

**APPROVED MINUTES  
PLANNING COMMISSION  
REGULAR MEETING  
CITY OF WYOMING, MINNESOTA  
NOVEMBER 24, 2009  
7:00 PM**

**CALL TO ORDER:**

Planning Commission Chairman Frank Storm called the Regular Meeting of the Wyoming Planning Commission meeting of November 24, 2009 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 and Council Liaison Roger Elmore.

Park Board Members Bob Beynon and Tammy Liljedahl

**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 November 10, 2009.**

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER MEYERS, TO APPROVE THE “REGULAR MEETING” MINUTES OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR OCTOBER 27, 2009.**

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

*Voting Nay: None*

*Abstain: None*

## **NEW BUSINESS**

The Planning Commission reviewed City Ordinances to be updated as a part of the Orderly Annexation Agreement between the City and the former Township, beginning with the Subdivision Ordinance. Weck explained to the Commission that he used the Township's ordinance as a starting point and then incorporated the parts of the City ordinance that were missing from the Township ordinance or exchanged parts that contained better language. Weck also explained that the Park Dedication Density / Rate Schedule table in the ordinance was taken from the City of Lakeville's subdivision ordinance after comparing it to the former township's, the city's, and the table provided by MFRA, because it seemed the most equitable and better provided for parkland donations based on the density of a proposed development. Also included with the ordinance were tables showing how the different density tables compared to each other and a table showing surrounding communities' minimum cash dedication requirements.

Chairman Storm asked the commission members for comments on the ordinance draft. Commissioner Wagner asked that the submittal of drawings of the proposed subdivisions include electronic copies in order to reduce the number of paper copies submitted. Commissioners Coughlin and Meyers had no comments at this time because they had not completed their review.

Chairman Storm asked Park Board members Bob Beynon and Tammy Liljedahl to comment on the park dedication provisions of the ordinance. Ms. Liljedahl commented that she liked Chisago City's provision for separate cash dedications amounts for parks and trails. Mr Beynon commented that he thought the city should have a cash dedication of \$2,000 for parks and \$500 for trails. Weck explained that the minimum cash dedications would be used for small subdivisions in lieu of using Park Dedication Density / Rate schedule.

Chairman Storm stated that he thinks the minimum cash dedication should be \$1,500 for parks and \$350 for trails. Commissioner Wagner commented that the city needs to consider park locations and not to just take land in scattered areas, and to require a cash dedication when the development doesn't have land that the city could use for a park. Commissioner Meyers commented that the city needs money more than land, an example being Goodview Park improvements that have not been completed because of a lack of money. Council Member Elmore stated that the Park Board needs to complete improvements in the existing parks, but it also needs to plan for future trails and parks and not just require cash dedications.

Wagner asked about the commercial development dedication being a straight five percent dedication, because they are consuming the same resource, land. Weck replied that all of the subdivision ordinances he had reviewed had the same five percent dedication for commercial and industrial development, and that he would ask the city attorney for guidance because a precedent may have been set in the past.

Commissioner Storm offered that he prefers the City of Lakeville's Density / Rate Schedule and a minimum dedication of \$1,500 for parks and \$350 for trails and asked if anyone would like to make a motion reflecting that

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER STORM, TO USE THE LAKEVILLE DENSITY / RATE**

**SCHEDULE AND TO RECOMMEND THE MINIMUM PARK CASH DEDICATION BE \$1,500.00 TOWARD PARKS AND \$350.00 TOWARD TRAILS.**

*Voting Aye: Coughlin, Meyers, Wagner, and Storm.*  
*Voting Nay: None*  
*Abstain: None*

Chairman Storm suggested tabling further discussion on the Subdivision Ordinance until the next Planning Commission meeting.

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO TABLE DISCUSSION ON THE SUBDIVISION ORDINANCE UNTIL THE NEXT PLANNING COMMISSION MEETING.**

*Voting Aye: Coughlin, Meyers, Wagner, and Storm.*  
*Voting Nay: None*  
*Abstain: None*

The next ordinance to be reviewed was the Nuisance Ordinance. Weck explained that he had again combined the City and Township ordinances, and had also fixed some referencing errors in the Sexual Offenders and Sexual Predators section of the ordinance. Commissioner Wagner commented that the ordinance seemed outdated in that it referenced, for example, "bawdy houses" and "steam whistles". He also remarked that it is based on an older way of managing nuisances, such as the quiet zones around churches (Maranatha's "burn out" pit) and whether home brewing would be prohibited. Weck explained that that ordinance condition states "in violation of law", and that federal laws allow home brewing up to certain quantities.

Commissioner Coughlin commented that the ordinance has provisions that may not be applicable to larger lots, such as, stagnant water on lots with ponds, and noxious weeds on forested parcels. She also commented that the "public exposure of persons having contagious disease" may be hard to enforce, especially the cold and flu season. That "Exposed accumulation of decayed or unwholesome food or vegetable matter", could be a compost pile.

