findings relating to the issues of health and environment of the residents of the city and shall recommend action when indicated.

§ 2.80.03 MEMBERSHIP.

The Board shall consist of seven (7) members. Four (4) members shall be providers of health services and three (3) members shall be consumers of health services.

DIVISION C: BOARD OF REVIEW

§ 2.81.01 PURPOSE.

The purpose of the Board of Review shall be to conduct hearings and to make final property classification and assessment determinations.

§ 2.81.02 DUTIES AND RESPONSIBILITIES.

- (a) The City Council hereby delegates to the Board of Review the following authority and duties:
 - (1) To conduct annual meetings and hearings as required to fulfill its duties hereunder;
 - (2) To determine whether taxable property in the city has been properly placed on the assessment list and properly valued by the City Assessor;
 - (3) To place omitted real or personal property on the assessment list with its market value;
 - (4) Upon application of a property owner or taxpayer, to review the classification of real or personal property and to correct it as appears just; and
 - (5) Upon application of a property owner or taxpayer to review the assessment of real or personal property and to decrease, sustain or increase market values as it appears just.
- (b) All determinations of the Board of Review are final in nature and the Board of Review shall act as the local Board of Appeal and Equalization for the city pursuant to § 7.04 of the City Charter.
- (c) A decision of the Board of Review shall be made within twenty (20) days of the date of the commencement of a Board of Review hearing, unless the time for decision has been extended as authorized by statute.
- (d) The decisions of the Board of Review are final and are appealable to the Hennepin County Board of Appeal and Equalization pursuant to the provisions of state law. Copies of the Board of Review decisions shall be sent to the Hennepin County Assessor.
- (e) The City Assessor shall report the decisions of the Board of Review to the City Council at the first regular City Council meeting after the Board of Review adjourns.

§ 2.81.03 MEMBERSHIP.

- (a) The Board shall consist of five (5) members appointed by the City Council.
- (b) All members shall have experience as an appraiser, realtor, real estate attorney or property manager, or be otherwise familiar with real estate valuation in the city. At least two (2) of the members shall have experience in commercial, industrial, or apartment valuation, or any combination thereof.

DIVISION D: CREATIVE PLACEMAKING COMMISSION

§ 2.82.01 PURPOSE.

The purpose of the Creative Placemaking Commission shall be to advise the City Council in the use of arts, design, culture, and creativity to help accomplish the city's goals for change, growth and transformation in a way that also builds character and quality of place in Bloomington.

§ 2.82.02 DUTIES AND RESPONSIBILITIES.

The Commission shall:

- (a) Establish strategies and approve work plans for the city's creative placemaking initiatives;

- (b) Promote and market placemaking activities in the city to residents, visitors, employers, developers, and the media;
- (c) Adopt criteria and processes for making decisions about the use of resources and selection of placemaking projects;
- (d) Cultivate relationships with project hosts and placemaking partner organizations;
- (e) Review placemaking proposals and make recommendations; and
- (f) Submit written annual work plans and progress reports to the City Council.

§ 2.82.03 MEMBERSHIP.

The Commission shall consist of nine (9) members, six (6) members appointed by the City Council and three (3) members shall be representatives of the Bloomington Theatre and Art Center. At least five (5) of the nine (9) members shall be residents of the city. A commissioner may also be a City Council member, a staff or board member of the Bloomington Theatre and Art Center, or a member of another city advisory commission.

DIVISION E: HUMAN RIGHTS COMMISSION

§ 2.83.01 PURPOSE.

The purpose of the Human Rights Commission shall be to aid and advise the City Council in ensuring for all citizens of the city equal opportunity in those areas protected by law and in such other affairs as may affect the social standards of the city.

§ 2.83.02 DUTIES AND RESPONSIBILITIES.

