



**ARLINGTON PLANNING & ZONING BOARD**

**February 6, 2020**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Approval of Agenda**
- 4. Approval of Meeting Minutes**
  - A. January 6, 2020
- 5. Public Hearings**
  - None
- 6. New Business.**
  - A. Code enforcement: Parking in yards
  - B. Sex offender Ordinance
  - C. Discussion of the Charlie Novosad property
  - D. Discussion on various permits and processes (administrative, land use, variance etc.)
  - E. Discussion of Nickel Property
  - F. Discussion of Northland Drying Interim Use Permit
  - G. Discussion of Scott Equipment Addition
- 7. Unfinished Business**
  - A. Discussion on Chef Craig's new restaurant located at 600 Sheila Drive.
  - B. Proposed Ordinance Establishing the B-3 Commercial/Industrial District
  - C. Simplifying zoning permits/Ordinance
- 8. Review Building Permit Reports**
  - A. None
- 9. Educational Information**
  - A. Council Meetings and Notice
- 10. Other/Updates**
- 11. Adjournment**



**ARLINGTON PLANNING & ZONING BOARD  
MEETING MINUTES**

**January 9, 2020**

**1. Call to Order**

The meeting was called to order at 7:00 p.m. by Councilmember Vice Chair Jennifer Nuesse.

**Members Present:** James Carlson, Councilmember Michelle Battcher, Darnell Halverson, Jennifer Nuesse, Brandon Brinkman, Joe Prasad

**Members Absent:** Janet Deno

**Staff Present:** Amy Newsom – Community Development Director

**Guests Present:** none

**2. All stood for the Pledge of Allegiance.**

**3. Oath of Office** – Brandon Brinkman and Joe Prasad received the Oath of Office.

**4. Election of Officers**

- a. **Chairperson** – Motion by Carlson, second by Battcher to nominate Jennifer Nuesse as Chairperson, motion carried.
- b. **Vice Chairperson** – Motion by Halverson, second by Battcher to nominate Jim Carlson, motion carried.
- c. **Secretary** – Motion by Nuesse, second by Halverson to nominate Janet Deno, motion carried.

**5. Approval of Agenda**

Motion by Carlson, second by Battcher to approve the agenda, motion carried.

**6. Approval of Meeting Minutes**

Nuesse introduced the minutes from December 30, 2019.

**A. December 30, 2019.**

Motion by Battcher, second by Carlson to approve the minutes, motion carried. Halverson abstained.

## **7. Public Hearings**

None

## **8. New Business.**

### **A. Discussion on Chef Craig's new restaurant located at 600 Sheila Drive.**

Newsom updated the Board on the project at 600 Sheila Drive. She informed Planning and Zoning that the project would require a variance. She was waiting for the signed application and hopes to have it on the February Planning and Zoning agenda for a public hearing.

Newsom also informed the committee that in reviewing the land use permit she noticed that there was not enough parking for guests to the restaurant and brought it to Council per the zoning ordinance. Council will allow the restaurant to use the Community Center parking if they put in a crosswalk between the Community Center parking and the restaurant.

## **9. Unfinished Business**

### **A. Proposed Ordinance Establishing the B-3 Commercial/Industrial District**

The Committee briefly discussed the history of the proposed B-3 ordinance and will wait to act on it until the new zoning staff is in place.

### **B. Simplifying zoning permits/Ordinance**

Newsom passed around samples of zoning permits from Le Sueur and Minnestrista. The committee liked the simplicity of Le Sueur's permit, but also the checklist from Minnestrista. The new staff member will work with P&Z on new permits.

Councilmember Battcher would also like the City to consider online building permits. The Committee would also like to see land and building use as two separate permits.

## **10. Review Building Permit Reports**

### **A. December**

Commission accepted the reports.

## **11. Other/Updates**

Commission would like educational opportunities in 2020. All members would like the opportunity to take the P&Z training offered by the League of Minnesota Cities. The Commission would also like the new staff to present on one new topic at each meeting.

## **12. Adjournment**

Motion by Battcher, second by Brinkman to adjourn the meeting at 7:46 pm. Motion carried.