Chairman Storm stated that discussion of the ordinance should be tabled for further review; all members of the Planning Commission were in agreement.

The adoption of the State Fire Code was discussed next. Weck explained that the current ordinance adopts the 1997 version of the Uniform Fire Code and that that edition of the code has not been used by the State Fire Marshall since 2003. The draft of the ordinance now adopts the current version of the Minnesota State Fire Code, and will stay current as the State adopts new versions of the International Fire Code.

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO APPROVE THE CHANGES AS WRITTEN AND TO MOVE FORWARD WITH THE PUBLIC HEARING FOR THE ADOPTION OF THE STATE FIRE CODE ORDINANCE.**

*Voting Aye: Coughlin, Meyers, Wagner, and Storm.*  
*Voting Nay: None*  
*Abstain: None*

The Snowmobiles and All-Terrain Vehicle ordinance was then discussed. Weck explained that again the City and Township ordinances were combined, but that the Township provisions

mainly concentrated on dirt track regulations and that the City ordinance concentrated on their use in the public right-of-way. Weck also explained that both ordinances set a speed limit, the city's being ten miles per hour and the township set a speed limit of "greater than is reasonable", and that he had discussed this with the Police Chief. A reasonable rate of speed is unenforceable, what is a reasonable speed for one person, might be unreasonable to another.

Commissioner Wagner commented that the ordinance mentions snowmobiles and not all-terrain vehicles in many places when it should be referring to both. He also commented that the reflective stickers required in Sec. 34 – 142, (5) are not stock equipment, and that he has never seen them offered for sale. He also commented that the definition for ATV's is outdated in that they now make ATV's larger than what the definition describes.

Commissioner Coughlin commented that the title should be Snowmobiles and Off-Road Vehicles instead of Snowmobiles and All-Terrain Vehicles. She also asked about a newspaper article she had read about a state law regulating youth and their use of all-terrain vehicles. Weck explained that the ordinance references the state statute. Commissioner Coughlin was also concerned about allowing snowmobiles to use the "right-hand lane of a municipal street or alley". Council member Elmore explained how snowmobile clubs mark streets to get snowmobilers on to the trails, and that streets may be the only way to get from one trail to another trail.

Commissioner Meyers expressed concern about the use of snowmobiles on Ashton Lake when it is being used recreationally by people not on snowmobiles. Commissioner Wagner pointed out that the ordinance prohibits the operation of a snowmobile within one hundred feet of fishermen, ice skaters, and sliding areas.

Commissioner Coughlin offered that speed limits could be tied into existing posted speed limits, and making the speed limit lower than the posted speed.

Commissioner Coughlin asked whether the ordinance would effect the operations of Polaris on their property. Weck explained that the size of the property, and their use of it, is in compliance with the ordinance and that there should be no effect on Polaris.

Chairman Storm stated that discussion of the ordinance should be tabled for further review; all members of the Planning Commission were in agreement.

The Open Burning Ordinance was discussed next. Weck explained that the City Ordinance adopting the Township ordinances has a provision allowing the issuing of burning permits to parcels that are at least an acre in size, the revision to this ordinance provides for that.

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO APPROVE THE CHANGES AS WRITTEN AND TO MOVE FORWARD WITH THE PUBLIC HEARING FOR THE ADOPTION OF THE OPEN BURNING ORDINANCE.**

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

*Voting Nay: None*

*Abstain: None*

The General Penalty clause of the City Code was presented next. Weck explained that a paragraph originally from the Township Zoning Ordinance was added in order to allow the City

to take action against a violator of the City Code through a court order, and to recover the costs to do so.

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER MEYERS, TO APPROVE THE CHANGES AS WRITTEN AND TO MOVE FORWARD WITH THE PUBLIC HEARING FOR THE ADOPTION OF THE OF THE GENERAL PENALTY CLAUSE OF THE CITY CODE.**

*Voting Aye: Coughlin, Meyers, Wagner, and Storm.*  
*Voting Nay: None*  
*Abstain: None*

The Lawn Watering ordinance was discussed next. Weck explained that the township used the city ordinance when drafting the township ordinance with the only changes being setbacks from right-of-ways, and exempting properties with no connection to the municipal water system from needing a watering permit sign for alternate water sources.

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO APPROVE THE CHANGES AS WRITTEN AND TO MOVE FORWARD WITH THE PUBLIC HEARING FOR THE ADOPTION OF THE LAWN WATERING ORDINANCE.**

*Voting Aye: Coughlin, Meyers, Wagner, and Storm.*  
*Voting Nay: None*  
*Abstain: None*

Due to the time it was decided to discuss the Firearms Ordinance at the next Planning Commission meeting.

#### **OLD BUSINESS**

There was no Old Business.

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER MEYERS, TO ADJOURN THE REGULAR MEETING OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR NOVEMBER 24, 2009 AT 8:52 P.M.**

*Voting Aye: Coughlin, Meyers, Wagner, and Storm.*  
*Voting Nay: None*  
*Abstain: None*