



**Approved
07/23/24**

**MEETING MINUTES
CITY COUNCIL
June 25, 2024**

Present: Acting Mayor Dresel, Council Member Battles, Rivers and Meyers

Absent: Mayor Gustafson

Staff: City Administrator Pechman, Police Chief Schlumbohm, Attorney Doran, Fire Chief Zach Reed, Associate Planner Nelson, City Engineer Stanley

Public Attendance: Leilani Freeman, Steve Koepers

REGULAR MEETING-CALL TO ORDER 6:30

Acting Mayor Dresel called the meeting to order at 6:30 p.m.

1a. "Pledge of Allegiance"

The Pledge of Allegiance was recited.

Action

1b. Roll Call

All members present.

Action

AGENDA

Acting Mayor Dresel asked if there were any additions to the agenda.

Administrator Pechman stated he would like to add item 7i. A-ffordable Lawn Care.

Council Member Rivers made the motion to approve the agenda, Council Member Meyer seconded, all in favor, all ayes, motion carried.

CONSENT AGENDA

3a. Minutes of May 28, 2024

Action

3b. Payment of Bills/Finance Information

Action

3c. Committee Reports

Discussion

3d. Pay Request #2 & Final – 2023 Water & Sewer Extension

Action

Council Member Rivers made the motion to approve the consent agenda, Council Member Meyer seconded, all in favor, all ayes, motion carried.

Council Member Meyer stated the Highway 8 construction was still looking at beginning 2026.

PUBLIC COMMENT / AGENDA PLACEMENT

Acting Mayor Dresel asked if anyone had any comments or concerns on anything which was not on the agenda.

PETITIONS, REQUESTS, COMMUNICATION

None.

PUBLIC HEARINGS

6a. ROW Vacation

Action

Associate Planner Nelson stated City staff received a petition to vacate the platted Right of way (ROW) in the Lawrence Subdivision, see attachment. The petition was filed in accordance with 412.851 of MN State Statutes. The request was received on May 16, 2024, and is subject to the 60-day rule for land use decisions. The city council must review and determine if the platted ROW is no longer of interest to the city. Should the council determine the platted ROW is no longer needed to serve the public. Staff should be directed to finalize the resolution and authorize the mayor and administer to execute it.

Council Member Meyer made the motion to open the public hearing, Acting Mayor Dresel seconded, all in favor, all ayes, motion carried.

City Administrator Pechman stated it is Lakewood Blvd.

Council Member Rivers made the motion to close the public hearing, Council Member Meyer seconded, all in favor, all ayes, motion carried.

Acting Mayor Dresel asked for any discussion.

Council Member Rivers made the motion to approve the vacation, Council Member Meyer seconded, all in favor, all ayes, motion carried.

NEW BUSINESS

7a. Chisago Lakes Apartment Rezone

Action

Associate Planner Nelson stated the city has received a petition for a rezone for the property located on the northwest intersection of Sportsman Drive and Highway 8. The applicant is requesting a rezone to develop the land for R-3 Medium Density Residential multi-family residential use. PID's 13.00043.01 and 13.00043.02 are currently zoned Highway Commercial (HC) District. PID 13.00043.03 is currently zoned High Density Residential Mobile Home (R4) District which is an error. Staff was unaware the planning consultant was in error in labeling the land use as R4 instead of R3 All properties are proposed to be rezoned to Medium Density Residential (R3). Residential as it was intended to be R3 but due to an error of the planning consultant was made R4 Mobile Home. The Planning Commission voted to approve the petition to rezone.

Council Member Meyer made the motion to approve the rezone, Council Member Rivers seconded, all in favor, all ayes, motion carried