## **ARLINGTON** **POLICE DEPARTMENT**

Office (507) 964-5200 FAX (507) 964-2737

108 Fourth Avenue N.W., Arlington, MN 55307  
(Mailing Address: 204 Shamrock Drive, Arlington)

6A

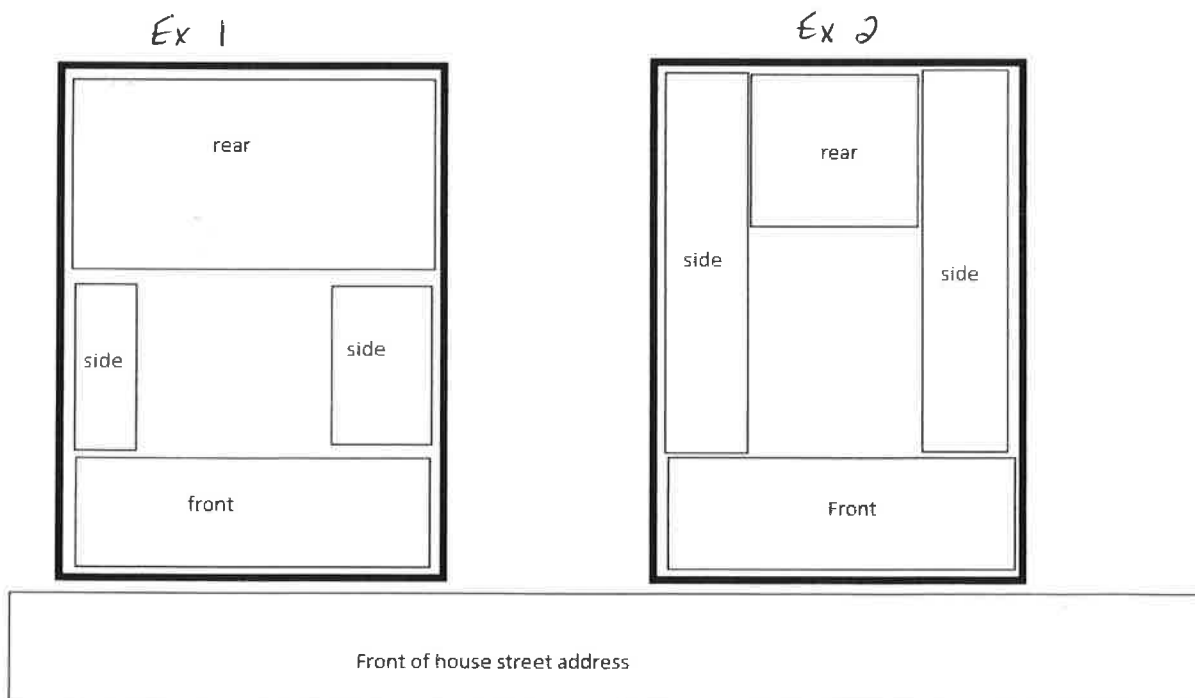
Arlington Police Department Directives

DATE 9-28-2019

### **Code Enforcement for Parking in yards .**

City Code 6 Nuisance violations related to parking is being reviewed. Parking is noted as allowed in the back yards on gravel/grass as long as the area parking pad is maintained free of long grass and weeds. And the parked vehicle meets other code regulations.

The "parking areas" are being evaluated by the city Council to better describe the REAR yard and SIDE yards of lots.



As of this date, the enforcement of parking in rear and side yards will be limited to the determination of weeds, grass height, vehicle condition(expired reg, flat tires, junk vehicle, race/derby car, number of vehicles in yard Ect) Not to be base solely on rear or side locations.

Parking on the grass is not allowed in the front yard in either diagram above.

**Process will be as follows**

An ICR will be generated to detail any noted violation.

Photos will be taken of the violation and added to LETG Media

A summary will be typed detailing the same observations and actions of the officer and a initial warning will be issued if this is the first violation of the address where the violation was noted. (if the address has received previous warnings for the same violation the previous year the officers will have discretion in issuing a second warning or a citation either administratively or state.

The Officer will have discretion in working with the property owner regarding the cleanup process of any of the nuisance violations but should make notations in the associated case ICR detailing the arrangements and times given.

A handwritten signature in black ink, appearing to read "John Petterson", is written over a horizontal line.

Chief of Police  
John Petterson







**ORDINANCE NO. \_\_\_\_\_**

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO  
PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY  
ORDAIN AS FOLLOWS:

That the following section will be added to the City Code, Chapter 31, Zoning:

**SECTION 29: RESTRICTIONS ON THE RESIDENCY OF PREDATORY OFFENDERS WITHIN  
CITY LIMITS.**

**Subdivision 1. Findings and Intent**

It is the intent of this article to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

**Subdivision 2. Definitions**

A. Designated offender means any person who is a Risk Level III predatory sex offender as defined under Minnesota Statute 244.052.

