



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

**REGULAR MEETING
JUNE 18, 2019, 7:00p.m.
30955 FOREST BOULEVARD STACY MN**

Call to Order

Chair M. Ness called the meeting to order at 7:00p.m.

Roll Call

Present: Mark Ness, Jim Ness, Steve Kveton, and Tony Olivolo

Absent: Michelle Boeck

Others Present: None

Oath of Office

The clerk administered the Oath of Office to Tony Olivolo, and Steven Kveton.

Agenda

Motion by J. Ness to approve the agenda as presented. Second by T. Olivolo. Members M. Ness, J. Ness, Steve Kveton, and T. Olivolo voted yes. Chair M. Ness declared the motion carried.

Approval of Minutes

Motion by J. Ness to approve the minutes as amended. Second by T. Olivolo. Members J. Ness, T. Olivolo, Steve Kveton, and M. Ness voted yes. Chair M. Ness declared the motion carried.

Council Update

The council approved the site plan, and building design for Revived Iron. They also appointed Steve Kveton to the Planning Commission.

New Business

Fox Valley Metrology

The public hearing for the variance, preliminary plat, and final plat approval was set for July 16, 2019, at 7:00p.m.

Old Business

Comprehensive Plan

The comprehensive plan has been submitted to the engineer for updates; would like to hold the public hearing at the August 20, 2019, meeting.

City Code Review

The members began their review of Chapter IX: General Regulations; they made the following changes:

Chapter 90: Parks & Recreation

Revise §90.01 Prohibited Acts:

In any city park or recreation area, it shall be unlawful for any person:

Planning Commission

~~(A) To possess or discharge firearms, air rifles, BB guns, sling shots, bows and arrows, explosives or fireworks;~~

~~(B) To gamble, be boisterous, be abusive to other persons, use profane or indecent language, indulge in excessive use of alcoholic beverages, or engage in conduct constituting a nuisance;~~

~~(C) To advertise, sell or attempt to sell, or solicit for a private gain or cause;~~

~~(D) To participate in active games or sports outside designated play areas;~~

(E) To exceed posted speed limits or to park in an area other than those designated for parking;

(F) To picnic or to light and/or maintain a fire outside area designated for such use;

(G) To leave a fire unattended;

~~(H) To be present in a park or recreation area after the hour of 10:00 p.m. or before the hour of 5:00 a.m. on any day unless involved in organized activities authorized by the city;~~

(I) To dump or deposit bottles, broken glass, ashes, paper boxes, cans or refuse of any kind except in containers provided therefor;

(J) To discharge in any lake, stream or other body of water any substance, liquid or solid or any other matter or thing which may result in the pollution of said waters;

(K) To remove, break, destroy, injure, mutilate, deface or in any way damage any structure, monument, fence, flagpole, vehicle, bench, natural growth, fireplace or any other property located therein;

(L) To solicit the acquaintance of another for immoral purposes;

(M) To climb trees, ~~or other natural growths, for~~ flagpoles, ~~or buildings, or structures, unless specifically designated for that purpose;~~

~~(N) To use a park or recreation area, or any portion thereof, for group celebrations, meetings, or entertainment which are not open to the public except upon obtaining prior thereto a permit from the city or its designated official;~~

(O) To place advertising, decorations or any other device or thing on park property, except as authorized by the city;

(P) To operate a motor vehicle or any device propelled by human power except on roads, paths or areas designated for such use;

(Q) To permit any pet or other animal over which the person has control to be therein while not on a leash or to harass or interfere with users of the park or recreation area;

(R) To fail to obey the directions or orders of an official of the city or a law enforcement office relating to the safe use of said parks and recreation areas by or for the public;

~~(S) To operate or play any musical instrument, radio, television, record or tape player, loudspeaker or other sound amplifying equipment in such a manner that the sound emanating~~

~~therefrom is audible beyond the immediate vicinity of the device and interferes with the use of the park or recreation area by others, or disturbs the residents of adjacent properties.~~

Establish new code section §90.02 Prohibited Acts, Exception:

In any city park or recreation area, it shall be unlawful for any person, unless approved by the city council:

- (A) To possess or discharge firearms, air rifles, BB guns, sling shots, bows and arrows, explosives or fireworks;
- (B) To gamble, be boisterous, be abusive to other persons, use profane or indecent language, indulge in excessive use of alcoholic beverages, or engage in conduct constituting a nuisance;
- (C) To advertise, sell or attempt to sell, or solicit for a private gain or cause;
- (D) To participate in active games or sports outside designated play areas;
- (E) To be present in a park or recreation area after the hour of 10:00 p.m. or before the hour of 5:00 a.m. on any day unless involved in organized activities authorized by the city;
- (F) To use a park or recreation area, or any portion thereof, for group celebrations, meetings, or entertainment which are not open to the public except upon obtaining prior thereto a permit from the city or its designated official;
- (G) To operate or play any musical instrument, radio, television, record or tape player, loudspeaker or other sound amplifying equipment in such a manner that the sound emanating therefrom is audible beyond the immediate vicinity of the device and interferes with the use of the park or recreation area by others, or disturbs the residents of adjacent properties.

Permit Required for Events not Open to the Public

City code §90.01 (N) states it is prohibited: to use a park or recreation area, or any portion thereof, for group celebrations, meetings, or entertainment which are not open to the public except upon obtaining prior thereto a permit from the city or its designated official.

The city currently does not require a permit; Lions Park is used on a “first come” basis. The commission decided it was best to require a permit for special “non-public” events. The Stacy Lions Club handle the Rick Doyle Memorial Building and Field reservations; do they also want to handle the reservations for the band shell once it is complete?

