



# Meeting Minutes: Dakota County Planning Commission Advisory Committee Meeting Minutes

Date: 3/23/2023

Minutes prepared by: Liz Hansen

Location: Western Service Center, Conference Room L139

## Attendance

### Members Present

- Dennis Peine
- Jerry Rich
- Amy Hunting
- Lori Hansen
- Mike Cahn
- Barry Graham
- James Guttman
- Nate Reitz
- Tony Nelson

### Dakota County staff members attending:

- Kurt Chatfield, Planning Manager
- Liz Hansen, Administrative Coordinator
- Niki Geisler, Parks Director
- Georg Fischer, Physical Development Division Director

### Member(s) Absent:

- Jill Smith
- Kelly Kausel

## Meeting Called to Order

- Time: 7:02 p.m.
- By: Planning Commission Chair, Amy Hunting
- Commissioner Reitz joined the meeting at 7:05 p.m.

## Pledge of Allegiance

- The meeting was opened with the Pledge of Allegiance to the flag.

## Public Comments

- Comments/Notes: No one present in the audience wished to address an item, not on the agenda.

## Approval of Agenda

Chair Hunting asked if there were any changes to the agenda.

Commissioner Guttman advised that there are two changes—

1. Item VII indicates “Review and Comment.” However, for this item, staff is seeking a recommendation from the Planning Commission and should be changed to an “Action.”
2. Item IX, "Upcoming Public Meetings - Community Outreach", there was no location given for the 185th Street (CSAH 60) Open House.
  - The meeting will take place at the Lakeville Water Treatment Facility.
  - The open house is scheduled from 4:30 to 6:00 PM instead of the times shown in our agenda.

**MOTION: Commissioner Rich moved, seconded by Commissioner Graham, approving the agenda and changes. Voice vote: Ayes – 8 – Nays – 0 – Unanimously Approved**

## Approval of Minutes (from January 26, 2023)

Chair Hunting asked if there were any changes to the previous meeting’s minutes.

Commissioner Guttman advised that there is one change—

The following correction was made to the previous meeting’s minutes:

1. On page 1 of the meeting minutes for the January 26th meeting, the "Members Present" list.
  - The last member listed should be "Jerry" Rich, not "Jim" Rich.

**MOTION: Commissioner Graham moved, seconded by Commissioner Hansen, approving the previous meeting’s minutes and change. Voice vote: Ayes – 8 – Nays – 0 – Unanimously Approved**

## Welcome New Planning Commissioner—Mike Cahn

Vice-Chair Guttman briefly introduced Mike Cahn, whom Commissioner Bill Droste appointed to represent the Fourth District.

Commissioner Cahn shared information about his work history, civic service experiences, and personal interests with the Planning Commission. He expressed his excitement to join the Dakota County Planning Commission.

## Item VII. Dakota County Proposed Draft Revisions of Parks Ordinance No. 107 – Action

Niki Geisler, Parks Director, presented this item and responded to questions. Staff gave the Planning Commission an overview of the project purpose and background, process update, and proposed revisions to Ordinance No. 107.

Phase II Summary of Revisions (Attachment B) was also distributed to the Planning Commission for review during the meeting.

Questions and comments by the Commissioners, along with responses from staff (italics):

### Chapter 6 – Recreation Activity Regulations, Section 6.8 – Bicycling

A commissioner asked staff to define the designated biking season. *Staff acknowledged the need to change this language to differentiate between mountain bike trails and paved trails and that paved trails should accommodate year-round use and should not be subject to seasonal restrictions.*

### Chapter 3 – Regulations of General Conduct

#### Section 3.1 – Proper Attire/Exposure

A commissioner asked staff to take a closer look at the language regarding breastfeeding and exposure. *Staff responded that the language in this section would need to be revised.*

#### Section 3.2 – Alcohol and Controlled Substance Use

A commissioner asked staff to clarify the intent of stating that alcoholic beverages are permitted in cans or glass bottles only. *Staff responded that the language might need to be revised to indicate that the packaging is intended to represent individual servings and not necessarily the material of the container.*

#### Section 3.3 – Tobacco and E-Cigarette Use

Planning Commissioners discussed the nuisance and public health risks to others associated with cigarette smoking, cannabis, and vaping at individual campsites. After a lengthy discussion, the Planning Commission took a roll call vote on this item to recommend amending the language in Section 3.3.

