

1 CITY OF ST. ANTHONY  
2 PLANNING COMMISSION MEETING  
3 AUGUST 16, 2022  
4 7:00 p.m.  
5

6 **CALL TO ORDER.**

7  
8 Chair Socha called the meeting to order at 7:00 p.m.  
9

10 **PLEDGE OF ALLEGIANCE.**

11  
12 Chair Socha invited the Commission and the audience to join her in the Pledge of Allegiance.  
13

14 **ROLL CALL.**

15  
16 Commissioners Present: Chair Socha, Commissioners Erickson, Gaveske, Hendrickson  
17 (arrived at 7:03), Kuykendall, Morita and Rude.  
18

19 Absent: None

20  
21 Also Present: City Planner Stephen Grittman and City Manager Charlie Yunker.  
22

23  
24 **I. APPROVAL OF THE AUGUST 16, 2022 PLANNING COMMISSION MEETING**  
25 **AGENDA.**

26  
27 Motion by Commissioner Erickson, seconded by Commissioner Morita, to approve the  
28 August 16, 2022, Regular Planning Commission Meeting Agenda.  
29

30 **Motion carried 7-0.**  
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33 **II. APPROVAL OF THE JULY 19, 2022, REGULAR PLANNING COMMISSION**  
34 **MEETING MINUTES.**

35  
36 Motion by Commissioner Morita, seconded by Commissioner Erickson, to approve the July  
37 19, 2022, Regular Planning Commission Meeting Minutes.  
38

39 **Motion carried 7-0.**  
40

41 **III. PUBLIC HEARING.**

42  
43 **A. Code Amendments – Animals, Natural Landscape, Right of Way Management**  
44 **and Fences**

45  
46 Chair Socha opened the public hearing at 7:04 p.m.  
47  
48

1 Mr. Grittmann reviewed a proposed amendment to the Zoning Ordinance and City Code to  
2 address a series of inconsistencies that have been identified by the City's Code Committee.  
3 These changes are related to animals, natural landscapes, fences, use of public right of way,  
4 and regulation of bus benches.

5  
6 Mr. Grittmann stated concerns have been raised regarding the feeding of wild animals, and a  
7 new section is proposed that would provide definitions for farm animals, domestic animals,  
8 and wild animals. The proposed language has been borrowed from other local communities,  
9 primarily Roseville and Shoreview, to provide descriptions of these categories. The City's  
10 Code Enforcement Officer has done significant research on this issue.

11  
12 Mr. Grittmann stated the intent is to avoid nuisance and potential attraction of problematic  
13 animals, and exemptions for specific governmental activities.

14  
15 Commissioner Rude asked whether residents will need a permit to keep bees. Mr. Grittmann  
16 stated bees fall under the same category as chickens and would require City Council approval.  
17 He added bees are allowed in some communities. He noted bees are currently in the  
18 prohibited farm animal category, but that can be amended.

19  
20 Chair Socha stated keeping of chickens is popular and on the rise. She added it seems  
21 onerous for every chicken request to go to the City Council and could be an administrative  
22 item for review by City Staff, unless there is an objection from a neighbor.

23  
24 Mr. Grittmann stated chicken permits are addressed on the City Council's Consent Agenda, as  
25 the City Council likes to know what is going on in the community. He added, however,  
26 similar items may not necessarily require City Council approval.

27  
28 Commissioner Kuykendall asked how exotic animals are classified. Mr. Grittmann stated they  
29 are classified as wild animals.

30  
31 Commissioner Erickson stated keeping of chickens is a relatively new practice, and City  
32 Council approval seems appropriate. Commissioner Rude agreed.

33  
34 Commissioner Erickson requested clarification regarding where chicken allowances are  
35 located. Mr. Grittmann confirmed that is under Section 91.56.

36  
37 Commissioner Rude stated, under 91.56, under the conclusion of "Fowl", the interpreting  
38 statutes are out of place. Mr. Grittmann agreed to address that issue.

39  
40 Chair Socha stated the City Council could be given the opportunity to delegate approval to  
41 City Staff. Commissioner Morita stated that would assume there is an issue with having the  
42 permit addressed by City Council. Chair Socha agreed.

43  
44 Commissioner Rude stated, with regard to 91.57, Feeding, some people feed squirrels, and  
45 that is not allowed under Statute. He added he would support leaving it the way it is.  
46 Commissioner Morita agreed.

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Mr. Grittmann stated, under Gardens, the deletion of “not encroach on other property or right of way” is proposed, as well as a setback of 3 feet from a neighboring property. The proposed list of acceptable landscape coverage is proposed to be amended to include rock, wood, mulch, other decorative materials.

Commissioner Rude stated it would be helpful to add a comment related to prohibiting the use of impervious surface underneath landscape rock, to make people think more about it. Commissioner Morita stated that is a good idea but asked whether it is enforceable. Commissioner Rude stated it would be a good way to bring it to people’s attention.

