MINUTES OF THE PROCEEDINGS OF THE PLANNING COMMISSION OF THE CITY OF STACY IN THE COUNTY OF CHISAGO AND THE STATE OF MINNESOTA PURSUANT TO DUE CALL AND NOTICE THEREOF

REGULAR MEETING
SEPTEMBER 18, 2012, 7:00p.m.
STACY CITY HALL

Call to Order

The Planning Commission was called to order by Chair Mark Ness at 7:00pm. Chair Mark Ness announced that alternate Tony Olivolo will be a full voting member in the absence of the full regular commission. Alternate Utecht will discuss but not vote.

Roll Call

Present: Mark Ness, Jim Ness, Dan Winberg, and Jim Clay
Present Alternates: Tony Olivolo, and Mark Utecht
Absent: Jim Kultala
Absent Alternates: None
Others Present: Jack Kramer, Chuck Schwartz, Peter Grundhoefer, Jeff Selvog, Brad Davis, and Jeff Allen

Additions to the Agenda

Additions to the agenda:
Outside Furnaces
Motion by Jim Ness. Second by Tony Olivolo to approve the agenda as amended. Jim Ness, Tony Olivolo, Jim Clay, Dan Winberg, and Mark Ness voted yes. Chair Mark Ness declared the motion carried.

Approval of Minutes

Motion by Jim Ness to approve the minutes as presented. Second by Jim Clay. Jim Ness, Jim Clay, Dan Winberg, Tony Olivolo, and Mark Ness voted yes. Chair Mark Ness declared the motion carried.

Public Hearings

Public Hearing – Hockey Arena Subdivision 7:05-7:10pm

Chair Mark Ness recessed the Planning Commission meeting and opened the Public Hearing from August 8, 2012, continued to August 21, 2012. He then recessed the public hearing again stating that there is no preliminary plat to review at this time. The public hearing was recessed until October 16, 2012, at 7:05pm. Chair Mark Ness reopened the Planning Commission meeting.

New Business

Sale of Produce on City Property

Mr. Grundhoefer stated that if allowed in the zoning code then those selling on city property may be considered a legal nonconforming use and may have the right to do it indefinitely.

There are several things to consider regarding the sale of produce on city property:

- Require a permit different than regular peddler license.
- What kind of liability issues does the city have if they allow sale on city property?
- No restrictions if they are selling their own produce on their own property.
- Require a permit if someone else is selling on private property or city property if the property owner did not grow the produce.
- Can a geography boundary be placed on how far the produce came from when sold in Stacy?
- Would like to promote grown local, sold local.
- Where should it be allowed in the city, concern re parking, conflict with other events, etc.

It was decided that the commission would review the requirements for a peddler's license for discussion at the next meeting.

Old Business:

A1 Tire Storage

This item handled out of order by Jim Ness. Second by Tony Olivolo, and carried.

Jeff Selvog and Brad Davis of A1 Tire were present to discuss their application for an amendment to their conditional use permit.

Mr. Selvog stated that he can't operate his business without the additional storage the trailer accommodates.

The Planning Commission member's had to decide if the trailer is operational, if it is it is a trailer and not a storage building, the tire on top of the trailer makes it a storage building.

The city code reads: 153.095 Signs; Vehicles and trailers used primarily as static displays, advertising a product or service, or utilized as storage, shelter or distribution points for commercial products or services for the general public.

Static is defined as:
1. pertaining to or characterized by a fixed or stationary condition.
2. showing little or no change
3. lacking movement, development, or vitality

Member Ness stated that the trailer is moveable, it may end up parked in the same place at times, argues this is not static.

Member Clay said that his only concern was that the commission is very careful in documenting their reasoning for the decision; or we open the door for other exceptions.

The question was posed to the commission – does everyone agree that it is a trailer and not an accessory structure? The members concurred unanimously that it was a trailer, it can move. Because this is a trailer and not an accessory building no change in the conditional use permit is required regarding the trailer. However, the tire has to come off the top. Since it is a trailer and can be moved the signage is legal and doesn't count against the total signage allowed for the property.

Regarding the tire storage rack:
Recommend that the storage rack be screened from view. The commission said the screening needs to be complete by June 30, 2013.

Motion by Ness to recommend to the city council:

1. No additional outdoor storage, they have a trailer.
2. Since it's a trailer the signage on the trailer does not count against their property signage total.
3. Tire on the trailer has to be removed
4. The outdoor storage rack has to be screened by June 30, 2013.

Second by Tony Olivolo. Members Jim Ness, Tony Olivolo, Jim Clay, Dan Winberg, and Mark Ness voted yes. Chair Mark Ness declared the motion carried.

Chair Mark Ness expressed concern regarding "static."

Garages/Mini-Storage in the Mobile Home Park

This item handled out of order by motion of Mark Ness. Second by Jim Ness and carried.

Jeff Allen from the mobile home park met with the fire chief today and he indicated that the fire chief was agreeable to six feet from your home, and ten feet from a neighbor for the garage setbacks as long as the garage was made of fire retardant material.

The commission talked about the mini-storage; they would not be any more restrictive in the mobile home park than they are anywhere else in the city.

The commission discussed if the garages fit under the current mobile home zoning district under Section153.049, (C) Permitted accessory uses. (5) Tool houses, sheds, and similar storage.

The city attorney stated that garages and mini-storage do not fit into the current code; a text amendment would need to be done.

The commission directed Mr. Grundhoefer to prepare a text amendment, adding garages and mini-storage as permitted uses in the mobile home park district.

Require six foot set back from owner's structure (using fire retardant materials); and ten feet from a neighboring structure. Additionally all state, federal, and county regulations must be followed.

Outdoor storage in the mobile home park district: other zoning districts allow outside storage with a conditional use permit; need to be consistent with the other ordinances.

Wind Turbines

No Update

Private Wells

This item handled out of order by motion of Mark Ness. Second by Jim Ness and carried.

The council asked the Planning Commission to review private wells in the areas of the city that are served by municipal services; they would like to eliminate them.

At this point in time the city has authority to regulate wells; this was a change at the state level. However, the state does not have in place any process to check municipal regulations when issuing a permit to drill a well.

Because the city may never know when a permit is issued by the state how can we regulate?

The city would like to regulate, irrigation wells only. They don't want to take the chance of contaminating city water by cross contamination. If we can't enforce regulations then we should ban them.

The properties that have irrigation wells will be allowed to keep them as a legal nonconforming use. However, they cannot put in

a new well and the current well at the point of sale would need to be capped and no longer used.

The commission consensus was to ban irrigation wells in the city for properties serviced by city services. A city code update will need to be done; Mr. Grundhoefer will prepare the code update for the Planning Commission to review.

Parking Setbacks

Chair Mark Ness will contact the fire chief to discuss.

Private Building on Park Land

Waiting on the North Branch Hockey Association; they have not indicated they are going to move forward with purchasing the property.

Curb Stops

This item handled out of order by motion of Jim Ness. Second by Tony Olivolo and carried.

Mr. Grundhoefer will make changes to the draft.

Outdoor Furnace

This item needs to be researched thoroughly by the commission members.

Motion by Jim Ness to table until the next meeting. Second by Tony Olivolo and carried.

Open Discussion

Chair Mark Ness stated that he would be taking a leave of absence from the commission to enable him to take a paid internship with the city attorney. He said he would continue to attend meetings but would not vote. The co-chair Jim Ness will take over during his leave.

Adjourn at 9:35 pm.

Chair Mark Ness declared the meeting adjourned at 9:35pm.

Sharon MT Payne

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