B. Permanent residence means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.

C. Temporary residence means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

**Subdivision 3. Sexual Predator Residence Prohibitions**

A. Prohibited location of residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence: a) within 2,000 feet of any school, licensed day care center, park, ball park, public trail or playground; or b) within 1,000 feet of any designated public school bus stop, place of worship which provides regular educational programs (i.e. Sunday school), or other places where children are known to congregate.



B. Prohibited activity. It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on, or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph.

#### **Subdivision 4. Measurement of distance**

For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence of the designated offender to nearest outer property line of a school, designated public school bus stop, day care center, park, playground, place of worship, or other place where children regularly congregate.

#### **Subdivision 5. Exceptions**

A designated offender residing within a prohibited area as described in this section does not commit a violation of this section if any of the following apply:

- A. The person was a minor when he/she committed the offense and was not convicted as an adult.
- B. The person is a minor.
- C. The school, designated public school, bus stop, or day care center within 2,000 feet of the person's permanent residence was opened after the person established the permanent residence or temporary residence, and reported and registered the residence pursuant to Minnesota Statute 243.166 or 243.167.
- D. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse, or children.

#### **Subdivision 6. Property Owners Prohibited from Renting Real Property to Certain Sexual Offenders**

- A. It is unlawful to let or rent any place, structure, or part thereof, mobile home, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this section, if such place, structure or part thereof, mobile home, trailer or other conveyance, is located within a prohibited location zone described in this section.
- B. If a property owner discovers or is informed that a tenant is a designated offender after signing a lease or otherwise agreeing to let the offender reside on the property, the owner or property manager must evict the offender.

**Subdivision 7. Violations and Penalties**

Any violation of this section shall be subject to the penalties and enforcement actions under City Code: Chapter 31, Section 28.

**This ordinance shall become effective immediately upon publication.**

For City of Arlington

\_\_\_\_\_  
By Richard Nagel  
Its Mayor

\_\_\_\_\_  
By Amy Newsom  
Its City Administrator

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Published: \_\_\_\_\_



## HANDBOOK FOR MINNESOTA CITIES

# Chapter 7 Meetings, Motions, Resolutions, and Ordinances

*Review requirements city councils must follow when conducting meetings and public hearings, such as the open meeting law and its exceptions, taking and publishing minutes, and rules of order. Learn when to use a motion, resolution, or an ordinance to do city business and the procedures required for each. Links to various sample resolutions, ordinances, a notice of hearing, and a notice of proposed ordinance.*

### RELEVANT LINKS:

See LMC information memo, [Meetings of City Councils](#), for more information.

[Minn. Stat. § 412.191, subd. 2.](#)

[Minn. Stat. § 13D.04, subd. 1.](#)  
[Minn. Stat. § 645.44, subd. 5.](#)

[Minn. Stat. § 13D.04, subd. 2.](#) [Minn. Stat. § 412.191, subd. 2, \*Elseth v. Hille\*](#), No A12-1496 (Minn. Ct. App. May 13, 2013) (unpublished opinion). DPO 10-013, DPO 04-004. See I-B-2-*Notice to the public*.

## I. Types of council meetings and notice requirements

The city council exercises its authority when it meets as a group. Under state law, there are certain requirements for council meetings.

### A. Regular meetings

State law does not govern the time, place, or frequency of council meetings. Regular meetings of the council, however, must be held at times and places established by council rules. Councils typically meet once or twice a month in the city hall or at another public place in the city.

The council must keep a schedule of its regular meetings on file at its primary office. The council should also set an alternate meeting day for any regular meeting days that fall on a legal holiday. If the council decides to hold a meeting at a different time or place from that stated in its schedule of regular meetings, it generally must give the notice required for a special meeting.

### B. Special meetings

A special meeting of the council refers to any meeting at a time or place different from that stated in the council's schedule of regular meetings. The council may transact any business within its powers at a special meeting if proper notice has been provided. The commissioner of the Minnesota Department of Administration has advised that a city council should not discuss or decide topics that have not been included as the stated purpose of a special meeting in the notice to the public. All statutory provisions governing regular meetings, including the open meeting law, apply to special meetings.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

## RELEVANT LINKS:

Minn. Stat. § 412.191, subd. 2.