There were no objections from the Commissioners.

Mr. Grittmann stated the Planning Commission reviewed Fences last month and forwarded a recommendation to the City Council regarding an amendment to City Code related to allowable fence height of 7 feet. The City Council tabled action on this item pending further consideration.

Mr. Grittmann stated the Building Code no longer addresses fences that are 7 feet or less in height, and a building permit is not required. He added it is unclear how to address whether a survey is required. He noted both a survey and affidavit are currently required.

Mr. Grittmann stated City Staff recommends that applicants requesting a fence permit are responsible for ensuring that the fence is on their property, and that the process of requesting a permit indicates their agreement with that stipulation. The City has the authority to mark the line by survey but would not normally make that requirement as it is onerous.

Mr. Grittmann stated language is proposed to be deleted related to the location of fence to abutting property.

Mr. Grittmann stated the City Council did not adopt the proposed allowable 7-foot fence height, which would include panels but measured at the post, including post caps. The City Council will continue to review that issue.

Mr. Grittmann stated City Staff proposes, under Materials, that welded wire fences, or “non prefabricated wire panels” should be prohibited. He added this is the type of fence you would see in an agricultural area. He noted some welded wire fences are framed in wood and can be attractive.

Mr. Grittmann stated a reference to posts and fillings was deleted, as fences must be constructed to be structurally sound as a general standard.

Mr. Grittmann stated Item D – New or Like New Materials has been added to assist the Zoning Administrator determine whether proposed materials meet requirements. Applicants can appeal this decision.

1 Mr. Grittmann stated the addition of “outward toward adjoining property or right of way” was  
2 added to “appearance of fence”, to provide additional clarification.

3  
4 Mr. Grittmann stated, under Item H, the following addition is proposed: “Property owners  
5 should select maintenance free materials”. He added this amendment clarifies that a fence  
6 which requires maintenance must be accessible, which can be problematic for neighbors.

7  
8 Mr. Grittmann stated, with regard to temporary fencing, restrictive language is proposed to be  
9 added as it is not currently regulated.

10  
11 Mr. Grittmann stated City Staff feels that the proposed amendments are appropriate to clarify  
12 specific issues and notify property owners regarding the City’s expectations.

13  
14 Commissioner Morita asked whether the Commission should discuss the issue tabled by the  
15 City Council, highlighted in yellow. Mr. Grittmann confirmed this would be the opportunity  
16 for Commissioners to make comments about this issue.

17  
18 Chair Socha stated it is not easy to define what is flat vs. what is graded. Mr. Grittmann stated  
19 sections of the fence Code could be identified as flat, uneven or sloped, although that seems  
20 burdensome. He added some Councilmembers expressed concern about the additional foot of  
21 height.

22  
23 Commissioner Morita stated ornamental fence caps that exceed 6 feet could be allowed on  
24 sloped areas. Chair Socha stated a relatively simple way to resolve this would be to say 6.5  
25 feet for the fence but up to 7 feet for post caps and fence posts. Commissioner Erickson  
26 agreed that sounds like a good compromise.

27  
28 Commissioner Rude agreed. He added slopes should be defined, and fences should follow the  
29 contour.

30  
31 Mr. Grittmann stated that would mean deleting the measurement at the post, which would be  
32 imposing a standard.

33  
34 Commissioner Rude asked whether 7-foot posts would require a permitting process if posts  
35 are no higher than 6.5 feet. Mr. Grittmann confirmed that fence posts that are higher than 7  
36 feet would require a permit.

37  
38 Commissioner Rude stated, under Section 150.072, fifth line, “building permit” should be  
39 changed to “zoning permit”. Mr. Grittmann agreed.

40  
41 Commissioner Rude stated a survey may not be required, but the applicant should find  
42 property markers and refer to the plat. He added this section could read “at the discretion of  
43 the City and adjacent property owner”.

44  
45 Chair Socha stated the Code as proposed puts the onus on the permit applicant, but this does  
46 not address enforcement.

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Commissioner Kuykendall expressed concern that the survey documentation could be costly for the neighbor, as opposed to the fence builder. Commissioner Morita agreed that a survey requirement would increase the cost by 2-3 times. He asked whether there are ways to protect neighbors from irresponsible fence builders.

Mr. Grittmann stated one community requires the permit applicant to mark the property line 7 days prior to construction. He added if the neighbor objects, they can request that City Staff hold the permit until the property line can be confirmed. He noted the City does not want to be in the position of arbitrating where property lines are located.

Commissioner Kuykendall stated he supports having the property line drawn 7 days prior, as it makes sense to give notice so that a conversation can happen.