The Commission shall:

- (a) Study and review programs and policies and aid the City Council in enlisting the cooperation of agencies, organizations and individuals in the city in an active program directed to create equal opportunity and eliminate discrimination and inequalities;
- (b) Advise and aid the City Council in implementing such recommendations as may be appropriate to the city, including, but not limited to, such things as:
 - (1) specific programs of public information regarding the statutory requirements of the State Human Rights Act (Minnesota Statutes, Chapter 363A, as it may be amended from time to time);
 - (2) comprehensive studies and surveys of practices in the community;
 - (3) programs of affirmative action to be developed with employers, the housing industry, the educational institutions and governmental agencies;
 - (4) programs of review to give and gain information regarding compliance with state requirements concerning equal opportunity;
 - (5) programs designed to alleviate community tension; and
 - (6) programs designed to create a genuine climate of community readiness to accept orderly and demonstrable change in eliminating barriers of equal opportunity.
- (c) Attempt to conciliate, within its authority, all grievances involving discrimination occurring within the city and make all appropriate reports to the City Council and State Department of Human Rights;
- (d) Advise the Bloomington Independent School District No. 271 on matters relating to human rights, in accordance with the resolution of the City Council adopted May 4, 1970;
- (e) Establish committees, as the Commission finds it to be necessary, in the following areas:
 - (1) the various areas of concern under the State Human Rights Act;
 - (2) public information;
 - (3) legislation; and
 - (4) liaison with other organizations including other city commissions and agencies.

- (f) Perform such other functions concerning human rights as the city may from time to time direct; and
- (g) Hold hearings and make recommendations to the City Council when a complaint is brought against a contractor for violation of §§ 2.100 to 2.104 of this code. Hearings for all contract compliance complaints shall be conducted in accordance with the procedures stated in § 2.104 of this code.

§ 2.83.03 MEMBERSHIP.

- (a) The Commission shall be composed of nine (9) members. Two (2) of the nine (9) members shall be young adults.
- (b) The members of the Commission shall be appointed by the City Council after due consideration has been given the interest and commitment of such individuals to civil and human rights principles; to their knowledge in the fields of employment, housing, public accommodations, public services, education and other areas affected by the Minnesota State Human Rights Act; to their ability to serve in a genuine leadership role in the community by virtue of their positions of responsibility in business and civic affairs; to adequate representation of the classes of persons protected under the State Human Rights Act; and to recommendations obtained from various sources including any local human rights committee.

DIVISION F: PARKS, ARTS, AND RECREATION COMMISSION

§ 2.84.01 PURPOSE.

The purpose of the Parks, Arts, and Recreation Commission shall be to advise the City Council on matters relating to park infrastructure, recreation related facilities, park planning, park maintenance, parks and recreation programs, and cultural activities.

§ 2.84.02 DUTIES AND RESPONSIBILITIES.

The Commission shall:

- (a) *Parks and recreation programs.* The commission shall review and evaluate park and recreation programs and how these programs can and do fulfill the existing and future needs of the city. The Commission shall be knowledgeable of park and recreation standards and shall evaluate the park and recreation programs and how they meet these standards. The commission shall endeavor to foster equitable and compatible working relationships between the city and the Bloomington Independent School District No. 271 in the joint use of facilities as regard park and recreation programs.
- (b) *Long-range planning and development.* The commission shall review and evaluate parks, recreation and arts financing methods as they relate to needs. They shall study and evaluate future park plans for the city and shall plan for the continued maintenance and development of the city's existing park land.
- (c) *Revenue facilities.* The commission shall review, study and evaluate the use, operation and need for revenue facilities in the city such as the golf courses, swimming pools, and Bloomington Ice Garden.
- (d) *Cultural activities.* The commission shall study, review and evaluate existing and future programs and facilities in the area of cultural activities as an important additional source of recreation for the people and shall study how these programs and facilities meet the cultural needs of the community.

§ 2.84.03 MEMBERSHIP.

- (a) The Commission shall consist of seven (7) members, including at least one (1) young adult. A young adult member may remain on the commission in that capacity after age 23 if that member is a full-time student in an accredited post-secondary educational institution. The commissioner shall serve in a comprehensive fashion to evaluate the

recreational, cultural and leisure-time needs of the community and recommend alternative ways to meet those needs.

- (b) The commission may create standing committees in each of the four (4) areas designated in § 2.84.02. Commissioners may be evenly divided among the four (4) standing committees and, at the request of the commission, up to three (3) members of the general public may be appointed by the City Council to each of the standing committees.

DIVISION G: PLANNING COMMISSION

§ 2.85.01 PURPOSE.

The purpose of the Planning Commission shall be to advise the City Council on matters related to comprehensive planning, district planning, small area planning, zoning, development standards, development applications, subdivision, platting, variances, and transportation. The Planning Commission shall also make final decisions on applications, subject to appeal to the City Council, where expressly allowed under the city code.