Chapter 91: Open Burning/Leaf Burning

Remove the entire section regarding leaf burning:

~~LEAF BURNING~~

~~§ 91.25 BURNING OF LEAVES PERMITTED.~~

~~_____The burning of dried leaves is permitted within the corporate limits of the city only in accordance with conditions set forth herein. (Ord. 99, passed 8-9-1992)~~

~~§ 91.26 TIME.~~

~~———— The burning of dried leaves shall be permitted to occur from 8:00 p.m. to 6:00 a.m. within the period from September 16 to November 30 of each year.~~

~~(Ord. 99, passed 8-9-1992; Am. Ord. 2015-5-4, passed 5-26-2015)~~

~~§ 91.27 LOCATION.~~

~~———— The burning of dried leaves shall be permitted on a person's own property, and such burning must be conducted a minimum of 25 feet from all buildings, structures and flammable materials, including tall grass and weeds.~~

~~(Ord. 99, passed 8-9-1992)~~

~~§ 91.28 FIRE ON LAND OF OTHERS RESTRICTED.~~

~~———— No person shall burn any dried leaves upon the land of another without the permission of the owner thereof or his or her agent.~~

~~(Ord. 99, passed 8-9-1992)~~

~~§ 91.29 BURNING ON PUBLIC PROPERTY.~~

~~———— The burning of leaves is prohibited on city streets, boulevards, lake shores or any public property by private citizens.~~

~~(Ord. 99, passed 8-9-1992)~~

~~§ 91.30 ATTENDANCE OF FIRES.~~

~~———— Any fire authorized by this subchapter shall be constantly attended by a competent adult until such fire is extinguished. This person shall have a garden hose connected to a water supply or other fire extinguishing equipment readily available for use.~~

~~(Ord. 99, passed 8-9-1992)~~

~~§ 91.31 AIR POLLUTION AND FIRE ALERTS.~~

~~———— No burning shall take place during an air pollution alert, warning or emergency declared by the Minnesota Pollution Control Agency or during a fire alert or warning declared by any governmental authority. The local fire chief may prohibit burning of leaves when atmospheric or local conditions makes such burning hazardous.~~

~~(Ord. 99, passed 8-9-1992)~~

~~§ 91.32 DEPARTMENT OF NATURAL RESOURCES PERMITS.~~

~~———— Nothing contained herein shall eliminate the requirement that a burning permit be obtained from the Minnesota Department of Natural Resources prior to burning dried leaves within the city.~~

~~(Ord. 99, passed 8-9-1992)~~

~~§ 91.98 VIOLATION.~~

~~———— Any person violating any provision of this chapter is guilty of a misdemeanor and upon conviction shall be punished by a fine and/or imprisonment.~~

~~(Prior Code, § 507.13) Penalty, see § 10.99~~

Chapter 92: Animals

Revise §92.01(3) NON-DOMESTIC ANIMALS. Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domestic animals shall include **but not limited to:**

~~Remove §92.01 BREEDING MORATORIUM. Every female dog or female cat in heat shall be confined in a building or other enclosure in a manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal every dog or cat shall be neutered or spayed prior to being transferred to a new owner.~~

~~Remove §92.01 RELEASE PERMIT. A permit issued by the Animal Control Officer or other person in charge of the pound for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee to the City Clerk in accordance with the regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal. The release fee shall be as established in by ordinance.~~

Revise §92.02 (B) License Required (3):

(3) Upon payment of the license fee as established by ordinance, the Clerk shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate shall be issued by the City Clerk. A charge shall be made for each duplicate tag in an amount established by ordinance **shall be an amount as set forth in the current city fee schedule**. Dog tags shall not be transferable from 1 dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog or the owner's leaving the city before the expiration of the license period.

Entire City Code Change

Change entire city code where it says "Animal Control Officer" to Enforcement Officer.

§92.13 Basic Care

Revise §92.13 Basic Care:

All animals shall receive from their owners or keepers kind treatment, housing in the winter, **protection from heat in the summer**, and sufficient food and water for their comfort. Any person not treating their pet in a humane manner will be subject to the penalties provided in this section.

§92.16 Pound

Remove the entire section:

~~§ 92.16 POUND.~~

~~Every year the Council shall designate an official pound to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.~~

§92.18 Animals Prohibited in Parks

Remove the entire section:

~~§ 92.18 ANIMALS PROHIBITED IN CITY PARKS.~~

~~Except as provided in this section, all animals, whether defined as domestic animals, farm animals, or non-domestic animals, owned by any person are prohibited from being present in a city park within the city. Dogs and cats effectively restrained by command as by leash shall be allowed in a city park. Animals that do not fall under the definition of dangerous animals, pursuant to § 92.11 of the City Code, may be allowed in a city park as an exception to this section only for purposes of community events approved by the city and upon issuance of a 1-day permit by the city.~~

Maintenance Standards

Discussed briefly; the building inspector said that none of his cities have an ordinance regarding maintenance standards as it is difficult to enforce.

Two-Family Dwelling

The public hearing was set for July 16, 2019, at 7:00p.m.

Open Discussion

Demolition Escrow

Member Kveton said that typically when a new home is built on the same lot as the original home the property owner places an escrow with the city to assure that the old home is removed; typically 60 days once the certificate of occupancy is issued on the new home.

Adjourned at 9:25p.m.

Chair M. Ness declared the meeting adjourned at 9:25p.m.

Sharon MT Payne