**7b. Chisago Lakes Apartment Preliminary Plat, Design review
Planned Unit Development with variances**

Action

Associate Planner Nelson stated authorized applicant, Chris Rainmann of Kuepers Inc. submitted a final plat application to develop three buildings for an apartment complex called Chisago Lakes Apartments (CLA). The property is currently vacant. The development consists of three parcels with PID #13.00043.01, 13.00043.02 & 13.00043.03. Kuepers Inc. is proposing to create a total of 121 apartment units, garage and surface parking, a dog park, outdoor pool area, play area and a pickle ball court on the property. City Council voted to approve the Chisago Lakes Apartments preliminary plat, planned unit development with variances, 20% discounted water & sewer access charges, design review, right of way vacation of Lakewood Boulevard and rezone to R-3 for this property on 06/25/2024. PID's 13.00043.01, 13.00043.02 & 13.00043.03 are currently zoned Medium Density Residential (R3). The Comprehensive Plan calls for future development to be High-Density Residential on the northern half of the described property and Highway Commercial on the southern half. The proposal is consistent with the future land use in the Comprehensive Plan. The property is zoned Medium Density Residential (R-3). The project is reviewed as a Planned Unit Development and the development is consistent with the zoning. The property is outside of the Shoreland Overlay District. The property is currently zoned Medium Density Residential R-3. Density calculations are based off a R-3 zone. The maximum density for this type of development on this property 8 units per acre. The proposed development is at 16 units/acre. The applicant has obtained a variance to the requirement that a tree survey must be completed. A landscape plan provided proposes 106 trees and 364 shrub/grass plantings. Zoning Code requires 10 trees to be planted per acre for this project on this property. Approved design meets requirements and was approved for a variance regarding the height 40'4" at peak, 3 stories high. Sidewalks are proposed around the western and northern edges of the parking lot. A sidewalk is also proposed to connect the parking area to the recreation areas including the pool, pickleball court and play area. A connection to the existing city owned walking path along North Ave. All proposed sidewalks within the property will remain privately owned and maintained. City staff reviewed the requirements for Minnesota Administrative Rules 4410.4300. Mandatory EAW Categories for Subd. 19 Residential Development. Under sub-header B. this project does not trigger the requirement for an EAW to be prepared. City staff is recommending approval of the final plat with variances and conditions as listed.

Council Member Meyer said Planning Commission as she said was concerned with the garages. The builder had said if they give everyone a garage and outdoor parking pretty soon they are filled with vehicles not being used. They had also discussed the variance for them on the height and allowing this permits them to have a peaked roof which looks better and is better for the snow.

Fire Chief Reed stated with the height difference is their a plan with the builder to help them purchase a ladder truck. Currently we rely on Lindstrom and Wyomings ladder truck.

Council Member Meyer made the motion to approve the final plat, Council Member Rivers seconded, all in favor, all ayes, motion carried.

**7c. Zoning Chapter. 6 Community Design
– Off Street Parking and Loading Ord.**

Action

Associate Planner Nelson stated city staff has received inquiries about reducing the number of required parking spaces for manufacture type businesses as well as restaurants. Advancing technologies have made it possible for businesses to operate more efficiently with fewer employees than before. This decreases the number of parking spaces many businesses require to operate. Chisago City ordinances should be in line with the local business's quantitative need for parking spaces. Excessive parking requirements lead to increased costs on the part of the business owner initially in planning and install and over time with maintenance. Unwarranted parking lot space may also cause increased impervious surface area, leading to increased storm water runoff, decreased area for future expansion due to the lot size/setback constraints and the existing investment in the parking area and impervious surface area maximums.

The Planning Commission held a duly noted public hearing on 06/06/2024. No public comments were received. The Planning Commission voted to recommend approval. For manufacturing city staff is recommending parking spaces be based on the square footage of the building rather than number of employees. If the building is sold and the use changes, the number of employees needed to operate the business will also likely change. City staff is recommending 1 space per 1,000 square feet of gross floor area for the first 2,500 square feet. 1 parking space per 3,000 square feet of gross floor area after the first 25,000 square feet. Restaurants/Bars city staff is recommending parking spaces be based on the number of seats in an establishment. City staff is recommending 4 parking spaces per every 12 seats. Multi Family city staff is recommending 2 parking spaces per unit. In addition, a quarter of all parking spaces required shall be in an enclosed garage. Example 100-unit multifamily complex would require a total of 200 parking spaces, of those 150 could be uncovered parking and 50 would be required to be garage type parking.

Acting Mayor Dresel asked about the multifamily parking is there some allowed for visitors.

Associate Planner Nelson stated they did not include visitor parking.

Acting Mayor Dresel asked about manufacturing and if expansion for needed for parking when the buildings are expanded.

City Administrator Pechman stated parking in areas seems sufficient with more and more automatic the need for people is less and less. So, the requirements are working for all shifts.

Council Member Meyer made the motion to approve, Council Member Rivers seconded, all in favor, all ayes, motion carried.

7d. Res – 24-06-01- Write in vote counting

Action

Administrator Pechman stated city Staff was informed by the County Auditor/Treasurer Konrad of the new law changes at the past election meeting. The city must approve a resolution governing the counting of write in votes, thus eliminating the need to count right in votes.

Council Member Meyer made the motion to approve the resolution, Council Member Rivers seconded, all in favor, all ayes, motion carried.

