



*Our Mission is to Provide Quality Public  
Services in a Fiscally Responsible Manner  
While Preserving the City's Open Space  
Character*

## **NOTICE OF MEETING**

**City of Lake Elmo Parks Commission  
3800 Laverne Avenue North  
July 16, 2018 6:30 PM**

### **AGENDA**

1. Call to Order
2. Approve Agenda
3. Approve Minutes
  - a) June 11, 2018
4. TEXT AMENDMENT. Proposed amendments for the Parks Commission Chapter 32
5. Lions Park - 45<sup>th</sup> Parallel Marker
6. August 20, 2018 Meeting Agenda
7. Communications
8. Adjourn

*\*\*\*Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.*

## **MINUTES**

### **City of Lake Elmo Parks Commission**

**June 11, 2018**

**Members Present:** Commissioners Frick, Mayek, Nelson, Nuenfeldt, Olinger, and Weeks

**Members Absent:** Commissioners Ames, Steele and Zeno

**Staff Present:** City Administrator Handt, Public Works Director Weldon, City Planner Prchal

**The meeting was called to order by Chair Nelson at 6:30 PM.**

#### **Approval of Agenda**

Frick made a motion to approve the agenda, seconded by Mayek. Motion passed.

#### **Approval of Minutes**

Frick made a motion to approve the minutes from April and May as amended, seconded by Weeks. Motion passed.

#### **Parks Capitol Improvement Plan (CIP)**

Prchal presented the numbers of occupied homes in both the Inwood and Wildflower/Village Preserve neighborhoods.

The Commission discussed the ability to establish a trail to access Stonegate and not have the same equipment in both Inwood and Stonegate parks.

They discussed the slope and possible usage of the Wildflower/ Village Preserve park.

Discussing the ability for play equipment in one portion and the rest would likely be open space due to the hills and drainage.

Drew Cavellero, 11336 Blazingstar, reported that he surveyed both the Wildflower and Village Preserve neighborhoods. He surveyed 78 properties. Of those, 70 had children or grandchildren under 17. He asked residents if they currently use parks in Lake Elmo and 39 responded that they do weekly. Respondents said the reason they do not go to the parks more often is location. Only one household surveyed did not support a park in their neighborhood. Eight people wanted open grass and 70 wanted a play structure, including swings, slides, and crawling tubes.

George Johnson, 3070 Lake Elmo Ave. On June 30<sup>th</sup> there is an event to tackle buckthorn in Sunfish Lake Park. He is worried that mountain biking in Sunfish Lake Park is not consistent with the mission and the vision of the City. Sunfish Lake Park is the largest open space within the City. He referenced a survey completed in 2013 that listed mountain biking as a low priority. He is concerned with the City investing in the trails and changing the park for generations.

Weeks asked if we could split the money between two parks. Handt responded that splitting the money would not be recommended since it divides the resources. Inwood Park would require a master plan since it is much larger. Handt said the amount would be \$105,000 and that Game Time has grants available for Play Equipment.

Olinger asked if we could mow a part of the park in Inwood and provide them an open space for now. Weldon explained that currently the City could not mow since the parcel is owned by the developer and has not been turned over to the City yet, but could be done by the HOA if they chose.

Nelson made a motion to start work on the Wildflower/Village Preserve Park in 2019, motion seconded by Mayek. Motion passed unanimously.

Mayek stated that he is not a fan of asphalt and would not like to see Pebble Park parking lot paved, due to run-off and maintenance. Weldon explained that class 5 has to be filled and regraded and it becomes hard packed and an impervious surface over time. Therefore, there still is maintenance and it does create runoff. It would save the City the cost of paving the parking lot and two entrances.

Mayek made a motion to remove the \$47,000 for paving the parking lot at Pebble Park, motion seconded by Frick. Motion passed.

Nelson made a motion to recommend the Park items in the 2019-2023 CIP, seconded by Weeks. Motion passed unanimously.

### **July Meeting Agenda**

45<sup>th</sup> Parallel

Demontreville Park Bids

### **Communications**

Handt asked if the Commission asked if they should review the Parks Ordinance if they ever have a light agenda.

Handt reported that City Council approved the zip line for Savonna Park and it has been ordered.

Weldon reported on the progress of development at Savonna Park.

Nuenfeldt asked about the Adopt-a-Park program.

Weldon reported that two organizations and one family have adopted parks and another group interested. There will be signs that state who has adopted the park and it will be changed every two years.

Handt reported the signs in Lions Park were successful this year and the deadline for this year has been cutoff to allow a reasonable amount of time to display the signs. There are three more interested in next year.

**Meeting adjourned at 8:31 p.m.**

**Respectfully Submitted,  
Tanya Nuss**



## **STAFF REPORT**

DATE: July 16, 2018

**REGULAR**

ITEM #: 4

**MOTION**

**TO:** Parks Commission  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** Revision of Parks Commission Ordinance. Chapter 32  
**REVIEWED BY:** Kristina Handt – City Administrator

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### **BACKGROUND:**

Upon an email from the City Administrator back in February about Commission procedure, a member of the Parks Commission asked that the ordinance for the Parks Commission be reviewed and that it either be followed or revised as needed. The City Administrator agreed that would be a good idea.

### **ISSUE BEFORE THE COMMISSION:**

Should any amendments be made to the Park Commission ordinance in Chapter 32 of the City Code?

### **PROPOSAL:**

In preparation of review of Lake Elmo's Parks Commission Ordinance, staff gathered examples from other Washington County communities and did some comparisons and analysis. Staff has proposed some amendments to the ordinance in order to shorten and further clarify the objectives of the chapter. There are many corrections to the chapter but staff has chosen to highlight some of the amendments below. In addition to the amendments, staff would propose creating a set of bylaws for the Parks Commission. If the commission is supportive of that draft bylaws could be brought to a future meeting for review.

### **32.082 Composition**

Comparable communities have 5 - 7 voting members.

Hugo	7 voting members
Stillwater	7 voting members with 1 non-voting council representative
Oak Park Heights	5 voting members with 2 alternates
Mahtomedi	7 voting members
Oakdale	7 voting members

Staff also noticed that Lake Elmo code restricts members to two consecutive terms. Based off the provided examples, placing term limits was not a trend between the communities. Because of this this language is being proposed for removal.

### **32.085 Officers**

There is no longer a need to elect a secretary for the purpose of keeping minutes. This task has been removed from the commission since there are dedicated staff members who have been hired to perform that duty.

### **32.086 Annual Meeting**

The current ordinance reads "The commission shall hold an annual meeting the first Monday of January..." Staff no longer believes this to be a necessary requirement, and if strictly adhered to may become unnecessarily burdensome. Instead the proposed language leaves it as flexible as requiring election to happen during the first available quorum of the New Year. I have underlined the sections relating to the election of officers from the other communities; if needed their code allows them a degree of flexibility which ours does not. This has also been moved to **32.088 Meetings**.

Hugo	"...shall be appointed <u>annually</u> from the membership..."
Stillwater	"At the <u>beginning of each calendar year</u> the commission must select a chairperson."
Oak Park Heights	A chair and vice chair shall be elected <u>every year</u> . (Paraphrased section 205.02 Composition)
Mahtomedi	"At its first meeting <u>every April</u> , the members of the Park Commission shall appoint..."
Oakdale	"...at its <u>first meeting</u> of each year."

### **32.087 Annual Work Plan**

This section has been completely removed and is being abbreviated to section **32.097 Powers and Duties**.

### **32.088 Regular Meetings and 32.089 Special Meetings**

Staff feels that there is no need to have two sections dedicated to meetings and special meetings. Combining the sections makes the code more useable while still making note of how to proceed if a special meeting is needed. Many of the other communities do not address special meetings.

### **32.094 Agenda**

This is not something which should be kept in an ordinance. Instead it is more procedural and should be regulated through bylaws.

### **32.095 Records**

It would be ideal to have minutes and outcomes delivered within 7 days to the Council and public. Though, it seemed unreasonable considering the potential for vacation, sick time, etc. Instead minutes are to be approved at a future meeting and recommendations and findings shall still be presented to the Council at the next regular meetings. Including language that references a future meeting is consistent with the language used for Council meeting minutes.

### **FISCAL IMPACT:**

Staff does not foresee a fiscal impact.

### **RECOMMENDATION AND STAFF COMMENTS:**

Staff is recommending approval of the amendments to the ordinance. Sections that have been removed have been appropriately placed elsewhere or can be followed through bylaws.

***"Recommend approval of the amended language to chapter 32 as it pertains to the Park Commission"***

### **OPTIONS:**

- 1) Recommend approval of the proposed language
- 2) Recommend approval of the proposed language with amendments
- 3) Recommend denial of the proposed language which would result in no change

### **ATTACHMENTS:**

- Proposed Ordinance.
- Cities used for comparison
  - Hugo, Mahtomedi, Oak Park Heights, Oakdale, and Stillwater

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-XX

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
AMENDING CHAPTER 32 TO REDUCE THE NUMBER OF COMMISSIONERS AND SIMPLIFY  
THE CHAPTER.**

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Title III, Chapter 32, City Organizations, Sections 32.080-32.097, Parks Commission by amending the following language:

**§ 32.080 ESTABLISHMENT.**

A Parks Commission of the city is hereby continued.

(1997 Code, § 225.01)

**§ 32.081 PURPOSE.**

The Parks Commission is established to review and make recommendations to the Council on the future development of city parks, including the establishment of and improvements to the parks, and to make recommendations to the Council on policies governing the maintenance and public use of the parks within the city.