Minn. Stat. § 13D.04, subd. 2.

Minn. Stat. § 412.191, subd. 2.  
A.G. Op. 471-e (Jan. 22, 1957).  
Minn. Stat. § 13D.04, subd. 7.

Minn. Stat. § 13D.04, subd. 2.

*Rupp v. Mayasich*, 533 N.W.2d 893 (Minn. Ct. App. 1995).

Minn. Stat. § 13D.04, subd. 2 (b), (c).

See LMC information memo, *Newspaper Publication*, for more information.

Minn. Stat. § 331A.05, subd. 7.

Minn. Stat. § 645.15. *In re Appeal from an Order of Lake Valley Twp. Bd.*, 305 Minn. 488, 234 N.W.2d 815 (Minn. 1975).

Special meetings may be called by the mayor or by any two members of a five-member council or three members of a seven-member council. Special meetings are called by filing a written statement with the city clerk. Home rule charter cities may have different requirements for special meetings.

Unless otherwise expressly established by statute, the following notice requirements apply to all special meetings.

### 1. Notice to the council

When a special meeting has been called, the clerk must mail a notice to all councilmembers, at least one day before the meeting, stating the time and place of the meeting. If all the councilmembers attend and participate in the meeting, the notice requirements will be considered to have been satisfied. In addition, if a person receives actual notice of a meeting at least 24 hours before the meeting, all notice requirements under the open meeting law are satisfied regardless of the method of receipt.

### 2. Notice to the public

The clerk also must post written notice of the date, time, place, and purpose of the special meeting on the city's principal bulletin board at least three days before the meeting. A principal bulletin board must be located in a place reasonably accessible to the public. If the city does not have a principal bulletin board, the notice must be posted on the door of its usual meeting room.

In addition to posting notice, the city must also mail or deliver notice to each person who has filed with the city a written request for notice of special meetings. Notice to these individuals must be mailed or delivered at least three days before the meeting. As an alternative to mailing or delivering the notice, the city may publish the notice once in its official newspaper at least three days before the meeting. If there is no official newspaper, notice must be published in a qualified newspaper of general circulation that covers the city. If, through no fault of the city, an error occurs in the publication of a notice, the error generally does not impact the validity of a public meeting.

In calculating the number of days for providing notice, the first day the notice is given should not be counted, but the last day should be counted. But if the last day is a Saturday, Sunday, or a legal holiday, that day is omitted from the calculation and the following day is considered the last day. For example, if a special meeting is scheduled for a Thursday, notice must be given by Monday at the latest to meet the three-day notice requirement.

## RELEVANT LINKS:

Minn. Stat. § 13D.04, subd. 2 (d).

Minn. Stat. § 13D.04, subd. 2 (e), (f).

A.G. Op. 63a-5 (Aug. 28, 1996).  
DPO 16-005.

DPO 13-015.

Minn. Stat. § 13D.04, subd. 3, DPO 06-027 (advising that the city council improperly held an emergency meeting to consider complaints about the city's building inspector). *Slippy v. Rach*, No C5-06-3574 (9th Jud. Dist. June 8, 2007) (after the commissioner issued the advisory opinion, the district court held that the city council's decision to hold the emergency meeting complied with the open meeting law).

In this example, Tuesday is day one, Wednesday is day two, and Thursday is day three. Monday is not included in the time computation. Similarly, if a special meeting is planned for Monday, notice must be given by Friday at the latest; Saturday is day one, Sunday is day two, and Monday is day three. Saturday and Sunday are included in the time computation since they are not the last day of the fixed period.

A person filing a written request for notice of special meetings may limit the request to notification of special meetings that cover a particular subject. In this case, the city only needs to send notice of special meetings addressing those subjects.

Cities may set an expiration date for written requests for notices of special meetings, and require people to refile a request once each year. The city must notify each person of the requirement not more than 60 days before the refiling is due.

If a council committee or other public body meets and a quorum of city councilmembers attends and observes the meeting, the city most likely does not need to give additional notice of a special city council meeting if proper notice of the committee or other public meeting has been given. If councilmembers participate in discussions or deliberations during the meeting of the committee or other public body, however, an additional separate notice of a special city council meeting may be required.

The commissioner of the Minnesota Department of Administration has advised that when a town board changed the time and location of a meeting on the same day it was scheduled to occur, the town board violated the open meeting law by failing to provide the required three-day notice for a special meeting. The town board had changed the time and place of the meeting due to the weather and the lack of air conditioning in the town hall meeting room.