**MOTION: Commissioner Rich moved to recommend prohibiting smoking at individually rented campsites, seconded by Commissioner Reitz approving the recommended amendment to Chapter 3, Section 3.3. Roll Call Vote: Ayes – 5: Hunting, Rich, Nelson, Reitz, and Hansen – Nays – 4: Guttman, Graham, Cahn, and Peine – Approved**

#### Section 3.9 – Child Safety

A commissioner asked staff to discuss why greenways in residential areas are included under this section because it would not be unusual for young children to be unsupervised in neighborhoods near greenways. *Staff responded that more research might be needed to determine whether this language applies to greenways. It may also be necessary to review Minnesota State Statutes.*

### Chapter 6 – Recreation Activity Regulations

#### Section 6.9 – Hiking and Snowshoeing

A commissioner stated that based on the previous discussion, the peer implementation of the definition of hiking should be further defined to include on-foot or assisted devices. *Staff agreed.*

#### Chapter 7 – Motorized Vehicles, Traffic, and Parking Regulations

##### Section 7.4 Motorized Recreational Vehicles

A commissioner asked whether motorized mountain bikes are allowed in the ordinance. *Staff responded that certain classes of electric power-assisted mountain bikes (Class 1) are allowed on the mountain bike course.*

#### Comments Applying to the Entire Ordinance

A Planning Commission member asked that “official volunteer” be defined within Ordinance No. 107 in the definition section. *Staff agreed and will consult the County Attorney’s office.*

The Planning Commission discussed the tone of the ordinance language, and it was suggested that language be included in the ordinance to explain why certain activities are unlawful, such as when they impact other visitors or harm natural resources. *Staff agreed that providing an explanation in the ordinance about why certain activities are unlawful could help educate visitors and discourage unlawful behavior.*

The Planning Commission had a lengthy discussion about whether violations of the Parks Ordinance should be considered a misdemeanor, petty misdemeanor, or simply result in an administrative fine. Many commissioners stressed the need for administrative fines for less serious violations of the Parks Ordinance, as opposed to the possibility of jail time. The discussion ended with several commissioners stating their desire to decriminalize some of the activities in the Parks Ordinance. *Staff discussed the existence of State Laws that prohibit the use of administrative fines unless special legislation has been passed.*

**MOTION: Commissioner Hansen moved to recommend that the revised DRAFT Dakota County Parks Ordinance No. 107 be presented to the County Board at the next Physical Development Committee of the Whole meeting on April 18, 2023, as an informational item, seconded by Commission Cahn. Voice Vote: Ayes – 8: Hunting, Rich, Nelson, Hansen, Guttman, Graham, Cahn, and Peine – Nays – 1: Reitz – Approved**

Upon further discussion, the Planning Commission also recommended the following motion be made:

**MOTION: Commissioner Reitz moved to recommend the County Board explore options to decriminalize certain violations of Ordinance No. 107, seconded by Commissioner Rich  
Voice Vote: Ayes – 9 – Nays – 0 – Unanimously Approved.**

Commissioners continued the discussion after the vote, and many suggested that if Dakota County is able to decriminalize some violations in the ordinance without taking legislative action the County should do so as soon as possible.

Planning Commissioners requested that staff distribute a copy of the revisions to the Parks Ordinance No. 107 in advance of the Physical Development Committee of the Whole scheduled for April 18, 2023.

## **Planning Manager Update and County Board Actions**

Comments/Notes: Kurt Chatfield, Planning Manager, provided the Planning Commission with an update on the following County Board Actions:

- County Board provided direction on scope of Miesville Park Reserve Master Plan concepts
- County Board will consider authorizing approval of grant applications to the Legislative-Citizen Commission On Minnesota Resources (LCCMR) for Spring Lake Park Reserve, Mississippi River Greenway, and River to River greenway at the Physical Development Committee meeting scheduled for March 21, 2023.

## Upcoming Public Meetings – Community Outreach

Butler Avenue (CSAH 4) multi-use trail project  Open House	Tuesday, April 25, from 5:30pm-7:30pm  Dakota Lodge at Thompson County Park
McAndrews (CSAH 38) multi-use trail feasibility study  Open House	Wednesday, April 26, 5:30pm-7:30pm  Dakota County Western Service Center  Atrium
185 <sup>th</sup> Street (CSAH 60) road and roundabout construction  Open House	Wednesday, March 29, 4:30pm-6:00pm  Lakeville Water Treatment Facility  18400 Ipava Ave Lakeville, MN 55044  <a href="http://185thStreetExtension.com">185thStreetExtension.com</a>

## Topics for next meeting (Thursday, April 27, 2023)

Kurt Chatfield, Planning Manager, let the Planning Commission know that currently, there are no items scheduled for the April meeting. Should the meeting be canceled staff will send advance notice of cancellation. Kurt also proposed that the May meeting be held at Spring Lake Park Reserve so members of the Planning Commission have the opportunity to see the new bison range.

## Planning Commissioner Announcements/Updates:

Commissioner Hunting spoke about her experience assisting in the Community Development Agency’s Block Grant program. Commissioner Hunting stated that she reviewed planning applications from townships and cities and made recommendations to the County Board.

## **Adjournment**

Chair Hunting asked for a motion to adjourn.

**MOTION: Commissioner Guttman moved, seconded by Commissioner Nelson, to adjourn the meeting at 9:01 p.m. Voice Vote: Ayes – 9 – Nays – 0 – Unanimously Approved.**

**Next Regular Meeting: Thursday, April 27, 2023, at 7:00 p.m., Dakota County Western Service Center, Apple Valley**

Respectfully submitted,

Liz Hansen, Administrative Coordinator