§ 2.85.02 DUTIES AND RESPONSIBILITIES.

The Commission shall:

- (a) Hold hearings, review applications, make recommendations, and, where applicable, act upon applications as set forth in the city code;
- (b) Review and make recommendations on variance and appeal applications where such review is required of the Planning Commission by the city code;
- (c) Review and make recommendations on proposed amendments to zoning, subdivision and transportation provisions of the city code;
- (d) Review and make recommendations on proposed amendments to the Comprehensive Plan and district plans;
- (e) Review and make recommendations on transportation issues including transportation planning, street extensions and modifications, street layout and striping, on street parking, neighborhood traffic plans, transportation grant applications, transit systems, pedestrian ways and bicycle traffic; and
- (f) Other duties as may be assigned by the City Council or by State law.

§ 2.85.03 MEMBERSHIP.

The Planning Commission shall consist of seven (7) members.

§ 2.85.04 ZONING VARIANCES.

- (a) Purpose. Zoning variances provide a means to approve deviation from zoning requirements where practical difficulties exist because of conditions or circumstances unique to an individual property. The purpose of this section is to establish the procedures for requesting and the requirements for issuing a zoning variance.
- (b) Authority. The City Council shall serve as the board of appeals and adjustments pursuant to the provisions of Minnesota Statutes, §§ 462.354, subd. 2; 462.357, subd. 6; and 462.359, subd. 4, as they may be amended from time to time.
- (c) Where required. Prior to any City approval of an application that does not meet the standards of Chapters 19 or 21 of the city code, the City Council must approve a zoning variance unless the city code provides an alternative means of deviation.
- (d) Initiation. A variance application must be initiated by the owner of land upon which a variance is proposed. If originally denied, a variance application for the same item may not be resubmitted until one (1) year after the original denial.
- (e) Review. Zoning variances must be acted upon by the City Council. The Planning Commission must hold a public hearing and offer a recommendation on all zoning

variances except those that qualify for hearing examiner review under § 2.10 of the city code.

(f) *Conditions of approval.* The City Council may impose conditions in the granting of a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

(g) *Findings.*

(1) Zoning variances may only be approved when:

(A) The variance is in harmony with the general purposes and intent of the ordinance;

(B) The variance is consistent with the Comprehensive Plan;

(C) The applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties;

(D) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

(E) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

(F) The variance if granted will not alter the essential character of the locality.

(2) Sign size variances may only be approved when:

(A) The sign will have an appearance which will not adversely affect or detract from neighboring property.

(B) The sign will be of such size that it will not deter or affect the motoring public on roads or highways adjacent to the placement of the sign.

(C) That, because of the topographic and physical conditions of the land, structures, or surrounding built-up area, strict enforcement of Chapter 19 or 21 of this code would deprive the applicant of the reasonable use of a sign for the purpose of identifying his or her business to the public.

(3) Sign placement variances may only be approved when:

(A) The placement of the sign will not be at a location which will have an adverse effect in appearance, height or location on neighboring properties.

(B) The placement of the sign will not be at a location which will adversely affect, deter or detract the motoring public on adjacent streets or highways.

(C) Strict compliance with the provision of Chapter 19 or 21 of this code relating to the placement of signs would deprive the applicant of the reasonable use of the sign for such land or building.

(D) That, because of the topographic or physical conditions relating to the land, structure, or surrounding built-up areas, strict enforcement of the placement of a sign under Chapter 19 or 21 of this code would result in depriving the applicant of a reasonable placement of the sign on the land or building consistent with the purpose of the sign.

(4) Variances in the number of signs allowed may only be approved when:

(A) The surface area of the multiple signs does not exceed the surface area for the permitted signs as set forth in Chapter 19 or 21.

(B) The multiple signs will have an appearance and location which will not adversely affect or detract from neighboring property.

(C) The multiple signs will be of such size and location that it will not deter or affect the motoring public on roads or highways adjacent to the placement of the signs.

(D) That, because of the topographic and physical conditions of the land, structures, or surrounding built-up area, strict enforcement of Chapter 19 or 21 of this code would deprive the applicant of the reasonable use of signs for the purpose of identifying his or her business to the public.