(1997 Code, § 225.02) (Am. Ord. 08-092, passed 10-15-2013)

**§ 32.082 COMPOSITION.**

The Parks Commission shall consist of 7 voting members ~~and 2 alternate members~~. The ~~voting~~ members shall be appointed by the City Council for a 3-year term. ~~Voting members may not serve more than 2 consecutive terms.~~ Appointment to an additional term(s) will be considered with the available applicant pool. ~~Alternate members shall be appointed to serve until there is a vacancy on the Parks Commission. The City Council shall appoint a first alternate and a second alternate who shall become voting members in the order of their appointment.~~ In its discretion, the City Council may adjust the lengths of terms of office for Parks Commission members so that no more than one-half of the terms expire in any given year.

(1997 Code, § 225.03) (Am. Ord. 97-148, passed 2-15-2005; Am. Ord. 08-038, passed 1-25-2011)

**§ 32.083 QUALIFICATIONS.**

Each member and alternate member shall be a resident of the city. Wherever possible, Commission members should represent all geographical areas of the city and a cross-section of the population of the city at the time of appointment.

(1997 Code, § 225.04)

**§ 32.084 REMOVAL.**

Any member or alternate member may be removed by a 4/5-majority vote of the Council, for cause. Cause shall include but not be limited to having more than 3 consecutive unexcused absences or being absent from more than 1/3 of the meetings in any 1 calendar year. The Council may consider exceptional circumstances when applying this rule.

(1997 Code, § 225.05)

**§ 32.085 OFFICERS.**

The Commission shall elect a Chairperson; and a Vice Chairperson, ~~and may elect a Secretary~~ from among its appointed members at the annual meeting each year, for a term of 1 year. The Chairperson shall preside at all meetings of the Commission, if present, and shall perform all other duties and functions assigned by the Commission or the Council. The Vice Chairperson shall perform these duties in the absence of the Chairperson. If a vacancy occurs in the Chairperson's office, the Vice Chairperson shall assume the Chairperson's duties for the remainder of the year; and a new Vice Chairperson shall be elected by the Commission at a special election to be held at the next regularly scheduled Commission meeting, after at least 2-days written notice to each Commission member. ~~A recording Secretary shall be appointed by the Council to take and keep the minutes and records of the Commission.~~

(1997 Code, § 225.06)

~~**§ 32.086 ANNUAL MEETING.**~~

~~The Commission shall hold an annual meeting the first Monday in the month of January in each year, unless the first Monday is New Year's Day, in which case the annual meeting shall be held at the first regularly scheduled meeting of the Commission in the month of January in each year. The meeting shall be devoted to the election of officers and other business as shall be scheduled.~~

(1997 Code, § 225.07)

~~§ 32.087 ANNUAL WORK PLAN.~~

~~The Parks Commission shall meet with the Council at their first meeting in April each year to develop an annual work plan, including a list of projects, points of interaction on projects, programs, and goals for the year.~~

(1997 Code, § 225.08)

**§ 32.0868 REGULAR MEETINGS.**

(A) The first available quorum of the new year shall be devoted to the election of officers and other business as scheduled.

~~(AB) The date, place, and time of regular meetings of the Parks Commission will be specified by the Council as a policy statement that will be included in the city's policy book. The intent of this section is to allow the Parks Commission meetings to be set by city policy rather than by ordinance.~~

Regular Commission meetings shall be held monthly, or more often as required. The time and place of all regular meetings shall be posted in the City Hall. The chairperson may call special meetings following three days' posted notice at the City Hall.

~~(BC) No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date. A regular meeting may be canceled or rescheduled by the Commission at a prior meeting Chair if there are no scheduled agenda items on the Thursday prior to the meeting. All action taken by the Commission shall be by the affirmative vote of a majority of the members present.~~

(1997 Code, § 225.09)

~~§ 32.089 SPECIAL MEETINGS.~~

~~(A) Special meetings of the Commission shall be held in the City Hall at a time and place designated or at a public place at a time designated and shall be called by the Chairperson.~~

~~(B) Upon the written request of at least 4 members, the Chairperson shall be required to call a special meeting to be held within 7 days of the request.~~

~~(C) Written notice of the special meeting shall be given to all members not less than 72 hours in advance of the meeting.~~

(1997 Code, § 225.10)

**§ 32.08790 REQUIRED NUMBER OF MEMBERS PRESENT TO CONDUCT MEETINGS.**

A meeting can be conducted if 4 members of the Commission are present.

(1997 Code, § 225.11) (Am. Ord. 97-114, passed 9-17-2002)

**§ 32.08891 VOTING.**

Each member attending any meeting shall be entitled to cast 1 vote. Voting shall be by voice vote. If any member has a personal interest of any kind in the matter then before the Commission, the member shall disclose this interest and be disqualified from voting upon the matter. ~~The Secretary shall record in the minutes that no vote was cast by the member. Alternate members shall be entitled to cast 1 vote in the absence of any member. The second alternate shall be entitled to cast 1 vote in the absence of any 2 members.~~

(1997 Code, § 225.12)

~~§ 32.092 PROCEEDINGS.~~

~~At any regular meeting of the Commission, the following shall be the regular order of business:~~

~~(A) Roll call;~~

~~(B) Minutes of the preceding meeting;~~

~~(C) Public hearings as scheduled on the agenda;~~

~~(D) Old and new business as scheduled on the agenda;~~

~~(E) Communications; and~~

~~(F) Adjournment.~~

(1997 Code, § 225.13)

**§ 32.08993 RULES OF PROCEDURE.**

All meetings of the Commission shall be conducted in accordance with the Revised Robert's Rules of Order.

(1997 Code, § 225.14)

~~§ 32.094 AGENDA.~~

~~—The Chairperson shall cause all items to be considered at any meeting to be placed on a written agenda by the City Administrator. The City Administrator shall advise the Chairperson of any matters the Commission must consider by Council directive, ordinance, or statute and shall have prepared and mailed a written agenda of all meetings to all Commission members, the Council, and the public, no less than 4 days before each meeting.~~

~~(1997 Code, § 225.15)~~

**§ 32.0905 RECORDS.**

Each formal action of the Commission shall be embodied in full upon the minute book as a formal motion or resolution after an affirmative vote as provided in this section. The minutes of each meeting shall be ~~provided to each member, the Council, and the public no approved at a future meeting.~~ The recommendations and findings of the Commission shall be presented to the Council at the next regularly scheduled Council meeting. The records of meetings and actions and recommendations shall be transmitted to the City ~~Administrator~~ Clerk for keeping and distribution.

(1997 Code, § 225.16)

**§ 32.0916 TRAINING.**

Commission members shall be encouraged to avail themselves of training courses offered by the city, the state, and other government and public training agencies and the Council shall budget for the reimbursement of expenses incurred in training each year.

(1997 Code, § 225.17)

**§ 32.0927 POWERS AND DUTIES.**

(A) The Commission shall prepare, hold hearings on, and recommend to the Council the plans, programs, and policies as it deems necessary to carry out the purposes of §§ 32.080 *et seq.*

(B) The powers shall include but not necessarily be limited to studying and recommending to the Council on the following:

- (1) Land acquisition for park and recreation purposes;
- (2) Plans for major improvements in city parks;
- (3) Rules and requirements for conduct of and in parks and recreation facilities;
- (4) Plans and programs relating to the design and programming of city parks;
- ~~(6) -Development of a Capital Improvement Plan for the City's parks and recreation system;~~
- ~~(7) Annual Work Plan;~~ and
- (8) The other plans and programs as may be assigned from time to time.

(C) The Commission shall not be considered a park board under Minnesota Statutes and shall have no powers to acquire or lease land, employ personnel, enter into contracts or leases, or any similar powers authorized a park board by Minnesota Statutes.

(1997 Code, § 225.18)

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance 08-XX was adopted on this \_\_\_\_\_ day of \_\_\_\_ 2018, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays.



**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance 08-\_\_\_\_ was published on the \_\_\_\_ day of \_\_\_\_\_, 2018.

### DIVISION 3. - PARKS, RECREATION AND OPEN SPACE COMMISSION

#### Sec. 2-195. - Purpose and intent.

The city recognizes the importance of adequate, useful and attractive parks and open areas to promote public health and fitness, provide for leisure activities, maintain property values and sustain a high quality of life in the community. Both a master park plan and a park development fund have been created for the city to provide for park development. In order to assist the city council in setting park development and open space preservation policies, establish design and operating standards for the city's park system, efficiently allocate resources, and implement the city's master park plan, the parks, recreation and open space commission is hereby established for the city.

(Prior Code, § 185-020)

#### Sec. 2-196. - Duties and responsibilities.

The city parks, recreation and open space commission shall provide the city council recommendations and advice for the development, maintenance and operation of parks, recreation and open space programs in the city. The commission shall have the following duties:

- (1) Periodically review and make recommendations to the city council on necessary, prudent, or desirable changes to the city's master park plan and parks, recreation and open space policies.
- (2) Monitor, and annually report to the city council regarding the city's success in implementing its master park plan and the city's contribution toward meeting the community's parks, recreation, and leisure needs.
- (3) Prepare, and annually update for city council approval, a five-year capital improvement plan for the development of the city's parks and recreation system.
- (4) Annually prepare and recommend to the city council a parks and recreation capital improvement budget for the following year.
- (5) Prepare for city council approval, standards for park development to assure the public's safety, provide for adequate service, create a unified and identifiable design for the city's parks, and promote their efficient maintenance and operation.
- (6) Recommend to the city council necessary, prudent, and desirable rules and regulations for park use to ensure the public's safety, enhance system use, discourage vandalism, maintain cost-effective operations, and to resolve conflicts in park use.
- (7) Coordinate the development and operation of recreation programs with governmental agencies, civic groups, and other organizations promoting or assisting recreation activities in the community.
- (8) Communicate the city's parks and recreation goals, plans and programs to the public.
- (9) Perform such other duties regarding the city's parks and recreation system, as may be requested by the city council from time to time.