7e. Gambling Fund 29 Uses

Action

Fire Chief Reed stated city Staff have made an annual request to use funds from Fund 29 which is the 10% proceeds from charitable gambling by LARA and Chisago City Fire Relief. City staff again would like to request funds for the following allowed expenditures. The following represent the 2024 amounts: city volunteer recognition not to exceed \$2,750, Fireworks for Ki-Chi-Saga Days \$10,000 and Children Lighting Festival \$2,750, Fire Department Volunteer Steak Fry \$1200 and LAPD employee recognition \$900 for a total of \$17,600.00. Fund 29 has an adequate fund balance to cover the expected expenditures with a remaining balance near \$44,660.

Administrator Pechman stated the relief does a great job and the funds help with all the events provided for the city.

Council Member Rivers made the motion to approve the expenditures, Council Member Meyer seconded, all in favor, all ayes, motion carried.

7f. Hiring Carter Ramaley Parks II Position

Action

Administrator Pechman stated Carter Ramaley was given a conditional offer of employment. Staff is currently working on completing his background check. A final offer will be made pending the City Council approval and successful completion of the background. We received 38 applications for the position. Staff conducted 16 interviews and 3 second interviews. All three candidates were excellent choices and a tough decision.

Council Member Meyer made the motion to approve, Council Member Battles seconded, all in favor, all ayes, motion carried.

7g. Fund 23 Request from Zach Reed – Lighting

Action

Chief Zach Reed has submitted a request from fund 23 for the purchase of retro fitting lighting. The new LED Lighting is estimated to save \$2,058 dollars annually for a two-year payback on the electrical savings.

Council Member Meyer made the motion to approve, Council Member Rivers seconded, all in favor, all ayes, motion carried.

7h. Cannabis Moratorium

Action

Associate Planner Nelson stated at this time all cannabis licensing will be issued through the state, but all licenses will need to be allowed per local zoning. Chisago County must allow a minimum of 5 total retail operations. Chisago City does not regulate the number of tobacco licenses, THC registrations or liquor except for on sale. City ordinances do not limit the number of off sale liquor licenses. At this point there has not been a moratorium on licensing nor a restriction on the number of licenses proposed for cannabis. City staff are seeking direction. No limits, or a moratorium to take time to study and propose an ordinance that limits cannabis retail locations. Staff is seeking direction from the city council on pursuing regulations THC retailers or not.

Administrator Pechman stated the county had taken the position that there would be 5 total for the Chisago County. The county came back and said they cannot limit the number. If they wanted to do a moratorium that is their choice, he does not see one being needed at this time. If a local unit of government is conducting studies or has authorized a study to be conducted, the governing body may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. Before adopting the interim ordinance, the governing body must hold a public hearing. The interim ordinance may regulate, restrict, or prohibit the operation of a retail business within the jurisdiction or a portion thereof until January 1, 2025.

Attorney Doran stated he can prepare something if the council is so inclined. Doran stated we should possibly have something in October for the council to review. A moratorium must have a purpose, you cannot put one in place to restrict business.

Acting Mayor Dresel stated he does not want a hundred of them but there should be some type of restriction and management of them.

Council Member Meyer stated we don't want to wait until the last minute to get something in place since it will be starting more than likely in 2025.

Administrator Pechman stated staff is looking for direction from the council.

Attorney Doran stated it should be like they want to regulate the business as something similar to the liquor and tobacco licensing, such as limiting the number, the distances from schools and such.

The council's direction was to have a draft moratorium prepared in case it was needed.

7i. Affordable Lawn Care

Administrator Pechman stated that Affordable Lawn Care, owner Russell Oehme has submitted his two weeks notice for the lawn care of the city parks. Russell has provided this service for the city since 1994 for almost 30 years taking care of and mowing the city parks. Staff did reach out to Paradise Outdoor Services, which is the company Russell had recommended and they do have the capacity to finish out this season for us. Staff has recommended that the current contract with Affordable Lawn Care be terminated at the end of the season and a new one drafted the current contract is only two pages and needs to be redone and updated. Paradise has agreed to finish out the season. Pechman is familiar with their work they do the development he lives in. At the end of the season a new contract will be reviewed by the attorney and looked at for possible renewal with Paradise. Administrator Pechman wanted to thank Russell he has done these parks for a long time and put a lot of energy into them.

Council Member Meyer made the motion to approve Paradise Outdoor Services, Council Member Rivers seconded, all in favor, all ayes, motion carried.

ADJOURN

Council Member Rivers made the motion to adjourn, Council Member Meyer seconded, all in favor, all ayes, motion carried.

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Respectfully Submitted by:

Paula Oehme,

Deputy City Clerk