## C. Emergency meetings

An emergency meeting is a special meeting called by the council due to circumstances that, in its judgment, require immediate council consideration. The procedure for notifying councilmembers of emergency meetings is the same as that for special meetings. The public notice requirements, however, are different. The council must make good-faith efforts to provide notice of the emergency meeting to all media that have filed a written request for notice. Notice must be by telephone or by any other method used to notify councilmembers. The notice must include the subject of the meeting. A published or posted notice is not necessary.



## RELEVANT LINKS:

[Minn. Stat. § 13D.04, subd. 3\(f\).](#)

See section II-F for more information about the specific exceptions that authorize certain closed meetings. [Minn. Stat. § 13D.04, subd. 5.](#)

[Minn. Stat. § 412.02, subd. 2.](#)  
[Minn. Stat. § 205.07, subd. 1a.](#)

[Minn. Stat. § 412.831.](#) [Minn. Stat. § 331A.02.](#) See also LMC information memo, *Newspaper Publication*, for more information.

[Minn. Stat. §§ 427.01-.12.](#)  
[Minn. Stat. § 118A.02, subd. 1.](#)

[Minn. Stat. § 412.121.](#)

[Minn. Stat. § 424A.04, subd. 1.](#)

If matters not directly related to the emergency are discussed or acted upon at an emergency meeting, the meeting minutes must include a specific description of them.

## D. Closed meetings

A closed meeting is a meeting of a public body that the public is not allowed to attend. A public meeting only may be closed if it meets the requirements of one of the specific exceptions listed in the open meeting law. The same notice requirements that apply to open meetings also apply to closed meetings. For example, if a closed meeting takes place at a regular meeting, the notice requirements for a regular meeting apply. Likewise, if a closed meeting takes place at a special meeting or an emergency meeting, the notice requirements for a special meeting or emergency meeting apply.

## E. Annual meeting (first meeting of the year)

At its first meeting of the year, sometimes referred to as the annual meeting, the council must perform certain functions. State law does not set a date for the annual meeting, but council bylaws usually establish when it will occur. The annual meeting usually takes place on or shortly after the first Monday in January, which is when the terms of new councilmembers begin. At this first meeting, the council must:

- Designate a newspaper of general circulation as its official newspaper in which the city will publish ordinances and other matters as required by law.
- Select an official depository, by resolution, for city funds. This must be done within 30 days of the start of the city's fiscal year.
- Elect an acting mayor from among the councilmembers. The acting mayor shall perform the duties of the mayor during the mayor's disability or absence from the city, or, if there is a vacancy, until a successor has been appointed.

Councils should also, on at least an annual basis:

- Review different council appointments to city boards and commissions. For example, the council must appoint one elected city official and one elected or appointed city official to serve with the city's fire chief on the board of trustees for a city fire department's volunteer relief association.
- Review the council's bylaws and rules of order, and make any necessary changes. An ordinance amendment is necessary if the bylaws are in ordinance form; otherwise a resolution or motion is sufficient.

## RELEVANT LINKS:

Minn. Stat. § 412.111.

- Assign committee duties to members.
- Approve official bonds that have been filed with the clerk.

## F. Adjourned meetings

City officials often use the terms “adjourned,” “continued,” and “recessed” interchangeably when referring to meetings that are postponed to a future time for lack of a quorum, for convenience, or to complete pending business from a regular meeting.

Minn. Stat. § 412.191, subd. 1.

Although a quorum (majority of a city council in statutory cities) is necessary to conduct business, less than a quorum may adjourn or postpone a regularly organized meeting to a fixed, future time. When the council calls an adjourned meeting to complete pending business, the adjournment should be treated as a recess.

Minn. Stat. § 13D.04, subd. 4.

If the date, time, and place of the adjourned, continued, or recessed meeting are announced at the previous meeting and the information is recorded in the meeting minutes, no additional public notice is necessary. Otherwise, the notice required for a special meeting is necessary.

## G. Meetings conducted by interactive television

Minn. Stat. § 13D.02, DPO 08-034.

A city council meeting may be conducted by interactive television in compliance with the open meeting law if all four of the following requirements are met:

- At least one councilmember is physically present at the regular meeting location.
- All councilmembers must be able to hear and see each other and all discussion and testimony presented at any location at which at least one councilmember is present.
- All members of the public at the regular meeting location must be able to hear and see all discussion, testimony, and votes of all councilmembers.
- Each location at which a councilmember is present must be open and accessible to the public.

