



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 – AUGUST 17, 2021, 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

The following is the roll of attendees:

Planning Commission:

M. Ness Present Absent
J. Ness Present Absent
D. Thieling Present Absent
T. Sawatzky Present Absent

Others Present: Michelle Hayes

Agenda

Additions to the Agenda:

- Budget for Development
- Fence 5580 314th Street
- County Sewer Ordinance

Motion by J. Ness to approve the agenda as amended. Second by T. Sawatzky.

Roll Call Vote:

M. Ness Yes No J. Ness Yes No
T. Sawatzky Yes No D. Thieling Yes No

Chair M. Ness declared the motion carried.

Approval of Minutes

Motion by J. Ness to approve the minutes as presented. Second by T. Sawatzky.

Roll Call Vote:

M. Ness Yes No

J. Ness Yes No

T. Sawatzky Yes No

D. Thieling Yes No

Chair M. Ness declared the motion carried.

Public Hearings 7:02-7:30p.m.

City Code Updates

The purpose of the public hearing is to gather public input to consider amending the Stacy City Code:

- Chapter 115 Regulating Peddlers, Solicitors, and Transient Merchants
- Chapter 112 Regulating Alcoholic Beverages
- Chapter 93 Streets and Sidewalks
- Chapter 94 Junked Property
- Chapter 114 Regulating Manufactured Home Closing and Relocation

No public present.

New Business

Camping at Doyle

It was brought to the clerk's attention that people were camping at Doyle the weekend of Stacy Daze; the understanding is that this has been going on for many years. The city code does not address camping in the park; because it is not specifically allowed then it is not allowed. Forward this to the council to see if they want to allow camping at Doyle for special events; the Planning Commission would recommend no.

Action on City Code Updates

Motion by J. Ness to recommend that the Council approves the changes as presented for:

- Chapter 115 Regulating Peddlers, Solicitors, and Transient Merchants
- Chapter 112 Regulating Alcoholic Beverages
- Chapter 93 Streets and Sidewalks
- Chapter 94 Junked Property

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- Chapter 114 Regulating Manufactured Home Closing and Relocation

Second by D. Thieling.

Roll Call Vote:

M. Ness Yes No J. Ness Yes No
 T. Sawatzky Yes No D. Thieling Yes No

Chair M. Ness declared the motion carried.

Budget for Development

The clerk is in the process of establishing budget estimates for zoning applications; the commission said that they would like to have the developer sign off on their budget.

Chisago County Ordinance – Buildable Lot for Septic

Chair M. Ness read an article in the Chisago County Press regarding the buildable lot size for septic systems; the commission discussed if this impacts Stacy? The clerk will get a copy of the ordinance from the county to see the specifics.

Old Business

Fence Motion

Motion by T. Sawatzky to approve 5580 314th Street fencing material. Second by J. Ness.

Roll Call Vote:

M. Ness Yes No J. Ness Yes No
 T. Sawatzky Yes No D. Thieling Yes No

Chair M. Ness declared the motion passed.

Continue Review of the City Code Chapter 130

The commission reviewed Chapter 130 of the City Code, following are noted:

§ 130.01 REGULATION OF FIREARMS AND OTHER WEAPONS.

(A) Definition. FIREARMS, within the meaning of this section, shall be deemed to include shotguns of whatever size, and any rifle, revolver, or pistol of size 22 caliber or larger.

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OTHER WEAPONS shall be deemed to include air guns, spring guns, BB guns, pellet guns, bows and arrows, compound bows, cross bows, or any similar devices.

(Prior Code, § 803.01)

(B) Regulation of discharge. It is unlawful for any person to fire or discharge any firearm or other weapon within the corporate limits of the city except for those areas zoned Agricultural, provided that no firearm or other weapon is discharged on another person's private land within 500 feet of a building occupied by humans or animals without written permission of the owner, or from or across the right-of-way of a road.

(C) Liquor establishments. It is unlawful for any person to possess a firearm or other weapon while in any licensed liquor establishment within the city.

(Prior Code, § 803.03)

(D) Exceptions. This section shall not apply to officers or other persons required or permitted to use firearms in the performance of duty as fixed by statute or by common law.

(Prior Code, § 803.04) (Am. Ord. 2009-5-1, passed 5-12-2009)
Penalty, see § 10.99

§ 130.02 CURFEW FOR MINORS.

