

MINUTES
PLANNING COMMISSION SPECIAL MEETING
December 13, 2007

MEMBERS PRESENT: Karen Waltman, Gary Brown, Dennis Landguth, John Brewer, Andrew Scull, Julie Gregg, Frank Etter, Ron Kroeger

OTHERS PRESENT: Marcia Elkins, Bob Dominicak, Joel Landeen, Kevin Lewis, Jonathan Smith, Jared Ball, Sharlene Mitchell

Call to Order

Elkins called the meeting to order at 11:34 a.m. Elkins stated that the meeting has been noticed as an informational meeting only therefore no quorum or formal action is required.

Exparte Communications

Landeen presented information addressing exparte communications, quasi judicial proceedings and due process. Landeen addressed the role of the "appearance of fairness" with regard to exparte communications. Landeen stated that outside communications with staff and the general public should be made public by attaching a written summary of the discussion to the on-line file. Landeen indicated that e-mails should also be attached to the on-line file.

Landeen addressed the anticipated changes to the State open record laws and the resulting impact on all City e-mails. In response to a question, Landeen stated that site visits should be noticed as a public meeting and include the entire Planning Commission. In response to a question from Brown, Landeen indicated that unaccompanied individual site visits should be disclosed at the public hearing to insure that the applicant and general public have the opportunity to respond to any concerns.

Landeen stated that written disclosure of all communications will enable them to be linked on-line making them available to everyone. Elkins addressed the current policy of disclosing exparte communications during the Planning Commission meeting to insure it is a part of the meeting record. Elkins indicated that the disclosure process would be further reviewed with the City Attorney's Office.

Discussion followed regarding disclosure of communications with City Council members, the applicant, staff and the general public.

Discussion followed regarding the process for securing the information required to allow the Planning Commission to render a decision.

Discussion continued regarding taking public discussion prior to bringing a motion to the floor and the impact the staff recommendation has on the Planning Commission action.

Elkins presented the request from Commissioner Derby to establish a written policy addressing ex parte communications and to post the policy on the City web site. Brewer recommended that the policy be made available to the applicant at the time of application. Discussion followed regarding the establishment of a written policy.

In response to a question from Brewer, Landeen indicated that an individual should abstain from discussing and voting on applications where a personal or financial relationship would hinder the individual's impartiality.

Scull requested that a Planning Commission training session be scheduled to address Tax Increment Financing.

Scull requested that the draft Ex Parte Communications Policy be placed on the January 24, 2008 meeting.

Adjourn

Elkins indicated that the Jurisdictional Boundaries discussion would be continued to the following Planning Commission meeting. There being no further business Landguth moved, Waltman seconded and carried unanimously to adjourn at 1:30 p.m.