Minn. Stat. § 13D.02 subd. 1(b).

However, a meeting satisfies the requirements of the open meeting law even though a member of the public body participates from a location that is not open to the public if:

- The member is serving in the military and is at a required drill, deployed or on active duty; and
- The member has not participated more than three times in a calendar year from a location that is not open to the public.

## RELEVANT LINKS:

Minn. Stat. § 13D.02.  
Minn. Stat. § 13D.04.

Minn. Stat. § 13D.02, subd.  
5.

DPO 13-009.

Minn. Stat. § 13D.021, subd.  
1.

If possible, a member of the public should be allowed to monitor the meeting electronically from a remote location.

If interactive television is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice of any site where a member of the public body will be participating by interactive television. The minutes for a meeting that included members appearing via interactive television must reflect the names of any members appearing by interactive television and state the reason or reasons for the appearance by interactive television.

The timing and method of providing notice will depend on whether the meeting is a regular, special, or emergency meeting.

The open meeting law does not provide a definition for the term “interactive television.” Therefore, it is not clear what technology is authorized to be used under this authority. Although school boards have express authority to use “interactive technology with an audio and visual link” to conduct a meeting if all of the other requirements for interactive television are satisfied, city councils do not have similar authority.

However, the commissioner of the Minnesota Department of Administration has advised that a city council meeting, where a city councilmember participated through Skype while physically present at a remote location outside Minnesota, complied with the statutory authority for conducting meetings through interactive television. After the meeting occurred, a newspaper article suggested that the meeting violated the open meeting law because the councilmember’s remote location was not accessible to the city’s residents.

The advisory opinion noted that the meeting met each of the four requirements in the statute authorizing meetings using interactive television and reasoned that the plain language of the statute does not forbid a member of a public body from attending a public meeting at a location open and accessible to the public outside of the entity’s geographic area, as long as all other conditions of the statute are met.

## H. Telephone or electronic meetings

Meetings may be conducted by telephone or by other electronic means if all of the following conditions are met:

- The presiding officer, chief legal counsel, or chief administrative officer for the affected governing body determines that an in-person meeting or a meeting conducted through interactive television is not practical or prudent because of a health pandemic or an emergency declared under chapter 12 of the Minnesota Statutes.

## RELEVANT LINKS:

Minn. Stat. § 13D.021, subd. 2.

Minn. Stat. § 13D.021, subd. 3.

Minn. Stat. § 13D.021, subd. 4.  
Minn. Stat. § 13D.04.

See section I-F for more information on adjourned meeting.

- All members of the governing body participating in the meeting can hear each other and can hear all discussion and testimony.
- Members of the public present at the regular meeting location can hear all discussion, testimony, and votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration.
- At least one member of the governing body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the health pandemic or emergency declaration.
- All votes are conducted by roll call so that each member's vote on each issue can be identified and recorded.

Each member of the governing body participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

If telephone or another electronic means is used to conduct a meeting, to the extent practical, the governing body shall allow a person to monitor the meeting electronically from a remote location. The governing body may require the person making a connection to pay for the documented, additional cost incurred as a result of the additional connection.

If telephone or another electronic means is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and, if practical, of the option of connecting to the meeting remotely.

The timing and method of providing notice will depend on whether the meeting is a regular, special, or emergency meeting.

## I. Public Hearings

A public hearing is a meeting that is held where members of the public can express their opinions regarding a particular issue. The council is there to regulate the hearing and make sure that people who want to speak get an opportunity to do so. The council does not deliberate or discuss matters during the public-hearing portion of a meeting; instead, it listens to the public. Once the public-comment period is finished, the council will often end the meeting. To continue a public hearing, the council should not formally end the public-comment part of the hearing and should state the date, time, and place of the continued public hearing and record this information in the meeting minutes.