Chair Socha stated she is leaning towards not requiring a survey because of the cost, and it does not seem to be an ongoing problem in the City. She added she has no objection to having the property line drawn 7 days in advance. She noted the applicant could provide neighboring addresses as part of the permit process, and City Staff could send out a notice to adjoining properties.

Commissioner Erickson stated there is often tension when someone puts up a fence. He added the neighbor should have a say in the matter. He noted, if a permit is required of the applicant, that could affect their rights to build a fence on their property. He asked how other notifications are handled.

Mr. Grittmann stated notifications are sent by City Staff in the mail to adjacent properties as identified by Staff through GIS mapping.

Commissioner Kuykendall stated sending out notices is one step further than he would support going.

Chair Socha stated she supports notice from City Staff when the permit is pulled, because it can be done in advance, and the neighbor can look for the property line.

Chair Socha called for an informal vote from the Commissioners.

Commissioner Kuykendall supported marking the property line only. All the remaining Commissioners supported marking the property line and providing notice to adjacent properties.

Chair Socha requested that City Staff draft language to propose to the City Council for Section 150.072.

Mr. Grittmann stated Commissioner Rude had asked whether a registered surveyor should be required, or some other form of registered proof of the property line.

1 Chair Socha stated that requirement would restrict property owner's rights regarding what  
2 they do on their own land.

3  
4 Commissioner Erickson stated, with regard to fence materials, the intent should be for every  
5 straight length of fence to have no more than 2 materials, and ideally only one material.

6  
7 Commissioner Rude stated an attractive fence could be made of multiple materials. He added  
8 maybe the style of fence should be stipulated.

9  
10 Commissioner Morita stated these concerns are addressed in earlier sections.

11  
12 Commissioner Rude stated the change in Item E stating "outward toward adjoining property"  
13 should also be changed in Item F. Mr. Grittmann agreed.

14  
15 Commissioner Rude asked whether maintenance should be defined in Item H, with regard to  
16 peeling paint, stain or broken fence components. Chair Socha stated she believes fence  
17 maintenance is self-defining. Commissioner Morita agreed, adding it would be necessary to  
18 specify every possible maintenance issue.

19  
20 There was consensus from the Planning Commission to leave the language as is and not  
21 include a list of fence maintenance issues.

22  
23 Chair Socha requested the following correction in Item D: remove "is" before "granted". Mr.  
24 Grittmann agreed.

25  
26 Commissioner Rude stated, with regard to wire fencing, the term "framed welded wire" could  
27 be added, as wire is sometimes framed by wood. Mr. Grittmann agreed, adding the section  
28 could read "prefabricated, framed or similar".

29  
30 Mr. Grittmann stated, with regard to the blowing of snow and debris onto public roads and  
31 sidewalks, the Code Enforcement Officer has requested consideration of the addition of Code  
32 regulations.

33  
34 Commissioner Rude stated lawn chemicals and fertilizers should also be prohibited in  
35 roadways and on sidewalks. He added Sections 94.15 and 96.02 should both state "grass  
36 clippings" to be consistent.

37  
38 Mr. Grittmann stated City Staff have noticed that privately placed bus benches are not being  
39 maintained. He added these benches are placed by private entrepreneurs who sell advertising  
40 primarily on County roads, and the benches are not regulated by the either County. He noted  
41 the benches are a good service for bus riders, but they are not maintained and could become  
42 hazardous.

43  
44 Mr. Grittmann stated the Code Enforcement Officer did extensive research on this issue, and  
45 there are 1-2 major bus bench owners in St. Anthony, as well as one bench that is owned by

1 an individual. He added the intent of this section is to create protocol for licensing the bench  
2 and assigns liability for maintenance to the bench owner.

3  
4 Mr. Grittmann stated City Staff contacted the bus bench owners who indicated that they have  
5 access to liability insurance as well as bench maintenance programs. He added other  
6 communities have licensing requirements that allow the city to monitor the benches and create  
7 standards. He noted this is a general City Code issue related to use of right of way.

8  
9 Commissioner Hendrickson asked whether the proposed language would adversely affect  
10 Metro Transit's Title 6 plan. She added Title 6 is a Metro Transit initiative that designates  
11 equitable distribution of benches. Mr. Grittmann stated City Staff contacted Metro Transit  
12 about this issue, but they stated they do not license or regulate the benches.

13  
14 Commissioner Rude stated his preference would be to have no advertising on bus benches.  
15 He added they may be allowed in commercial districts, but not residential districts.

16  
17 Mr. Grittmann stated the benches would be probably removed if advertising is not allowed. He  
18 added there is a public service aspect to the benches that would be missed.

19  
20 Commissioner Hendrickson stated the benches are in the public right of way.

21  
22 Commissioner Rude stated there should be no commercial advertising on City property. He  
23 added the City has other benches that are donated by people that have commemorative  
24 plaques.

25  
26 Chair Socha stated she was surprised to hear that it is standard practice for these types of  
27 benches to be privately owned.