(A) Purpose. The curfew for minors established by this section is maintained for 4 primary reasons:

(1) To protect the public from illegal acts of minors committed during the curfew hours;

(2) To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs;

(3) To protect minors from criminal activity that occurs during the curfew hours; and

(4) To help parents control their minor children.

(B) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMERGENCY ERRAND. A task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor's household. The term shall

include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or Fire Department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or human-made calamity.

OFFICIAL CITY TIME. The time of day as determined by reference to the master clock used by the Police Department.

PLACES OF AMUSEMENT, ENTERTAINMENT, OR REFRESHMENT. Those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants, and pool halls.

PRIMARY CARE or PRIMARY CUSTODY. The person who is responsible for providing food, clothing, shelter, and other basic necessities to the minor. The person providing primary care or custody to the minor shall not be another minor.

SCHOOL ACTIVITY. An event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

(C) Hours.

(1) Minors under the age of 16 years. No minor under the age of 16 years shall be in or upon the public streets, alleys, parks, playgrounds, or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment, or refreshment; nor in or upon any vacant lot, between the hours of 10:30p.m. and 5:00a.m. the following day, official city time.

(2) Minors ages 16 years to 18 years. No minor of the ages of 16 or 17 years shall be in or upon the public streets, alleys, parks, playgrounds, or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment, or refreshment; nor in or upon any vacant lot, between the hours of 12:00 midnight and 5:00a.m. the following day, official city time.

(D) Effect on control by adult responsible for minor. Nothing in this section shall be construed to give a minor the right to stay out until the curfew hours designated in this section if otherwise directed by a parent, guardian, or other adult person having the primary care and custody of the minor; nor shall this section be construed to diminish or impair the control

of the adult person having the primary care or custody of the minor.

(E) Exceptions. The provisions of this section shall not apply in the following situations:

(1) To a minor accompanied by his or her parent or guardian, or other adult person having the primary care and custody of the minor;

(2) To a minor who is upon an emergency errand at the direction of his or her parent, guardian, or other adult person having the primary care and custody of the minor;

(3) To a minor who is in any of the places described in this section if in connection with or as required by an employer engaged in a lawful business, trade, profession, or occupation; or to a minor traveling directly to or from the location of the business, trade, profession or occupation and the minor's residence. Minors who fall within the scope of this exception shall carry written proof of employment and proof of the hours the employer requires the minor's presence at work.

(4) To a minor who is participating in or traveling directly to or from an event which has been officially designated as a school activity ~~by public or parochial school authorities~~; or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the city, a civic organization, school, religious institution, or similar entity that takes responsibility for the minor and with the permission of the minor's parent, guardian, or other adult person having the primary care and custody of the minor.

(5) To a minor who is passing through the city in the course of interstate travel during the hours of curfew.

(6) To a minor who is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or freedom of religion.

(7) To minors on the sidewalk abutting his or her residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the city's designated law enforcement provider about the minor's presence.

(8) To a minor who is married or has been married, or is otherwise legally emancipated.

(F) Duties of person legally responsible for minor. No parent, guardian, or other adult having the primary care or custody of any minor shall permit any violation of the requirements of this section by the minor.

(G) Duties of other persons. No person operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor to enter or remain in his or her place of business during the hours prohibited by this section unless the minor is accompanied by his or her parent, guardian or other adult person having primary care or custody of the minor, or unless one of the exceptions to this section applies.

(H) Defense. It shall be a defense to prosecution under this section that the owner, operator, or employee of an establishment promptly notified the city's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(I) A law enforcement officer must look into whether a minor has an affirmative defense before making an arrest.

The clerk was asked to gather input from the City Attorney:

- How to address school wording.
- Can the City be more restrictive?

(C) Liquor establishments. It is unlawful for any person to possess a firearm or other weapon while in any licensed liquor establishment within the city.

(D) Exceptions. This section shall not apply to officers or other persons required or permitted to use firearms in the performance of duty as fixed by statute or by common law.

- What is considered official city time; how to word?

The commission will review Chapter 150 for the next meeting.

Open Discussion

Infiltration Ponds and Mosquito Control

Member Thieling asked about mosquito control for infiltration ponds; does the owner of the property handle this or does the city? the clerk will see what other communities are doing.

Adjourned at 8:24p.m.

Chair M. Ness declared the meeting adjourned at 8:24p.m.

Sharon MT Payne