(5) Variances in the duration of temporary signs may only be approved when:

- (A) The additional duration of display of the temporary sign will not unreasonably effect or detract from neighboring property.
 - (B) The additional duration of display of the temporary sign will not adversely effect, deter or distract the motoring public on adjacent streets or highways.
- (h) Recording. A certified copy of the resolution approving a zoning variance must be recorded with the county.
- (i) Expiration. See § 19.23.01 of the city code.
- (j) Use variance prohibited. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
- (k) Content. Zoning variance applications must include the following information, unless exempted by the Planning Manager:
 - (1) An application form and the signed consent of the property owner(s) or authorized representative.
 - (2) The required application fee (see city code § 21.502.01).
 - (3) Written documentation that includes:
 - (A) A complete project description;
 - (B) Specific provisions of the Zoning Code involved and the variance request details; and
 - (C) Why and how the request meets each of the variance findings in subsection (g) above.
 - (4) Scaled floor plan, site plan, and building elevations (where applicable).
 - (5) Certified survey showing the existing conditions on the property (if setback related).
- (l) Notice. In addition to the notice requirements set forward in city code § 21.502.01, if the application pertains to a variance within the Floodplain District, notice shall also be given to the Minnesota Department of Natural Resources at least ten (10) days prior to the date of the hearing.

§ 2.85.05 INTERPRETATION OF ZONING, PLATTING AND SUBDIVISION PROVISIONS.

- (a) Purpose. To provide a process through which applicants may appeal staff interpretation of provisions in Chapters 19, 21 and 22 of the city code.
- (b) Initiation. An interpretation appeal may be initiated by any party that disagrees with staff interpretation of provisions in Chapters 19, 21 and 22 of the city code.
- (c) Review. Interpretation appeals must be reviewed by the Planning Commission and acted upon by the City Council.
- (d) Findings. Interpretation appeals may only be approved:
 - (1) When the requested interpretation better matches the spirit and intent of the provision in question; and
 - (2) When the applicant has provided clear rationale supporting the alternative interpretation.
- (e) Content. Interpretation appeal applications must include the following information:
 - (1) An application form and the signed consent of the appealing party.
 - (2) A \$420 fee.
 - (3) Written documentation that includes:
 - (A) A description of the specific provisions that are being appealed;
 - (B) The interpretation requested by the applicant;
 - (C) A description of how the applicant's interpretation differs from staff's interpretation; and
 - (D) Rationale that supports the applicant's interpretation.

DIVISION H: SUSTAINABILITY COMMISSION

§ 2.86.01 PURPOSE.

The purpose of the Sustainability Commission shall be to advise the City Council on policies and practices that relate to the sustainable use and management of environmental resources that include air, water, energy, land, and ecological resources, and waste. The Sustainability Commission will help to ensure that such resources will be sustained and continue to provide for a high quality of life for present and future generations of Bloomington.

§ 2.86.02 DUTIES AND RESPONSIBILITIES.

The Commission shall:

- (a) Collaborate with city staff to review, evaluate, develop, and advise the City Council on policies and practices regarding the sustainable use and management of environmental resources that include air, water, energy, land and ecological resources, and waste;
- (b) Act as change agent, coordinator and educator for policies, procedures and proposals that relate to environmental sustainability;
- (c) Engage with the Bloomington community and serve as a community liaison for issues, ideas, and proposals and provide appropriate feedback;
- (d) Cultivate relationships with residents, community groups, businesses, institutions of higher learning, faith based organizations, outside government bodies, and non-governmental institutions;
- (e) Serve as a resource for other Bloomington commissions, boards, committees, and task forces on any issues related to sustainability;
- (f) Adopt criteria and processes for making decisions about the use of resources and selection of sustainability projects;
- (g) Review sustainability proposals and make recommendations; and
- (h) Submit written annual work plans and progress reports to the City Council.

§ 2.86.03 MEMBERSHIP.

The Sustainability Commission shall consist of nine (9) members. The majority of the members shall be technical experts in one (1) or more of the areas of sustainability and one (1) seat shall be reserved for a City Council member.

Section 2. That Chapter 2 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 2

ADMINISTRATION

ARTICLE II: ADMINISTRATIVE CODE

§ 2.10 APPLICANTS TO BE HEARD.