(Prior Code, § 185-040)

#### Sec. 2-197. - Organization and membership.

- (a) **Members appointed.** The parks, recreation and open space commission shall consist of seven members, all eligible voters in the city. All members shall be appointed by the mayor with city council approval. Consideration in making appointments shall be given to having one or more residents

residing in each ward and school district of the city appointed to the commission, though representation from each such section of the city is not required.

- (b) **Terms of service.** All members appointed by the mayor with council approval shall be appointed for staggered three-year terms.
- (c) **Removal from office.** Commission members may be removed from office by the city council for:
  - (1) Changing their place of residence to a location outside the corporate boundaries of the city, or otherwise not meeting the requirements for office;
  - (2) Failure to perform their official duties, including not attending called and noticed meetings;
  - (3) Behavior disruptive to the good order and efficiency of the commission;
  - (4) Committing an act of moral turpitude.
- (d) **Vacancies.** Appointments made to fill a vacancy on the commission that occurs during a normal term of office shall be made for the balance of the term remaining.
- (e) **Officers.** A chairperson and vice-chairperson shall be appointed annually from the membership of the commission by the mayor, with approval of the city council. The commission may appoint a secretary, who need not be a member of the commission. The chairperson, or vice-chairperson in the absence of the chairperson, shall:
  - (1) Preside over meetings of the commission.
  - (2) Represent the commission, or appoint a person to represent the commission before the city council on matters pertaining to the commission.
  - (3) Certify official written documents of the commission.
- (f) **Individual commissioners as petitioners.** No commissioner shall take part in the consideration of any matter in which he or she is the applicant, petitioner, or appellant, nor in the consideration of any action in which he or she has a direct financial interest.
- (g) **Compensation.** Commissioners shall serve without compensation.

(Prior Code, § 185-050; Ord. No. 2007-411, § 1, 9-4-2007; Ord. No. 2013-467, 12-2-2013)

#### Sec. 2-198. - Rules and procedures.

- (a) The commission shall adopt such rules and procedures as are consistent with this division and as may be necessary for the proper execution and conduct of their duties and responsibilities.
- (b) Regular meetings of the commission shall be held monthly, or more often as required. The time and place of all regular meetings shall be posted in the city hall. The chairperson may call special meetings following three days' posted notice at the city hall.

(Prior Code, § 185-060; Ord. No. 2013-467, 12-2-2013)

#### Sec. 2-199. - Staffing.

In order to allow commission members to concentrate on policy development and issues of general concern, and relieve them of administrative detail, the city council shall provide adequate staff to assist the parks, recreation and open space commission with their assigned duties.

(Prior Code, § 185-070)

**State Law reference—** Open meeting requirements, Minn. Stats. ch. 13D.

charge of all physical evidence relating to the cause of the fire and pursue the investigation to its conclusion. A report shall be submitted to the Fire Chief of all facts and findings relative to each investigation.

10. Mutual Aid and Automatic Aid Agreements. The City Council may enter into such mutual aid and automatic aid agreements it deems appropriate, consistent with the Fire Department's obligations under this Chapter. Such agreements shall be premised on the condition that the Fire Department shall not send personnel, equipment, and apparatus for fire protection to property owned, leased, or represented by persons, organizations or political subdivisions outside the City if the Fire Chief determines that such equipment and manpower is needed for service within the City.
11. Budget. The Fire Chief shall submit to the City Administrator an outline of the Fire Department's work program for the current budget period.
12. Compensation. Members of the Fire Department shall receive compensation for services rendered at a rate to be established by the City Council.

## **2.09 ANIMAL CONTROL OFFICER.**

The City Council may designate, appoint, hire, or contract with such persons as they deem necessary and appropriate to act as Animal Control Officers to enforce and administer Chapter 3 of this Code. The Animal Control Officer is authorized to issue citations and take all other necessary actions in accordance with Minnesota Statutes to enforce and administer the provisions of Chapter 3 and other relevant provisions of this Code.

## **2.10 PARK COMMISSION.**

1. Appointment. The City Council shall appoint a Park Commission made up of seven (7) members. Members shall serve a three (3) year term on the Commission. Each member of the Commission shall be a resident of the City and shall serve without compensation. At its first meeting every April, the members of the Park Commission shall appoint from among their membership a chairperson for a term of one (1) year. The chairperson shall preside at all meetings of the Commission if present and shall perform all other duties and functions assigned by the Commission or the City Council. The members of the Commission may appoint from among the membership a vice-chairperson to act for the chairperson during his or her absence.
2. Vacancies. If a commission member is absent from three (3) meetings during a one (1) year period, unless excused in advance by the Chairperson, that commission member will be considered to have abandoned their position, creating a vacancy. In the event of a vacancy, the City Council shall appoint a successor to fill the vacant position for the remainder of the unexpired term.

3. Meetings. The Park Commission shall meet at such times and places as it shall designate and may adopt and amend rules and procedures governing its proceedings. Unless otherwise provided, any action taken by the Commission shall be by the affirmative vote of a majority of the members present. The Commission shall keep a public record of its meetings, resolutions, findings, and reports.
4. Duties. The Park Commission shall prepare and recommend to the City Council such plans, programs, and reports as it deems necessary to carry out the purposes of this Section and to establish an integrated program for the creation, improvement, maintenance, and management of parks, parkways, and recreational facilities within the City. In furtherance of these general duties, the Commission shall:
  - A. Review and recommend land acquisition for park and recreational purposes;
  - B. Review and recommend plans and procedures for the construction of roadways, paths, buildings, fountains, docks, boathouses, bathhouses, refreshment booths, amusement houses, pavilions, and other necessary structures and improvements in parks;
  - C. Recommend reasonable rules and regulations for the conduct of parks and recreational facilities, including charges and fees for public use of constructed premises;
  - D. Recommend the purchase of necessary materials, supplies, equipment, and services to carry out the purposes of this Section;
  - E. Recommend plans and programs relating to (i) the design of parks, parkways and public grounds; (ii) care, maintenance, and landscaping of parks, parkways and recreational facilities; and (iii) care, trimming, and removal of trees and shrubbery on public lands;
  - F. Prepare such other plans and programs as the Commission may deem necessary and proper to carry out the provisions of this Section
5. Commission Not a Park Board. The Commission shall not be considered a Park Board under Minnesota Statutes Sections 412.491 through 412.531, and shall have no powers to acquire land, employ personnel, enter into contracts or leases, or any similar powers authorized a Park Board by Minnesota Statutes Sections 412.491 through 412.531.

AN ORDINANCE ESTABLISHING A PARKS, PLAYGROUNDS, AND RECREATION COMMISSION FOR THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES HEREBY ORDAIN;

205.01        Establishment of a Commission.

A City Parks, Playgrounds, and Recreation Commission for the City of Oak Park Heights, Washington County, Minnesota, is hereby established.

205.02        Composition.

That parks, playgrounds and recreation commissions shall consist of five (5) voting members. The five members shall be appointed by the City Council to serve for three (3) year terms, or as otherwise approved by the City Council. Both original and successive appointees shall hold office until their successors are appointed and shall have qualified. The City Council shall also appoint two (2) alternate members to serve as alternates who shall have the ability to fill the position of Park Commission member and cast votes in the event of absence of any member of the Park Commission. The members of the Commission shall elect one member as Chairperson and one member as Vice-Chairperson of said Commission, who shall be elected every year. Vacancies on the Commission during a term shall be filled by the City Council for the unexpired term of said vacancy. Every appointed member shall, before entering upon the disposition of his or her duties, take an oath that he or she will faithfully perform the duties of that office. Except as otherwise established by resolution of the City Council, all members of the Park Commission shall be compensated \$25.00 for each month of service, but must be present at the Park Commission to qualify for such compensation. Any member of the Park Commission may be removed by the Mayor with the Consent of the City Council for cause after a hearing.

The Commission shall additionally operate under the auspices of official "Park Commission By-Laws" which shall be approved by the City Council.

*Current By-Laws adopted October 14, 2008.*

205.03        Duties.

It shall be the duty of the Commission to study and recommend to the City Council: (1) the needed and necessary parks and recreational facilities in said City, and (2) also to study and recommend provisions for the utilization and maintenance of present and future facilities that may be created from time to time by the City

Council. Said recommendations shall then be acted upon within a reasonable length of time by the City Council.

205.04

Budget.

The Parks, Playgrounds, and Recreation Commission shall propose an annual budget which shall be considered and acted upon by the City Council annually.

Amended: Section 205.02. Passed October 14, 2008.

# CHAPTER 15

## PARKS AND RECREATION

Article I	Parks and Recreation Commission
Article II	Open Space Preservation
Article III	Use of Facilities Regulated
Article IV	Tanner's Lake
Article V	Dog Park

### ARTICLE I. PARKS AND RECREATION COMMISSION

**Sec. 15-01. Commission Established.** A Parks and Recreation Commission for the City of Oakdale is hereby established. The commission serves as an advisory board for the City Council, City Administrator, and Recreation Superintendent. All conclusions reached by the commission shall serve as recommendations and powers of execution shall be vested in the City Council.

