

**APPROVED MINUTES
PLANNING COMMISSION
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
JANUARY 12, 2010
7:00 PM**

CALL TO ORDER:

Planning Commission Chairman Frank Storm called the Regular Meeting of the Wyoming Planning Commission meeting of January 12, 2010 to order at 7:00 P.M.

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Frank Storm, Ken Meyers, Sean Wagner, and Judy Coughlin

Members Absent: Mark Lobermeier.

Also Present: Staff Member Fred Weck, Council Liaison Roger Elmore, Council member Linda Nanko-Yeager, and Police Chief Paul Hoppe.

DETERMINATION OF A QUORUM:

Chairman Storm determined a quorum was present.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

“An opportunity for members of the public to address the Planning Commission on items not on the current Agenda. Items requiring Planning Commission action maybe deferred to staff for research and future Planning Commission Agendas if appropriate.”

No members of the public spoke.

APPROVAL OF MINUTES:

- 1 Consider approving the minutes of the Regular Meeting of the Wyoming, Minnesota Planning Commission for December 22, 2009.**

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER MEYERS, SECONDED BY PLANNING COMMISSION MEMBER WAGNER, TO APPROVE THE “REGULAR MEETING” MINUTES OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR DECEMBER 22, 2009.

Voting Aye: Coughlin, Meyers, Wagner, and Storm.

Voting Nay: None

Abstain: None

PUBLIC HEARINGS

There were no Public Hearings.

NEW BUSINESS

2. Planning Commission Reorganization

Commissioner Wagner nominated Commissioner Storm to be the Planning Commission Chair, seconded by Commissioner Coughlin.

Voting Aye: Coughlin, Meyers, Wagner, and Storm.

Voting Nay: None

Abstain: None

Commissioner Meyers nominated Commissioner Wagner to be the Planning Commission Vice-Chair, seconded by Commissioner Coughlin.

Voting Aye: Coughlin, Meyers, Wagner, and Storm.

Voting Nay: None

Abstain: None

Commissioner Wagner volunteered Commissioner Coughlin and Chairman Storm volunteered himself to serve as representatives to the Joint Park Planning Board.

Voting Aye: Coughlin, Meyers, Wagner, and Storm.

Voting Nay: None

Abstain: None

OLD BUSINESS

The Planning Commission continued to review City Ordinances to be updated as a part of the Orderly Annexation Agreement between the City and the former Township, beginning with the Off-Road Vehicle Ordinance. Chairman Storm asked if there was any further changes or comments. Weck responded that the changes from the last meeting had been made with the exception of the state statute reference for rigid tow bars because one does not exist. Chief Hoppe commented that Sec. 34 – 137, (1), (d), should include waterways for clarity. Commissioner Coughlin asked if the speed limit in the ordinance applies to former township land. Hoppe responded that it applies only to municipal roads, it does not apply to private property, waterways, and county roads, state trunk highways, and county state aid highways with ditches that can support snowmobile traffic. In the areas that the city speed limit does not apply the Department of Natural Resource speed limit of fifty (50) miles per applies. Commissioner Coughlin asked that that be added to the ordinance to clarify where the city speed limit applies. Commissioner Wagner asked if the section should read: "At a speed in excess of ten miles per hour on municipal roads." The Chief responded yes.

Chairman Storm asked the audience if there were any comments on the ordinance. Lee Bruce of 26135 Glen Oak Drive asked if the speed limit could be lowered on Ashton Lake due to its small size, snowmobilers using the lake to make "speed runs", and the noise created by the machines. He thought that a speed of 25 miles per hour would be more appropriate and would still allow the recreational use of the lake by people pulling tubes and the like. Chief Hoppe responded that any change in speed limits on waterbodies has to be approved by the Commissioner of the Department of Natural Resources. He also stated that Chisago County Sheriff's Department and the DNR do snowmobile enforcement and that they have been asked to patrol Ashton Lake due to speed complaints but that there are only two County Deputies trained for that and that they have over 120 lakes to patrol. Mr. Bruce asked about access to

the lake by those that don't live on the lake considering there is no public access. Chief Hoppe responded that as long as they have written permission from a lake property owner that allows them access, and that once they get on the lake, the DNR rules apply. Mr. Lee asked if permission needs to be granted each time and whether an owner could, for example, allow a snowmobile club access. Chief Hoppe responded that permission could be granted to a group of people and that a standing invitation could also be given. Council member Elmore suggested that a petition to the DNR to lower the speed limit be circulated amongst the neighbors on Ashton Lake.

Commissioner Coughlin asked about the muffler exhaust decibel limit in the ordinance. Chief Hoppe responded that it is difficult to prosecute because it is a complex process to obtain evidence, but that it should remain in the ordinance as another enforcement tool. The Wyoming Police Department does not have a decibel meter but Chisago County can provide the service if needed.

