

March 7, 2024

A meeting of the Plan Commission of the City of Eagle River was called to order at 5:00pm by Mayor Jeff Hyslop

Roll Call: Adam Grassl, John Hletko, Kim Schaffer, Mike Adamovich, and Deb Brown. Also in attendance; Robin Ginner, Steve Garbowicz, and Becky Bolte

*Motion by Grassl, 2<sup>nd</sup> by Adamovich to approve the minutes of the 1/4/24 meeting as presented. Carried, all.*

**Tamarack Street: Update of findings requested by Planning Commission regarding Discontinuance of a portion of West Tamarack Street.**

Ginner presented written answers to questions from the 1-4-2024 Planning Commission meeting. Written responses from Attorney Garbowicz indicated he was making sure the discontinuance was going to move forward before pursuing the quit claim deed with Goldsworthy. Garbowicz response advised that if we were to discontinue the entire street, the entire discontinuance process would have to start again from the beginning. Garbowicz response advised if the development does not happen, he didn't believe he could make a discontinuance of street contingent on some event occurring and for future land sales of this strip, the process for discontinuing a strip of land would be the same. Garbowicz response advised that it was not recommended to continue requesting DOT involvement, citing the DOT received notice of the hearing and chose not to attend. Phil Kriesel of MSA worked with Ginner on the question of: If a West Tamarack Road project was a viable project. Kriesel response advised that while the road could be built, it is not recommended by MSA due to financial and topography feasibility. The petitioner, Carl Ruederbush, was present with Mayor Hyslop asking if he had a site plan with Ruederbush stating he had no plan to do anything at this time, his interest is for future development and flexibility. Mayor Hyslop stated there are different avenues for vacation and recommended we pursue the quit claim deed so the property doesn't revert back to Charlie Goldsworthy. Garbowicz spoke to the property being used as a recreational trail and Mayor added there is a major storm sewer located there. Brown recommended approaching Goldsworthy for the quit claim deed. Mayor asked to consider if there is a potential for city use, as once it's gone, it's gone forever, stating the first step would be to get the quit claim deed from Goldsworthy and go from there. Garbowicz spoke on the concern from the Sno-Eagles for easement on the deed. Mayor Hyslop recapped that the Commission would like to hold off on the discontinuance again until the city obtains the quit claim deed and then address if the discontinuance is needed or not, no action taken.

**Control of Dogs and Cats: Draft changes to Chapter 10 Animals, Section 10-4 Control of dogs and cats of municipal code. Issue referred to the Planning Commission from the City of Eagle River Common Council for consideration and recommendation development.**

Garbowicz presented that unleashed and not under control dogs are bringing jury trials and expense to City. The presented changes give the City Attorney more control when he must go to court on animal-related cases. Discussion on whether to include electronic leashes. Garbowicz stated that in court and in front of a judge, the Ordinance should have no room for interpretation such as how far an electronic leash works. Laux proposed an alternate re-write of the Ordinance based on zones within the City. Hyslop stated the ordinance already accounts for different areas/zones, with dog rule signage on public property. Laux expressed support for electronic leashes being included in the code. Presented changes include the removal of cats from Section 10-4 with Garbowicz stating that cats should remain part of the Ordinance. *Motion by Grassl, 2<sup>nd</sup> by Mayor Hyslop to recommend to City Council the revised section 10-4 with main addition to existing*

code being the words physical leash and under immediate control and vicinity of the owner and restoring all references to cats back to original code. Discussion again on physical or electronic leashes with Garbowicz recommending not including electronic leashes. The changes from originally presented changes to Section 10-4 (a)(b)(e) were read into record by Clerk:

*Sec. 10-4 – Control of dogs and cats*

*(a) At large. No person shall permit any dog or cat to be at large in the city at any time. A dog or cat is at large when the animal is on any public street, alley, park or other public grounds, or when otherwise off the premises occupied by the owner or person who has custody of such dog or cat and is not constrained by a physical leash and within immediate control and vicinity of the owner or the person who has custody of such dog or cat.*

*(b) Prohibition against animals in public grounds and facilities. No owner or person having control of any dog, cat or other animal shall permit such dog, cat or other animal to enter into or be upon any public park, school grounds, public building or other public grounds unless such animal is physically leashed and within the immediate control and vicinity of the owner or custodian of the animal, and where the public grounds and facilities are not otherwise signed prohibiting animals.*

*(d) Exhibition and amusement. Notwithstanding any restrictions or prohibitions contained in this section, individuals or companies possessing animals of any kind and any number kept for exhibition or amusement purposes, temporarily, by a carnival or circus offering exhibitions within the city limits must obtain a permit through the City of Eagle River to exhibit said animals. All animal defecation shall be cleaned up and removed by the owners and/or operators of such circus or carnival.*

*(e) Exceptions. The provisions of this section shall not be applicable to any service animal owned or controlled by any disabled person or law enforcement. Service animals are not exempt from being physically leashed and within immediate control and vicinity unless the work of the animal requires that they be un-leashed; however, the animal must always be within the immediate control of the owner or person who has custody of the animal.*

*Motion carried on a roll call vote, Ayes: Grassl, Hyslop, Schaffer, Adamovich Nays: Hletko, Brown*

*Motion by Hletko, 2<sup>nd</sup> by Grassl to adjourn at 6:35pm.*

Becky J Bolte – Clerk