**Sec. 15-02. Functions and Duties of Commission.** The Parks and Recreation Commission shall act in an advisory capacity to the City Council, City Administrator, and the Recreation Superintendent in all matters pertaining to parks and recreation planning and programming. Specific responsibilities of the commission shall be:

- (a) To establish plans, policies, and procedures in matters relating to the development and use of parks, trails, open space, and recreational facilities.
- (b) To advise and assist the City Council in planning the development and use of parks and recreational facilities.
- (c) To plan for the best use of the city's natural resources with minimal adverse effect on the environment.
- (d) To help develop a diversity of recreational opportunities for the maximum benefit of all residents.
- (e) To cooperate with various athletic organizations with the city to achieve common goals related to parks and recreation.
- (f) To work with parks and recreation agencies outside the city, including the state, counties, schools, and municipalities to minimize duplication of services and maximize use of land and regional recreational facilities.

**Sec. 15-03. Composition of Commission; Appointment to Commission.** The Parks and Recreation Commission shall consist of seven (7) regular members, appointed by the City Council. Four (4) serving members shall constitute a quorum. Vacancies shall be filled by City Council appointment for the remainder of the unexpired term. Resignation of Parks and Recreation members shall be submitted in writing to the City Council. At their discretion, the City Council may appoint up to two (2) student representatives to serve on the commission; such individuals shall serve in an advisory role without voting privileges and do not need to meet the residency requirements for a commissioner. (Ord. 836, 02/27/18)

**Sec. 15-04. Terms of Members.** Members of the Parks and Recreation Commission shall be appointed by the City Council for three (3) year terms. Terms, in general, begin July 1 of each year. Members that have served on one commission for three consecutive terms shall be given the option of submitting an application to be considered for appointment to another advisory commission or to



submit an application to be considered for appointment to the same commission the following June.

*Exception:* at the sole discretion of the City Council, seated commissioners that have served on one commission for three or more consecutive terms may be reappointed to the same commission when the continuation of their service on said commission is deemed vital to projects and/or programs under the purview of the commission. The initial term for appointments to the commission shall be staggered so that only three (3) new appointment or reappointments need to be made in any one year. (Ord. 833, 10/10/17)

**Sec. 15-05. Organization of Commission.** The Parks and Recreation Commission shall elect from its membership, a Chairperson and Vice-Chairperson annually at its first meeting of each year. The election of Chairperson is subject to veto by the Mayor. The Parks and Recreation Commission shall adopt its own Rules of Order and Bylaws for the purpose of governing procedure.

**Sec. 15-06. Commission Meetings and Records.** The Parks and Recreation Commission shall hold regular meetings as established in the bylaws. These meetings shall be open to the public. The Parks and Recreation Commission shall submit copies of its meeting minutes to the City Council following each scheduled meeting and shall submit periodic reports when requested by the City Council.

**Sec. 15-07. Removal of Commission Members.** Commission members may be removed, at will, by action supported by a majority of the City Council. Also, given that the City Council expects diligence in attendance by the members of the Parks and Recreation Commission at commission meetings, excessive absences will be considered as grounds for removal from the commission.

**Sec. 15-08. Residency Requirement.** No person appointed to represent the residents shall continue to serve on the commission once that member has taken residence outside of the corporate limits of Oakdale. A written resignation shall be submitted to the City Council in this instance.

## **ARTICLE II. OPEN SPACE PRESERVATION**

**Sec. 15-09. Purpose.** The city recognizes that open space not otherwise designated as parkland, owned by the city is a resource that is intended to benefit, because of its status as publicly owned land, all residents of the city. City-owned open space (hereinafter “open space”) generally serves a number of functions, including conservation of natural resources and environmentally sensitive land; screening and buffering of residents from other land uses and developments; preservation of scenic vistas and rural characteristics; and recreational areas. These functions are usually best accomplished through the preservation of open space in a natural state. The following ordinance, rules and regulations are designed and intended to accomplish the purposes described herein.

**Sec. 15-10. Definitions.** The following words and terms, whenever they occur in this section, are defined as follows:

- **Natural State** means land that is undisturbed by human intrusions, including but not limited to: construction; filling or excavation; removal or destruction of trees, shrubs or vegetation (live or dead); and activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation or the preservation of wildlife.
- **Open Space** means any publicly-owned parcel or area of land or water essentially unimproved except under circumstances noted within this section and set aside, dedicated, designated or reserved for public use or enjoyment.

## Chapter 48 - PARKS AND RECREATION<sup>[1]</sup>

Footnotes:

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**Cross reference**— Streets, alleys and public property, ch. 24.

### ARTICLE I. - IN GENERAL

#### Sec. 48-1. - Parks and recreation commission.

Subd. 1. *Establishment.* There is hereby created a parks and recreation commission ("commission"), that upon the passage and publication of this ordinance will be the successor to the current parks and recreation board, which is hereby abolished.

Subd. 2. *Powers.* The commission will have the powers necessary to carry out the functions and duties set forth in this section.

Subd. 3. *Function.*

- (1) The commission must advise the city council and other advisory commissions regarding matters relevant to the park, open space and recreation function, including, but not limited to, the expansion of and plans for the development of city park, trails and recreational facilities.
- (2) The commission must monitor and reflect the attitudes and concerns of the citizens of Stillwater relative to the park and open space system and recreational programs and advise the city council of citizen attitudes and policy matters relevant to the park, trails, open space and recreation needs in the city.

Subd. 4. *Duties.* The commission, with the assistance of city staff must:

- (1) Develop and recommend to the city council, and upon the council's adoption, monitor the execution of a comprehensive plan and park open space classification system for park and recreation facilities in the city and make recommendations for changes it deems necessary.
- (2) Annually report to the city council regarding achievements toward fulfillment of the comprehensive plan and recommend amendments to the comprehensive plan.
- (3) Frequently visit city parks and keep informed of current recreation programs in order to continually review and evaluate the park and open space development and recreation programming.
- (4) Develop and recommend methods to stimulate positive public interest in park and recreation facilities and programs.
- (5) Develop and recommend feasible methods of discouraging vandalism and destruction of city park facilities.
- (6) Develop and recommend feasible methods of financing city park improvements.
- (7) Serve as a forum for the citizens of the city to voice opinions regarding open space acquisition, park and recreation activities.
- (8) Promote coordination with the school district serving Stillwater, encouraging the interchangeable use of city and school district facilities and programs to the best interest of citizens of the city.
- (9) Encourage dissemination of information to and coordination with city organizations interested in the park and recreation involvement such as garden clubs, athletic groups and civic organizations.

- (10) Encourage coordination with other communities and agencies in matters beneficial to the park and recreation function.
- (11) Develop and transmit recommended capital improvements annually to the city council for inclusion in the capital improvements program.
- (12) Review and make recommendations to the city council on development proposals, consistent with adopted policies, ordinances, regulations and the comprehensive plan.
- (13) Review and recommend items to be included in the park and recreation annual budget.

Subd. 5. *Membership.*

- (1) *Members.* The park and recreation commission shall consist of seven members to be appointed by the city council and should represent a broad range of interests in the park, open space and recreation function. The commission shall have a non-voting council representative. Every appointed member shall, before entering upon the discharge of their duties, take an oath that they will faithfully discharge the duties of their office. All members shall be residents of the city and shall serve without compensation.
- (2) *Term.* All appointments shall be for staggered terms of three years. In the event of a vacancy, except that any person appointed to fill a vacancy occurring prior to the expiration of the term which their predecessor was appointed may be appointed only for the remainder of the term. Upon expiration of their term of office, the member will continue to serve until their successor is appointed and qualified. Any vacancy for the unexpired term shall be filled according to Subsection 3 of this Subdivision. Members shall continue to hold office until their successors have been appointed and qualified.
- (3) *Appointment process.* All applicants for appointment or reappointment shall be interviewed by the council representative to the commission and the chair of the commission ("interview panel"). If the chair is due for reappointment; the interview will be held by two members of council. Interview of commission incumbents requesting reappointment may be at the discretion of the council representative and chair. A recommendation on appointment or reappointment from the "interview panel" will be given to the city clerk for placement on the council agenda for consideration. It is a goal, but not a requirement that all Wards of the city have commission representation to further the policy of the city council that representation on city committees be balanced.

Subd. 6. *Officers and meetings.*

- (1) The commission must hold one regular meeting each month, the regular to be held on the fourth Monday of each month at 7:00 p.m. at the Stillwater City Hall. The chairperson may cancel any regular meeting if the chairperson determines that there is not sufficient meaningful business to conduct at a meeting. A majority constitutes a quorum for the transaction of business.
- (2) The commission must adopt rules and procedures consistent with these provisions and as may be necessary for the proper execution.
- (3) At the beginning of each calendar year the commission must select a chairperson. The chairperson may be removed with the majority vote of the commission. The chairperson must:
  - (a) Preside over meetings of the commission.
  - (b) Appear or appoint a representative to appear as necessary before other city advisory commissions and the city council to present the view point of the commission on matters pertaining to park, open space and recreation functions as they relate to business under consideration by the commissions or city council.
  - (c) Provide the liaison with other governmental and volunteer units in matters relating to the park, open space and recreation function for the purpose of obtaining and providing timely information.

- (4) A vice-chairperson must also be appointed annually by the commission. The vice-chairperson must perform the duties assigned by the chairperson and must assume the responsibilities of the chair in absence of the chairperson.

Subd. 7. *Staff.*

- (1) The community development director is responsible for the preparation and update of all plans regarding municipal park and recreation facilities and for the communication of the plans to the commission. The community development director must coordinate the work with the commission and delineate activities in the work program for the commission, in order that it may provide citizen participation in the preparation and carrying out of various recreation and park projects.