Commissioner Meyers asked the Chief about the 100-foot safety zone from fishermen and skaters, the Chief responded that it is consistent with the statute. Commissioner Meyers asked if the distance could be increased and about enforcement of the ordinance. The Chief responded that the ordinance could be made more restrictive and that the DNR and Sheriff's Department can and will enforce City ordinances when needed.

Chairman Storm asked if the Commission members were satisfied with the answers they received to their questions and whether there were any more comments, being none the Chairman directed Staff to make the changes and to bring the ordinance back to the next meeting for a vote.

The Nuisance Ordinance was discussed next, specifically whether Outdoor Wood Boilers should be regulated beyond what is required by the Building Code and the Zoning Ordinance following a complaint to the City Council. Chairman Storm asked if there was anyone in the audience that wanted to speak on the subject. Arnold Lahd of 26541 Everton Circle originally lodged the complaint with the City Council asked to speak. Mr. Lahd started by showing the Planning Commission the prescription drugs that he takes for his asthma that he claims is aggravated by the wood smoke from the boiler four homes north of his home. Mr. Lahd said he was considering filing for a Cease and Desist Order against his neighbor and a lawsuit for dropped property values. Mr Lahd stated that that he didn't think that raising the height of the chimney would solve his problem with the boiler, and that they should only be located on properties of thirty (30) or forty (40) acres in size. Commissioner Wagner asked Mr. Lahd if he wanted wood boilers outlawed or banned in the city, Mr. Lahd responded "Yes". Chairman Storm offered that the Forest Lake ordinance that that had been offered by staff would not solve Mr. Lahd's problem with the boiler.

Mike Peterson of 26565 Everton Circle asked to speak, and stated that he owns the boiler that Mr. Lahd is complaining about and that he intends to raise the chimney above the roof of his home as soon as it safe to do so, and that there are other boilers in the neighborhood closer to Mr. Lahd than his own. Mr. Peterson said that the previous week when it was twelve (12) degrees below zero that he timed the operation of the boiler and that ran for twelve (12) minutes and then idled for one-hour twenty minutes before it ran again.

The Planning Commission discussed the consequences of regulating wood boilers, including:

1. Existing boilers and whether they should be "grandfathered".

2. That existing boilers would be protected as legal nonconformities, but would not be protected as a nuisance.
3. Whether Forest Lake's ordinance went to far.
4. What would be reasonable regulation for existing and new boilers.
5. Regulating months of operation.
6. That regulation would need to be city wide so as not to single out any areas for enforcement as nuisances.
7. Whether a complaint about a single property justifies the City adopting a new ordinance.
8. Whether it would be more appropriate enforce the complaint as a nuisance if the complaint is justified.

Following the discussion Commissioner Wagner offered the following:

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER MEYERS, THAT THE PLANNING COMMISSION NO LONGER CONSIDERS THE REGULATION OF OUTDOOR WOOD BOILERS UNTIL SUCH TIME THAT THE COMMISSION SEES THAT IT NEEDS TO BE CONSIDERED AGAIN.

Voting Aye: Coughlin, Meyers, Wagner, and Storm.

Voting Nay: None

Abstain: None

The Firearm Ordinance was discussed next. Commissioner Wagner asked the Commission what is the ordinance trying to do, restrict firearms, restrict their being fired, or restrict hunting?

Police Chief Hoppe responded that the discharge of a firearm and hunting are basically the same thing, that there is no control of the projectile once it leaves the weapon, and that the projectile usually ends up on someone else's property. The Chief also stated that the safest choice is to restrict the discharging of firearms in the city but that the Planning Commission needs to balance public safety with hunting rights, and those that act responsibly and those that act irresponsibly. He recommended to the Commission that they restrict the discharge of firearms based on the size of the parcel, and recommended a minimum of ten (10) to twenty (20) acres.

Commissioner Coughlin asked how far could a bullet travel, the Chief responded that it depends on the caliber and type of weapon, it could be anywhere from 100-feet to two (2) miles.

Commissioner Wagner questioned restrictions on different weapons and calibers and the unpredictability of hunting in Carlos Avery and on public waterways.

Commissioner Meyers thought that a safety zone needs to be established, whether a distance from buildings or a minimum acreage. Commissioner Coughlin agreed and suggested that the City of Lakeville's ordinance be used as a starting point.

The Sign Ordinance was discussed next; Chairman Storm asked if any comments had been received from the Wyoming Area Business Association (WABA). Weck responded that he had sent a draft of the sign survey to Lisa Iverson of WABA and read to the Commission her emailed

response that WABA was good with the survey and that they are forming a committee and are looking forward to working with the city on the issue.

Commissioner Coughlin questioned the question about signs being placed in the right-of-way, after discussion it was decided to include with the question that state statute bans them in the right-of-way.

Chairman Storm informed the Planning Commission, that at the February 4th meeting the County Planning Commission will have a presentation of the County Septic Ordinance.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO ADJOURN THE REGULAR MEETING OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR JANUARY 12, 2010 AT 8:56 P.M.