## RELEVANT LINKS:

[Minn. Stat. § 412.851.](#)  
[Minn. Stat. § 414.033, subd. 2b.](#)  
[Minn. Stat. § 429.031, subd. 1.](#)  
[Minn. Stat. § 429.061.](#)  
  
[Minn. Stat. § 444.18, subd. 3.](#)  
  
[Minn. Stat. § 469.003, subd. 2.](#)  
[Minn. Stat. § 469.093, subd. 1.](#)  
[Minn. Stat. § 469.065, subd. 2.](#)  
[Minn. Stat. § 469.105, subd. 2.](#)  
[Minn. Stat. § 469.107, subd. 2.](#)  
[Minn. Stat. § 340A.602.](#)  
[Minn. Stat. § 275.065, subd. 3.](#)  
[Minn. Stat. § 462.357, subd. 3.](#)  
[Minn. Stat. § 462.358, subd. 3b.](#)  
[Minn. Stat. § 462.3595, subd. 2.](#)  
[Minn. Stat. § 410.12, subd. 7.](#)  
[Minn. Stat. § 462.355, subd. 4\(c\).](#)

There are two types of hearings, those that are discretionary and are held because the public body chooses to do so and those that are mandatory and are held because they are required by a specific statute, ordinance, or charter provision.

### 1. Discretionary hearings

Many city councils will hold public hearings even when they are not legally required to do so. Generally, hearings of this type allow the public to comment on a specific issue. Such hearings can be helpful in raising concerns about an issue that the council may not have considered.

### 2. Required hearings

When a specific statute, ordinance, or charter provision requires the council to hold a public hearing, any notice requirements must be followed. For example, required hearings for zoning ordinance amendments and for the consideration of proposed special assessments have special notice requirements. There are other situations that may require a public hearing. Contact the League if you are unsure about a specific situation.

Here are some required public hearings:

- Street vacation.
- Annexation by ordinance.
- Approval of local improvement project to be paid for with special assessments.
- Consideration of proposed special assessments.
- Purchase and improvement of waterworks, sewers, drains, and storm sewers by storm sewer improvement districts.
- Adoption of a resolution establishing a housing redevelopment authority.
- Adoption of a resolution establishing an economic development authority.
- Sale of port authority land.
- Sale of EDA land.
- Increase of EDA levy.
- Continuation of a municipal liquor store after a net loss for two of three consecutive years.
- Truth in taxation.
- Adoption or amendment of zoning ordinance.
- Subdivision applications.
- Conditional use permits.



## RELEVANT LINKS:

[Minn. Stat. § 645.44, subd. 5.](#)

See [Proclamation, Governor Mark Dayton, State of Minnesota, Oct. 8, 2018](#) (recognizing the second Monday in October as Indigenous Peoples Day).  
Note: State statute refers to this holiday as Columbus Day.

[Minn. Stat. § 645.44, subd. 5.](#)

[Minn. Stat. § 645.44, subd. 5.](#)

[Minn. Stat. § 645.15](#), See Section I-B-2 for more information about notice for special meetings.

[Minn. Stat. § 204C.03](#),  
[Minn. Stat. § 202A.19](#).

- Adoption of a charter amendment by ordinance.
- Adoption of interim ordinance that regulates, restricts, or prohibits a housing proposal.

## J. Days and times when meetings cannot be held

State law establishes a set of public holidays when no public business can be transacted, except to deal with emergencies. The transaction of public business includes conducting public meetings. The public holidays are:

- New Year's Day (Jan. 1).
- Martin Luther King's Birthday (the third Monday in January).
- Washington's and Lincoln's Birthday (the third Monday in February).
- Memorial Day (the last Monday in May).
- Independence Day (July 4).
- Labor Day (the first Monday in September).
- Christopher Columbus Day (the second Monday in October).
- Veterans Day (Nov. 11).
- Thanksgiving Day (the fourth Thursday in November).
- Christmas Day (Dec. 25).

All cities have the option, however, of deciding whether Christopher Columbus Day and the Friday after Thanksgiving shall be holidays. If these days are not designated as holidays, public business may be conducted on them.

If a holiday falls on a Saturday, the preceding Friday is considered to be a holiday. If a holiday falls on a Sunday, the next Monday is considered to be a holiday.

State law does not prohibit meetings on weekends. However, state law regulating how time is computed for the purpose of giving any required notice provides that if the last day of the notice falls on either a Saturday or a Sunday, that day cannot be counted. For example, if notice for a special meeting to be held on a Saturday or Sunday is required, the third day of that notice would need to be provided on the preceding Friday.

Minnesota election law provides that meetings are prohibited between 6 p.m. and 8 p.m. on any election day, including a local general or special election.

Therefore, if a school district is holding a special election on a particular day, no other unit of government totally or partially within the school district may hold a meeting between 6 p.m. and 8 p.m. Meetings are also prohibited after 6 p.m. on the day of a major political precinct caucus.