The community development director must keep the commission informed of all actions of the city council and other city commissions relevant to the function of the commission and with the assistance of the public works director is responsible for the training and orientation of all new commission members.

The community development director must cause to be prepared an agenda for each commission meeting and must submit the agenda to the commission in a timely manner. The community development director shall attend meetings as may be required by the commission.

The community development director may assign a qualified member of the community development department to assist in carrying out the duties and responsibilities required by this section.

- (2) The public works director is responsible for the maintenance of park and recreation facilities. The public works director must cooperate with the community development director in the development of plans for park and recreation facilities and coordinate and administer all phases of park and recreation implementation. The public works director must attend meetings as may be required by the commission and keep the commission informed on park and recreation facility maintenance programs and budgetary needs.

The public works director may assign a qualified member of the public works department to assist in carrying out the duties and responsibilities required by this section.

(Ord. No. 663, 6-2-87; Ord. No. 750, 1-7-92; Ord. No. 896, 5-16-00; Ord. No. 1008, § 4, 7-7-09, Ord. No. 1014, § 1, 3-2-10; Ord. No. 1094, § 4, 5-16-17)

**Cross reference**— City administration, ch. 22; conditions for appointment to city boards and commissions, § 22-8.

Sec. 48-2. - Use of parks.

Subd. 1. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subdivision, except where the context clearly indicates a different meaning:

*Public parks* or *park* means real property owned by the city devoted to recreational use.

Subd. 2. *Defacing or destroying property.* No person may deface, destroy, diminish or impair the value of public or private property located within any public park in the city including buildings or structures, or trees, shrubs or vegetation.

Subd. 3. *Parking and driving of vehicles.* No person may drive a motorized vehicle in a public park other than on public roads within the park. No person may park a motorized vehicle in a public park in an area not specifically posted with signs permitting parking of motorized vehicles nor in an area posted with signs prohibiting parking.

Subd. 4. *Speed of vehicles.* No person may drive or operate a motorized vehicle at a speed in excess of 15 mph in any park unless legally signed for a higher speed.

Subd. 5. *Open fires.* No person may build a fire in any place in any park except in fireplaces or receptacles provided for the building of fires or in an area specifically posted with signs permitting the building of an open fire.

Subd. 6. *Swimming or wading in certain areas.* No person may wade or swim in an area in which signs have been posted prohibiting swimming or wading. In all areas wherein swimming and wading is permitted, the city council has the authority by resolution to prohibit the use of equipment dangerous to persons swimming or wading and to prohibit activities or conduct as dangerous or hazardous.

Subd. 7. Dogs and pets are permitted in all City of Stillwater public parks, except Teddy Bear Park, subject to the regulations and restrictions set forth in City Code, Section 27-1, Subd. 6.a. and Subd. 7. No dogs or pets, except service animals and zoo animals, may be in or upon Teddy Bear Park.

(Code 1980, § 48.02; Ord. No. 930, § 2, 10-15-02; Ord. No. 975, § 2.A, 7-18-06)

#### Sec. 48-3. - Regulating Use of Lily Lake, McKusick Lake and Lily Lake Park.

Subd. 1. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subdivision, except where the context clearly indicates a different meaning:

*Alcoholic beverage* means intoxicating liquor, as defined in the state statutes.

*Beach premises* means that part of Lily Lake Park described as follows: That area bounded on the south by the arena-beach house building; bounded on the west and the east by chainlink fences running north and south to the water's edge and continuing into the water of Lily Lake by strings of white floating logs; bounded on the north by a string of white painted floating logs running east and west.

*Flotation devices* means any air inflated, styrofoam or other buoyant devices including, but not limited to, inner tubes and air mattresses, other than a U.S. Coast Guard approved life buoy or life jacket, when properly worn.

*Lily Lake Park* means that property owned by the city used as a public park and abutting on Lily Lake described as follows: Lots 14 and 15, block 20, Holcombe's Second Addition to the city, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Washington County, Minnesota. Also all that part of the SW¼ of the NW¼ of Section 33, Township 30, Range 20 described as follows: Beginning at a point where the south line of lot 14, block 20, Holcombe's Second Addition to where the city intersects with the westerly line of South Greeley Street; thence south along the westerly line of South Greeley Street 195.2 feet to an iron pipe; thence continuing southerly along the westerly line of South Greeley Street 155.4 feet to an iron pipe; thence continuing southerly along the westerly line of South Greeley Street 284.0 feet to an iron pipe; thence deflecting to the right 122 degrees 1 minute 692.1 feet to an iron pipe on the west line of such SW¼ of the NW¼; thence north along such west line to the NW¼ of such SW¼ of the NW¼; thence east along the north line of such SW¼ of the NW¼, being also the south line of lot 15, block 20, Holcombe's Second Addition, to the point of beginning. And also all that part of the NE¼ of Section 32, Township 30 North, Range 20 West, in the City of Stillwater, Minnesota, described as follows: Commencing at the southeast corner of the NE¼ of Section 32, Township 30 North, Range 20 West, Stillwater, Minnesota; thence north along the east line of such Section 32 for 807 feet to the point of beginning of this description; thence northwesterly by a deflection angle to the left 50 degrees 55 minutes for 386.6 feet, thence north by a flection angle to the right 50 degrees 55 minutes for 1.026 feet to its intersection with a line drawn parallel and 561.84 feet south of the north line of such Section 32; thence east along such line drawn parallel and 561.84 feet south of the north line of such Section 32 for 300 feet to its intersection with such east line of Section 32; thence south along such east line of Section 32 for 1,269.56 feet to the point of beginning.

*Power-operated watercraft* means any watercraft, including seaplanes when not airborne, which is propelled by any means other than sail, oars, paddles, poles, foot-operated paddle wheels or electric trolling motors.

**State Law reference**— Intoxicating liquor defined, Minn. Stat. § 340A.101, subd. 14.

Subd. 2. *Power-operated watercraft.* No person may operate a power-operated watercraft on Lily Lake or McKusick Lake at any time.

(Ord. No. 888, §§ 1, 2, 2-1-00)

Subd. 3. *Flotation devices.* No person may enter the waters of Lily Lake Park with a flotation device or use the device within the beach premises for other than emergency purposes.

Subd. 4. *Entry to Lily Lake.* No person may enter the waters on Lily Lake from the shoreline of Lily Lake Park as previously described in this section except at places designated by signs constructed and erected as follows: A metal sign plat, stating either "boat launching" or "swimming area" and erected on standard channel steel signposts.

Subd. 5. *Alcoholic beverages.* No person may convey or consume any alcoholic beverages upon the beach premises.

Subd. 6. *Hours of use of beach premises.* No person may be present upon the beach premises or use beach equipment during hours when the beach premises are not supervised by lifeguards or instructors employed for that purpose by the city or other authorized agency.

Subd. 7. *Penalty.* Any person who violates any provision of this section is guilty of a misdemeanor.

(Code 1980, § 48.03)

Sec. 48-4. - Consumption and possession of intoxicating liquor and 3.2 percent malt liquor in City of Stillwater Parks.

Subd. 1. *Prohibited generally.* No person may consume upon, introduce upon or have in his possession upon any City of Stillwater public park any intoxicating liquor or 3.2 percent malt liquor, as defined in Minn. Stat. ch. 340A without a permit issued by the City. The fee for permit may be established by resolution of the city council. The city council may, by resolution, designate certain parks as an alcohol free park effectively prohibiting all intoxicating liquor or 3.2 percent malt liquor, as defined in Minn. Stat. ch. 340A in designated parks.

(Code 1980, § 48.04; Ord. No. 975, § 2.B, 7-18-06)

**Cross reference**— Liquor generally, ch. 43.

Sec. 48-5. - Prohibited hours for certain acts.

Subd. 1. *Prohibited hours for certain acts generally.* It is unlawful for any person to be present in or upon the public parks within the city between the hours of 10:00 p.m. and 6:00 a.m. when that person does loiter or make undue noise by shouting or yelling, or when that person otherwise disturbs the peace and quite of the city.

Subd. 2. *Prohibited hours for Teddy Bear Park.* It is unlawful for any person to be present in or upon Teddy Bear Park between the hours of 8:00 p.m. or dusk, whichever is earlier, and 8:00 a.m.

Subd. 3. *Exemptions by city council.* The city council may, upon its own motion or upon application, waive prohibition of subdivisions 1 and 2 of this section for specific occasions, groups or individuals, upon reasonable assurances that the safety and welfare of the public and the peace and quiet of the city will be protected.

(Code 1980, § 48.05; Ord. No. 975, § 2.C, 7-18-06)

**Cross reference**— Liquor generally, ch. 43.

Sec. 48-6. - Regulating the St. Croix River waterfront; providing for safety and comfort of persons using the waterfront, regulating and providing standards for docks.

Subd. 1. *Waterfront defined.* Waterfront means any property abutting on the St. Croix River located within the corporate limits of the city, and including that portion of the surface of the St. Croix River over which the city has lawful jurisdiction.

Subd. 2. *Reckless or careless operation.* No person may operate a boat in a reckless or careless manner or at an excessive rate of speed so as to endanger or to be likely to endanger the life or property of any person. No person may operate a boat at a rate of speed which causes waves to damage docks, wharves or boats moored to docks or wharves along the water. In addition, the wake restrictions contained in state department of natural resources rules, NR 220.D.1.e. are hereby adopted by reference. Every provision contained therein is made a part of this section as if fully set forth in this subdivision.

Subd. 3. *Disturbing other boats.* No person may operate a boat in such a manner as to unjustifiably or unnecessarily disturb, frighten or endanger the occupants of any other boat or throw up a dangerous wake when approaching another boat.