(b) An applicant meeting the criteria set forth in subsections (a)(1) through (a)(4) above may choose to apply directly to the Planning Commission pursuant to all the provisions of § ~~[2.98.01]~~ 2.85.04 of this code.

§ 2.12 HEARING PROCEDURES.

(d) *Appeal.* All parties aggrieved by the proceeding shall have the right to appeal the decision of the hearing examiner within three (3) days to the Planning Commission pursuant to the provisions of § ~~[2.98.01]~~ 2.85.04 of this code.

Section 3. That Chapter 12 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 12

PUBLIC PEACE AND SAFETY

ARTICLE II: NUISANCE CONDUCT AND CONDITIONS

DIVISION O: SMOKING PROHIBITED

§ 12.81 PROHIBITIONS.

(c) The prohibitions of this section do not apply to:

(1) Private residences. However, an area in which work is performed in a private residence is a place of work during hours of operation and subject to the smoking prohibition in this section if: (i) The homeowner uses the area exclusively and regularly as a principal place of business and has one or more on-site employees; or (ii) The homeowner uses the area exclusively and regularly as a place to meet or deal with patients, clients or customers in the normal course of the homeowner's trade or business.

(2) Motor vehicles. However, motor vehicles used in whole or in part for work purposes are places of work during hours of operation if more than one person is present and are subject to the smoking prohibition in this section.

(3) The use of tobacco as part of a traditional Indian spiritual or cultural ceremony;

(4) Sleeping rooms of hotels and motels which are rented to guests;

(5) Smoking shelters. Smoking shelters must comply with the performance standards for accessory buildings set forth in § 21.301.09 of the city code; provided that the maximum size of smoking shelters shall be 200 square feet and smoking shelters may be located in side yards.

Smoking shelters must be detached from principal buildings, be located more than 25 feet from entrances, exits, open windows and ventilation intakes of public places and places of work and be no more than 50% enclosed at any time. The percentage of enclosure is calculated based on the elevation area below the roof of all elevations. For calculation purposes, screens are not considered to be enclosures but louvers, windows and other solid materials qualify as enclosures. Consumption and service of food and alcoholic and nonalcoholic beverages is prohibited in smoking shelters. A proprietor may apply for a variance to the 25-foot distance requirement or

maximum size requirement for smoking shelters in accordance with § [~~2.98.01~~] 2.85.04 of the city code.

Section 4. That Chapter 19 of the City Code is hereby amended by deleting those words within brackets and [~~stricken through~~] and adding those words that are underlined, to read as follows:

CHAPTER 19

ZONING

ARTICLE V: PERFORMANCE STANDARDS

§ 19.63.05 TOWERS.

(r) *Variances*. The following standards apply to variance requests for towers, antennas or wireless telecommunication facilities.

(1) The City Council shall consider the following issues in addition to the variance findings required in § [~~2.98.01~~] 2.85.04.

ARTICLE IX: SHORE AREA REGULATIONS

§ 19.87.06 VARIANCES.

Variances from the provisions of this Article IX may be permitted in accordance with city code § [~~2.98.01~~] 2.85.04.

Section 5. That Chapter 21 of the City Code is hereby amended by deleting those words within brackets and [~~stricken through~~] and adding those words that are underlined, to read as follows:

CHAPTER 21

ZONING AND LAND DEVELOPMENT

ARTICLE II: DISTRICTS AND USES

DIVISION G: OVERLAY ZONING DISTRICTS

§ 21.208.01 FLOOD HAZARD (FH) OVERLAY DISTRICT.

(dd) *Variances*.

(1) *Variance Applications.* An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and § ~~[2.98.01]~~ 2.85.04 of the zoning ordinance/code.

§ 21.301.06 PARKING AND LOADING.

(m) *Parking and storage of vehicles and trailers in residential zones.*

(5) *Variances.* Variances from the dimensional limitations of this section may be granted in accordance with § ~~[2.98.01]~~ 2.85.04 and 2.10 of this code.

§ 21.301.10 HEIGHT.

(h) *Flexibility.* Flexibility to the requirements of this section may be granted by the City Council through the planned development approval process discussed in city code § 19.38.01 and through the variance process discussed in city code § ~~[2.98.01]~~ 2.85.04.

Passed and adopted this 22nd day of May, 2017.

/s/ Gene Winstead

Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson

Secretary to the Council

/s/ Melissa J. Manderschied

City Attorney