28  
29 Commissioner Morita stated the issue is whether to retroactively require that the bench  
30 owners maintain their existing benches. He added this includes regulations, application  
31 process and guidelines for maintenance. He noted eliminating advertising on benches is a  
32 different issue, and he disagrees with addressing that at this time.

33  
34 Commissioner Hendrickson stated the removal of litter, snow and ice seems to be an issue that  
35 would fall on the right of way owner, and not the bench owner.

36  
37 Chair Socha stated the elimination of benches warrants more discussion from the  
38 Commission. She added Commissioner Rude's points are well taken, as the benches do not  
39 add anything aesthetically. She noted existing benches could be grandfathered in and  
40 regulated.

41  
42 Commissioner Erickson asked whether the counties do any sort of tracking or regulation of  
43 these benches. Mr. Grittmann stated neither County licenses nor regulates the benches. Most  
44 of the benches are located in County right of ways.

45  
46 Commissioner Erickson stated he supports permitting of benches with regulations.

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Commissioner Rude stated he supports permitting but no advertising.

Mr. Grittmann stated some communities do not allow advertising, and other cities have done away with the benches altogether. Benches are often donated by charitable organizations. He added it is probable that all the benches will not be replaced if they are eliminated.

Chair Socha stated there is a public need to have the benches. She added, if they are eliminated, a commitment from the City Council to fund more benches could be considered, although that is beyond the purview of the Planning Commission. She noted she would support a review of potential regulations, but with notification to the City Council that the Planning Commission has discussed eliminating advertising signage on bus benches. The Commission agreed.

Commissioner Rude stated the benches are basically billboards. He added he would like to get more information regarding what other communities have done, including how they limit advertising, where benches are allowed, and other requirements.

Commissioner Hendrickson stated other benches are supplemental and not required, but they are beneficial to the community. She agreed they would look better without advertising. Chair Socha agreed.

Chair Socha stated the Planning Commission could vote to table this issue pending further information and forward the proposed language changes to the City Council along with a review of the Planning Commission's discussion.

There was consensus from the Planning Commissioners to advance the discussion to the City Council with the precursor of the Planning Commission's discussion.

Commissioner Hendrickson stated, under Section I, maintenance related to the structure itself makes sense. However, removal of litter, snow and ice should fall on the owner of the right-of-way, and not the owner of the bench.

Mr. Grittmann stated the City would be ensuring that the bench owner is taking care of maintenance of the bench, including accessibility and cleanliness, and that it does not become a burden to City maintenance crews.

Commissioner Morita asked whether the proposed language is standard, so that bench owners are familiar with it. Mr. Grittmann confirmed the language was taken from a few different cities.

Chair Socha stated Section 96.38b, Item 5, should read "hold harmless and indemnity agreement", to provide adequate protection for the City. The Commissioners agreed.



1 Commissioner Rude requested clarification regarding prohibited signs and off-premises signs.  
2 Mr. Grittmann stated billboards, which are off-premises signs, are not currently allowed, which  
3 is a standard expectation. Bus bench signs would be exempted from that prohibition.  
4

5 Commissioner Rude stated the goal should be to create nice public spaces rather than having  
6 commercial signs to help pay for a public system.  
7

8 Commissioner Kuykendall stated General Liability should read “a minimum of A rating”, to  
9 include A+ ratings, for liability insurance. The Commissioners agreed.  
10

11 Chair Socha noted there were no members of the public present and no online attendees.  
12

13 Chair Socha closed the public hearing 8:56 p.m.  
14

#### 15 **IV. STAFF REPORTS**

16  
17 Mr. Grittmann stated the Planning Commission’s September meeting will include a public hearing and  
18 discussion regarding R-1 standards in Ordinance form.  
19

20 Commissioner Morita requested a motion regarding the previously discussed amendment.  
21

22 Motion by Commissioner Morita, seconded by Commissioner Erickson, to recommend the Code  
23 amendments as discussed by the Commissioners to the City Council.  
24

25 **Motion carried 7-0.**

26  
27 Commissioner Rude thanked Mr. Grittmann for sending out informational articles.  
28

#### 29 **V. OTHER BUSINESS - NONE.**

#### 30 31 **VI. COMMUNITY FORUM.**

32  
33 No one appeared to address the Planning Commission.  
34

#### 35 **VII. INFORMATION AND ANNOUNCEMENTS.**

36  
37 The next Planning Commission Meeting will be held on September 20, 2022  
38

#### 39 **VIII. ADJOURNMENT.**

40  
41 Motion by Commissioner Morita, seconded by Commissioner Erickson, to adjourn the  
42 meeting at 9:04 p.m.  
43

**Motion carried 7-0.**

44 Respectfully submitted,

45 Mary Mullen

46 *TimeSaver Off Site Secretarial, Inc.*