Subd. 4. *Abandoned boats.* Every boat in the water subject to this section which is abandoned or which becomes a menace to navigation or unseaworthy or sinks, grounds or becomes otherwise disabled, is hereby declared to be a nuisance, and the owner or person in charge thereof shall abate such nuisance within seven days after notice from the director of public safety of the city. If the nuisance is not abated within the time, the city must abate the nuisance and charge the cost of the abatement as a lien against the vessel so removed.

Subd. 5. *Improper mooring.* No boat may be moored at places that are lawfully posted "No Mooring" by order of the Stillwater Port Authority.

Subd. 6. *Boats to observe health and conduct rules.* The owner or person in charge of or occupying boats docked at or moored to land, docks, piers or wharves abutting the water shall observe all health and sanitary regulations of the city and all ordinances of the city relating to the conduct of persons and prohibiting acts contrary to public health, safety and peace.

Subd. 7. *Operating under the influence of alcoholic beverages.* No person may operate a boat while under the influence of intoxicating liquor, narcotic drugs or controlled substances.

**State Law reference**— Prohibited drugs, Minn. Stat. ch. 152.

Subd. 8. *Heads.* All boats with heads must have a marine toilet system that is U.S. Coast Guard certified and meets current pollution standards of the city and any regulatory agency with legal jurisdiction applicable to marine toilet systems.

Subd. 9. *Open fires.* No person may build a fire in any area subject to this section except in a fireplace or receptacle provided for the building of fires in an area specifically posted by the Stillwater Port Authority with signs permitting the building of an open fire.

- Subd. 10. *Swimming or camping.* No person may wade, swim or camp except in an area where signs have been posted permitting swimming, camping or wading by order of the Stillwater Port Authority.
- Subd. 11. *Time of dockage; boarding for hires.* No person may tie up, moor or beach a boat or other vessel in any area subject to this section for more than eight continuous hours without first having obtained a wharfage permit from the city. This restriction does not apply to duly authorized and permitted docks or marinas. No vessel or charter boat is allowed to take on passengers or otherwise board for hire within the waterfront of the city without first having obtained a wharfage permit from the city.
- Subd. 12. *Dock permits required.* No person may establish, construct or operate a dock, pier, wharf or other similar appurtenance without having obtained a dock permit.
- Subd. 13. *Other governmental agency permits.* As a condition precedent to the filing of an application for a dock permit under this section, the applicant must have obtained all other permits that are required by any other governmental agency having appropriate jurisdiction, including the state department of natural resources and the U.S. Army Corps of Engineers.
- Subd. 14. *Adoption of state law provisions regarding watercraft operation.* Minn. Stat. §§ 86B.311—86B.461 regarding the operation of watercraft are hereby adopted by reference. Every provision contained therein is hereby adopted and made a part of this section.
- Subd. 15. *Penalties.* Violation of any provision of this section is a misdemeanor. However this section does not preclude civil actions if directed by the city council.

(Code 1980, § 48.11)

#### Sec. 48-7. - Use and operation of watercraft on Long Lake.

Subd. 1. *Application.* This section applies to the waters of Long Lake, located in sections 30 and 31, township 30 north, range 20 west, in the city.

Subd. 2. *Definitions.* Terms used in this section related to boating are defined in Minn. Stat. § 86B.005.

Subd. 3. *Horsepower limit.* With the exception of pontoon boats, watercraft used on Long Lake may not be powered by motors exceeding ten horsepower. Pontoon boats may not be powered by motors exceeding 25 horsepower.

Subd. 4. *Enforcement.* Primary enforcement of this section shall rest with the county sheriff's department and the city police department. This, however, shall not preclude enforcement by other licensed peace officers.

Subd. 5. *Exemptions.* All authorized resource management, emergency and enforcement personnel, when acting in the performance of their assigned duties, are exempt from the provisions of this section.

Subd. 6. *Public notification.* It shall be the responsibility of the city to provide for adequate notification of the public, including the placement of any necessary buoys or signs.

Subd. 7. *Penalties.* Any person who violates any of the provisions of this section is guilty of a misdemeanor and may be fined by a fine of not more than \$700.00 or by imprisonment of not more than 90 days, or both.

(Ord. No. 845, §§ 1—7, 1-6-98)

Secs. 48-8—48-50. - Reserved.

ARTICLE II. - PARK AND TRAIL DEDICATION REQUIREMENTS<sup>21</sup>



Footnotes:

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**Editor's note**— Ord. No. 963, §§ 1—10, adopted Oct. 18, 2005, was not specifically amendatory of the Code and has been included as art. II, § 48-51, at the discretion of the editor.

Sec. 48-51. - Established.

The City Council of City of Stillwater does ordain:

Subd. 1. *Authority.* The State of Minnesota has enacted Minnesota Statutes 462.358, subdivision 2(b) which gives authority to the cities to require that a reasonable portion of any proposed subdivision be dedicated to the public, or preserved for public use as parks, playgrounds, trails or open space. The City of Stillwater has, by this section, chosen to exercise this authority in establishing minimum requirements for meeting this public need.

Subd. 2. *Purpose.* The city council recognizes that preservation of land for park, playground, trails, and public open space purposes as it relates to the use and development of land is essential to maintaining a healthful, safe and desirable environment. The city must not only provide these necessary facilities for citizens of today, but also for the future needs of the city as described in the Comprehensive Plan.

It is recognized by the city council that the demand for park, playground, trails and public open space within a municipality is directly related to the density and intensity of development permitted and allowed within any area. Urban development means greater numbers of people and higher demands for park, playground, trails and public open space.

The basis for calculating the amount of land needed to be dedicated or preserved for the purposes set forth in this section; the essential connection between the dedication required by this section and the purpose sought to be achieved; and the basis for calculating the proportional share of each development based on the burden to the city created by the increase in population that will be generated by each development is as set forth in this section. In further explanation of the basis described in this paragraph, this section adopts by reference pages 8-1 through 8-6 of the comprehensive plan of the city, and the maps and drawings associated with those pages as if fully set forth in this section verbatim.

It is the policy of Stillwater that the following guidelines for the dedication of land for park, playground and public open space purposes (or cash contributions in lieu of dedication) in the subdividing and developing of land are appropriate.

Subd. 3. *Residential park land dedication.* Residential park land as envisioned by this section is that land suitable for active park use, such as playgrounds and ball fields, or suitable for active play areas for small children. It is imperative, therefore, that the land be reasonably flat and in one contiguous parcel rather than small scattered parcels.

The amount of land to be dedicated is based on the proposed residential density using the net developable land area.

The formula for land dedication:

The greater of:

- 1) proposed units per acre; or
- 2) zoned density.

Dwelling Unit Density	Land to be
-----------------------	---------------

per acre	Dedicated
0—1.9 units	10%
2.0—3.5 units	11%
3.6—5.9 units	12%
6—10 units	13%
10+ units	Additional .5% for each unit over 10
<i>Commercial</i>	7.5% of net developable land area

Subd. 4. *Residential trail requirements.* In addition to the requirements of subd. 3, the subdivider must dedicate and improve trails and trailways that are depicted for the property on the city's most current comprehensive trail plan, or if not depicted on the comprehensive trail plan, have the potential for connection to the comprehensive trail system. If trail dedication and construction is not feasible in the opinion of the city, the subdivider may pay a fee of \$500.00 per unit in lieu of dedication and construction.

The basis for requiring the dedication and improvement of trails in addition to the dedication of land for active parks is threefold.

First, trails are normally eight feet in width and therefore more than one mile of trail would need to be dedicated to equal one acre of land. Further, trails are often dedicated and constructed within set back or yard space; or within natural areas or conservation easements; or land that is otherwise unbuildable, because of various restrictions.

Second, trails are increasingly important as a means of transportation that is an alternative to the automobile. In this way, a trail is merely a street for pedestrians, and just as it is permissible to require a developer to dedicate and construct streets for automobiles, it is reasonable that a developer be required to dedicate and construct streets for people transportation, on foot or bicycle.

Third, the trails within any development allow connection to the city net trail system. In this way, the residents of any new development increase the burden on the remainder of the city trail system. It is only reasonable therefore that any development provide trail access for the remainder of the city, since the remainder of the city will be burdened by the development.

Subd. 5. *Guidelines for accepting dedication of land for public park purposes.*

- A. Land proposed to be dedicated for public purposes must meet the needs of the city as described in the Stillwater Comprehensive Plan.
- B. Prior to dedication, the subdivider must deliver to the city attorney, an abstract of title or registered property abstract evidencing good and marketable title, free and clear of any mortgages, liens, encumbrances, assessments and taxes. The conveyance documents must be in a form acceptable to the city attorney.
- C. The required dedication or payment of fees-in-lieu of land dedication must be made before final plat approval.

- D. The removal of trees, topsoil, storage of construction equipment, burying of construction debris or stockpiling of surplus soil on dedicated land is strictly forbidden without the prior written review by the parks and recreation commission and approval of the community development director.
- E. Grading and utility plans, which may effect or impact the proposed park dedication, must be reviewed and approved by the community development director and parks and recreation commission prior to dedication.
- F. To be eligible for park dedication credit, land dedication is to be located outside of drainways, flood plains or ponding areas after the site has been developed. Grades exceeding 12 percent or that are unsuitable for park development may be considered for partial dedication.
- G. Where subdividers and developers of land provide significant amenities such as, but not limited to swimming pools, tennis courts, or ball fields, within the development for the benefit of those residing or working therein, and where, in the judgment of the parks and recreation commission, the amenities significantly reduce the demands for public recreational facilities to serve the development, the community development director may recommend to the parks and recreation commission that the amount of land to be dedicated for park, playground and public open space (or cash contribution in lieu of dedication) be reduced by an amount not to exceed 50 percent of the amount calculated under subd. 2 above.
- H. The city, upon review, may determine that the developer must create and maintain some form of private on-site recreation use by the site residents such as tot lots and open play space. This requirement may be in addition to the land or cash dedication requirement.

Subd. 6. *Cash payment in lieu of dedication, residential.* If, at the option of the city upon review and recommendation of the parks and recreation commission, it is determined that a cash payment in lieu of land dedication shall be made, the cash shall be placed in a special fund for parks and recreation use and deposited by the developer with the city prior to final plat approval.

The in lieu park fee shall be based on the following guidelines:

Single-family per unit	residential/commercial	condominium	lot	.....	\$2,000.00
Duplexes per unit		.....			1,500.00
Townhomes per unit		.....			1,500.00
Multifamily per unit		.....			1,500.00

Subd. 7. *Combination land and cash dedication.* The city may require the subdivider or developer to make a combination cash and land dedication pursuant to the following formula:

- A. The amount of land which could be required in accordance with subd. 3 shall be calculated.
- B. From the total calculated in subparagraph A. above, the actual amount of land the city determines to be needed to fulfill the purposes of this subd. 7 shall be subtracted.
- C. The balance arrived at in subparagraph B. above, shall be converted into a cash contribution in lieu of land dedication pursuant to a standard formula established by the city, which formula takes into consideration such things as, but not necessarily limited to, the fair market value of the property in the plat, subdivision or development and the percentage of the total park dedication obligation represented by the said balance.

Subd. 8. *Industrial/commercial dedication requirements.* Subdividers and developers of commercial/industrial land, including commercial/industrial portions of planned developments, shall be required at the time the site plan is approved and building permits are issued to dedicate to the city for

park, playground and public open space purposes, seven and one-half percent of the net land area within the development as determined by the city according to the guidelines set forth in subd. 3 of this section.

Subd. 9. *Cash payment in lieu of dedication, commercial and industrial.* In those cases where the city does not require park or open space dedication within a development, the city shall require payment of fees in lieu of land dedication in an amount equal to the net land area required in subd. 3 above. Cash shall be contributed at the time of approval of each final plat or at the time of site plan or building permit approval as determined by the city.

The city council, upon review and recommendation of the parks and recreation commission, may review and determine by resolution an adjustment to the fee based upon the city's estimate of the average value of undeveloped commercial or industrial land in the city.

Subd. 10. *Required plan and improvements to parks.* The developer or subdivider is responsible for preparing a concept park plan or trail plan based on the parks, open space and trails plan as identified in the comprehensive plan as approved by the parks commission, and for making certain improvements to their developments for parks, playgrounds and public open space purposes as follows:

- A. Provide finished grading, appropriate ground cover or sodding for playground, paved trails and perimeter landscaping.
- B. Establish park boundary corners for the purpose of erecting park limit signs. The developer shall contact the appropriate parks and recreation department personnel for the purpose of identifying park property corners.
- C. Provide sufficient improved public road access of no less than 300 feet for neighborhood parks and additional frontage for community parks.

(Ord. No. 963, §§ 1—10, 10-18-05)



## **STAFF REPORT**

DATE: July 16, 2018

**REGULAR**

ITEM #: 5

**MOTION**

**TO:** Parks Commission  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** Lions Park – 45<sup>th</sup> Parallel Marker  
**REVIEWED BY:** Kristina Handt – City Administrator

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### **BACKGROUND:**

During the development and renovation of Lions Park it was brought to light that the field was very close to the 45<sup>th</sup> parallel latitude line. Knowing this, the field was moved so that home plate and the first base line would directly line up with the 45<sup>th</sup> line. Having moved the field to ensure that this was possible, it may seem appropriate to place a marker ensuring the efforts and significance were not forgotten.

### **ISSUE BEFORE THE COMMISSION:**

How would the Park Commission like to fund the project? Through park dedication funds or other?  
Does the commission have a preference on where the marker should be placed (see provided attachments)?

### **PROPOSAL:**

Resident and Planning Commission member Kathy Weeks has been working with Eric Mayne, owner of Livingstone Concrete Design to create a template for us to review. Livingstone Concrete produces high end, heavily durable specialty concrete and custom made material for countertops, furniture, sinks, etc. Before you today are two position locations, option A which is located on the sidewalk between the field and grass strip and option B which is located within the grass strip between the two sidewalks (see attachments). Accompanying the marker would be a sign, which would be produced at no cost by Kathy Weeks. The content of the sign would be informational in nature, providing a description of why it is there and the significance of the 45<sup>th</sup> with the field.

### **FISCAL IMPACT:**

There is expected to be a fiscal impact.  
Informational sign – No cost (Donation by Weeks Family)  
Marker – \$1,000 (material and install)

If the commission votes in favor of using City money to fund the project, staff feels there are two options available.

#### **Option 1:**

Use park dedication funds for the project. Based off the last discussion on the 2019 CIP, at a minimum there will be \$562,704 in the account at the beginning of the New Year. The total of all the projects for 2019 is expected to be \$337,000 (Pebble Imp., Sunfish Imp., and New Park Development). This leaves the fund with \$225,704 remaining in the account. The expected cost of \$1,000 would not significantly impact the account.

#### **Option 2:**

Use funds from the sign advertisement program at the park. As of now, the revenue generated from the program has already been earmarked for improvements. However, if the commission does not mind waiting a year for the proposed project, next year's funds could be use.

**RECOMMENDATION AND STAFF COMMENTS:**

Out of the two options known to staff, neither stands out above the other. However, staff would like to remind the commission that money generated by the sign program in Lions is reserved for investments back into Lions Park, where park dedication is not specific to any park. Because of this staff might recommend option 2 due to the fact that those funds may only be spent within the park.

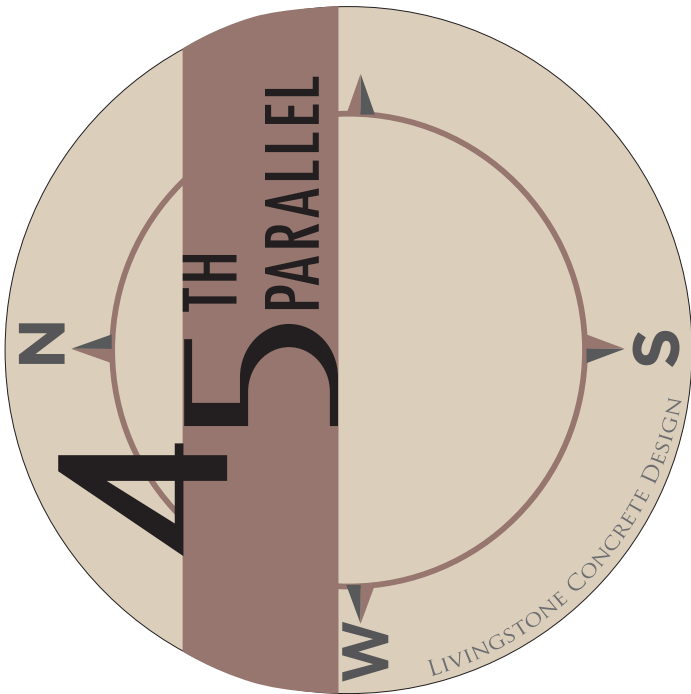
**OPTIONS:**

- 1) Recommend approval of the project with park dedication funds
- 2) Recommend approval of the project with next year's sign funds
- 3) Recommend denial unless donations can be obtained to cover the cost
- 4) Recommend denial of the project

**ATTACHMENTS:**

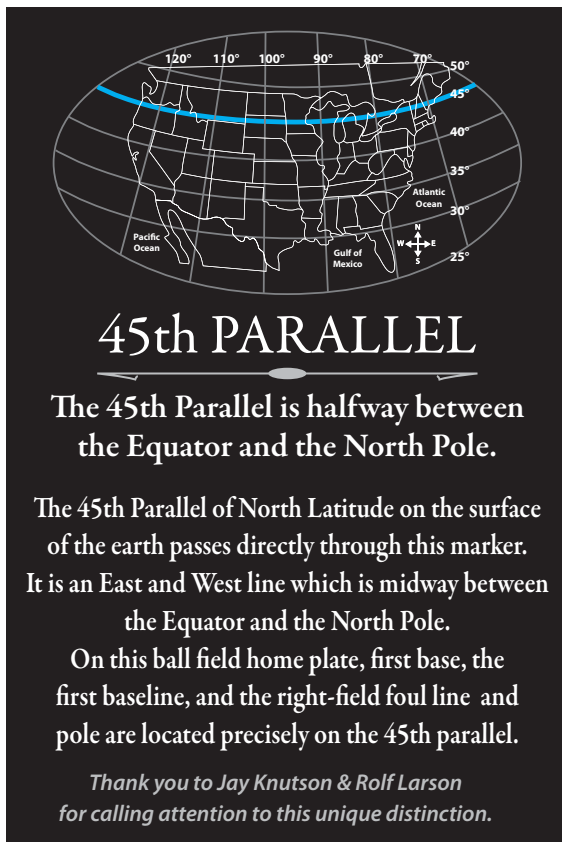
- Design proposals A and B.
  - Write up describing Livingstone and informational sign.

27" in Diameter disc - cast specialty concrete - flush mounted into existing concrete gallery.



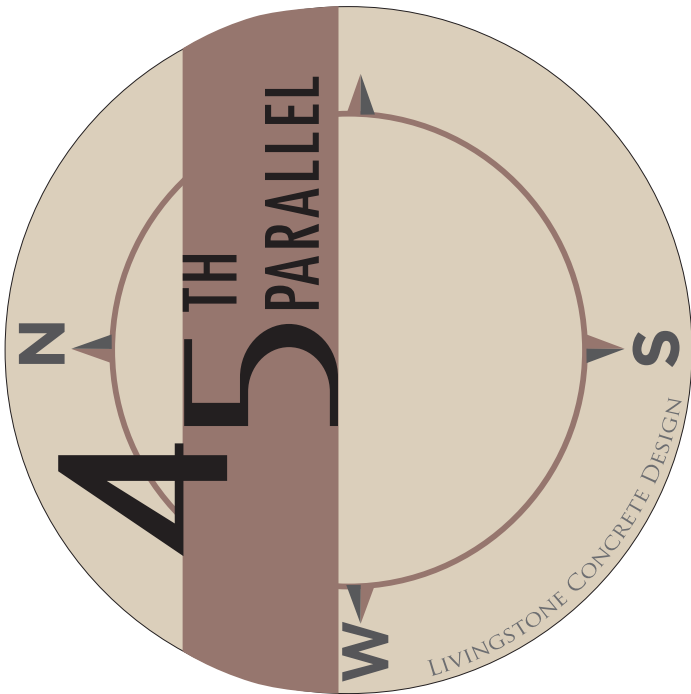
## OPTION A

12" x 18" framed polycarb. protected sign Mounted on backfield fence.



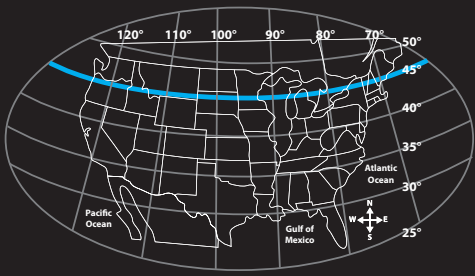


27" in Diameter disc - cast specialty concrete - flush mounted into a concrete pad constructed in the grass strip between the walking path and concrete gallery.



## OPTION B

12" x 18" framed polycarb. protected sign Mounted on post.



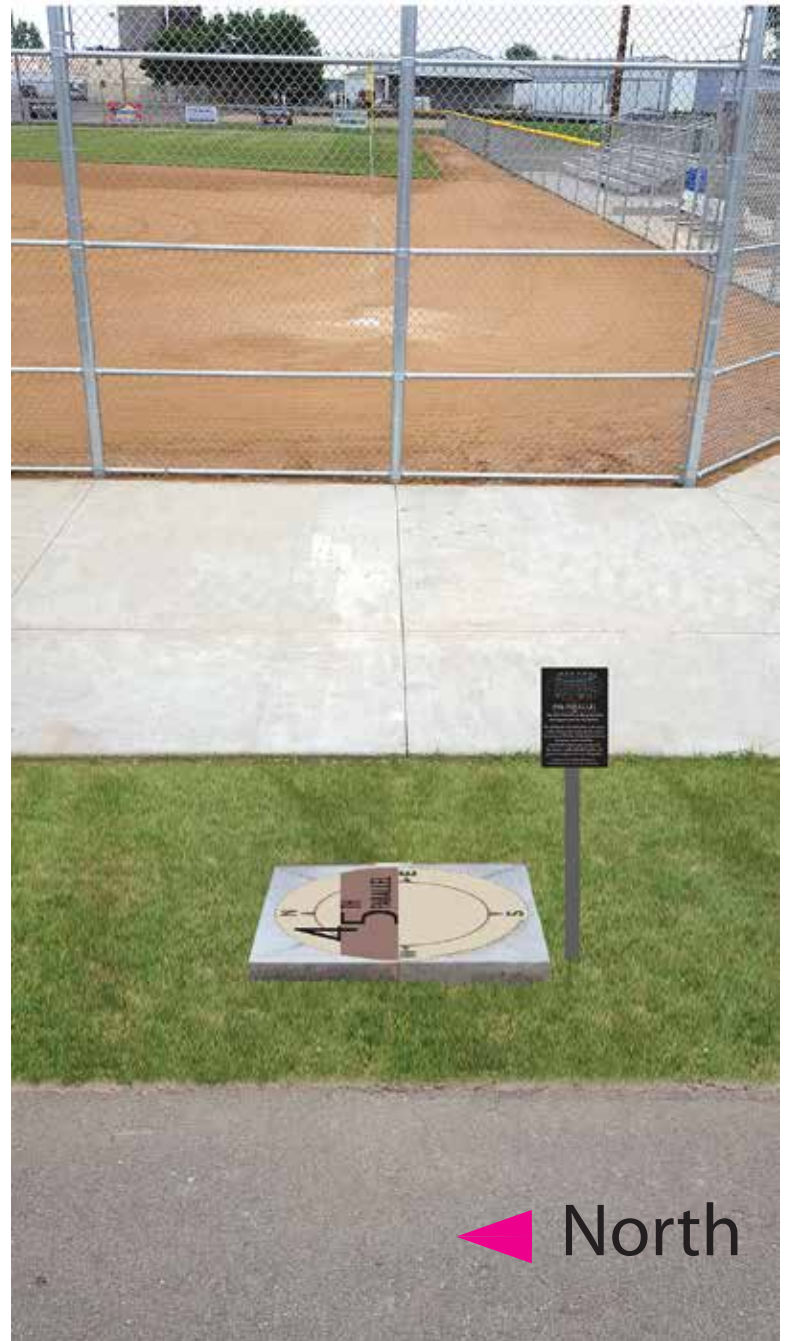
**45th PARALLEL**

The 45th Parallel is halfway between the Equator and the North Pole.

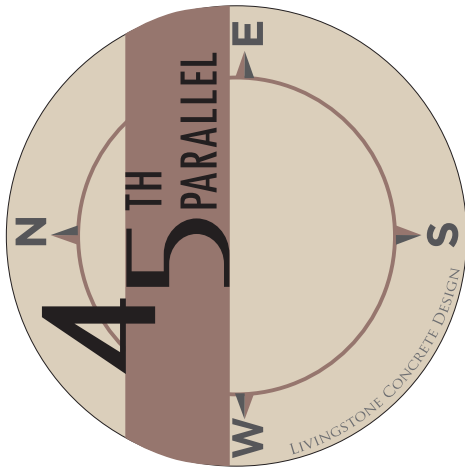
The 45th Parallel of North Latitude on the surface of the earth passes directly through this marker. It is an East and West line which is midway between the Equator and the North Pole.

On this ball field home plate, first base, the first baseline, and the right-field foul line and pole are located precisely on the 45th parallel.

*Thank you to Jay Knutson & Rolf Larson for calling attention to this unique distinction.*







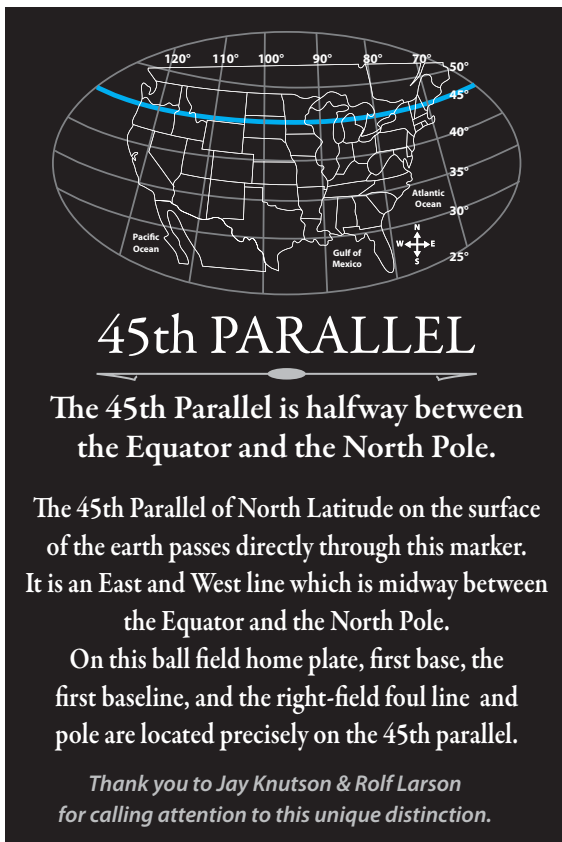
This disc will be either flush mounted into the existing concrete gallery (Option A) or flush mounted into a concrete pad constructed in the grass strip between the Laverne Ave. path and the existing concrete gallery (Option B)

Eric Mayne, owner of Livingstone Concrete Design (a local Lake Elmo Company) has been working with Kathy Weeks, owner of Weeks-End Signs to create and produce a unique marker for the 45th Parallel marker for placement in Lions Park. The concept is a 27" in Diameter disc produced of cast specialty concrete.

Eric and Livingstone Concrete Design produce high end, heavily durable specialty concrete and custom made material for countertops, furniture, sinks, etc.

If you'd like to see a video of how this product is made, please go to:  
[Livingstoneconcretedesign.com](http://Livingstoneconcretedesign.com)

12" x 18" framed polycarb. protected sign



This sign will accompany the concrete marker disc to describe the 45th Parallel significance.

Weeks-End Signs will produce this sign of sturdy aluminum or steel panel and frame. The globe graphic and text info. will be reverse mounted vinyl graphics directly onto a clear polycarb./Lexan panel to make it highly protected from weather and vandalism.