



**Approved
08/22/23**

**MEETING MINUTES
CITY COUNCIL
July 25, 2023**

Present: Council Member Rivers, Battles, and Meyers, Council Member Dresel (Council Member Dresel will be attending via zoom at 3000 Poberezny Rd, Oshkosh WI)

Absent: Mayor Gustafson

Staff: City Administrator Pechman, City Attorney Doran, Associate Planner Nelson, City Engineer Guzik, Chief Police Schlumbohm

Public Attendance: Leilani Freeman, Don Skelly, Chris DuBose, Frank (representing Widseth)

REGULAR MEETING-CALL TO ORDER 6:30

Mayor Gustafson 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 except Mayor Gustafson; Rivers Acting Mayor.

Action

Administrator Pechman stated Council Member Dresel is present on zoom from 3000 Poberezny Road, Oshkosh, WI.

AGENDA

Administrator Pechman stated he had would add to the agenda item 7k Gambling form and item 7L resolution adding a 3rd Precinct.

Council Member Meyer would like to add 7m Public Cannabis Use; discussion.

Council Member Dresel stated he has a conflict and has to leave at 7:00 pm and any critical items moved up.

Acting Mayor Rivers stated they could move item 7c and 7d to the front of the agenda. Acting Mayor Rivers asked for approval of the agenda as amended.

Acting Mayor Rivers made the motion to approve the agenda as amended, Council Member Dresel seconded, all in favor, all ayes, motion carried.

CONSENT AGENDA

- 3a. Minutes of June 27, 2023** **Action**
- 3b. Payment of Bills/Finance Information** **Action**
- 3c. Committee Reports** **Discussion**
- 3d. Pay Request #2 Bituminous Roadways** **Action**

Administrator Pechman stated the roadways is close to being done and hopefully done before Ki-Chi-Saga Days.

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

PUBLIC COMMENT/AGENDA PLACEMENT

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

PETITIONS, REQUESTS, COMMUNICATION

Moved to the next item on agenda for time constraints.

7c. ABDO – Variance **Action**

Chris DuBose stated they are asking to waive the requirement for the area to be developed at this time, which will be a Dollar Store and a Pizza Place. The remaining property would be an outlot for area not being developed at this time. They are asking to waive the requirement of a tree survey for the area to be developed at this time, which will be a Dollar Store and a Pizza Place.

Associate Planner Nelson stated Chris DuBose representing Abdo Marketing, representatives of PID 13.0004.00, 13.00044.20 & 13.00045.02, have submitted a variance application for a proposed plat requirement to provide a tree survey. They have proposed to defer the tree survey on Block 2 Lot 1 and to waive the tree survey on Block 1 Lots 1 & 2. The Planning Commission held a duly noted public hearing on July 6, 2023. Discussion centered around the requirement of all developments to conduct a tree survey. Administrator Pechman explained that tree surveys are part of the preliminary plat requirement. Planning Commission voted to deny the variance.

Council Member Meyer stated since it is in the ordinance it should be done. The Planning Commission felt it was in the ordinance so should be followed. Meyer stated he had visit the site and he sees that the possibly of the ordinance being revisited because the impervious surface. When the property is clear cut and most of the trees which are trying to be saved will probably die.

Council Member Battles asked for an explanation the goal of the tree survey are we trying to identify trees, save trees which are endangered, what is the goal?

Associate Planner Nelson stated the she was not here when the ordinance was drafted but more than likely to save any desirable trees if possible.

Administrator Pechman stated part of it is too looking at the types of trees for value and to identify large areas which are old substantial growth when we were doing larger developments. We have also identified wildlife corridors for being stewards of the land.

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Council Member Dresel said his question was answered on what was the portion of the tree survey and since it will be done on the second portion.

Leilani Freeman asked who does the tree survey?

Administrator Pechman stated the developer would hire a tree survey company and they would come out and identify the trees and grade them good to poor condition.

Council Member Meyer made the motion to waive the trees portion on the parcel to be developed now and to wave the 2nd parcel being done at a later date, Council Member Battles seconded, all in favor, Meyers aye, Battles aye, Dresel aye, and Rivers abstains, motion passes 3 to 0.

7d. ABDO Development – Preliminary Plat

Action

Frank Roden with Widseth representing Abdo Marketing, representing owners of PID 13.0004.00, 13.00044.20 & 13.00045.02, has submitted a preliminary plat application to develop two commercial lots and a residential lot at the combined PIDs. The property is in the Highway Commercial (HC) district. The property is currently being used for agricultural purposes. The Planning Commission held a duly noted public hearing on July 6, 2023. Can answer any questions.

Council Member Meyer asked the city engineering firm Jake if we had any issues.

Jake Guzik City Engineer stated they have been sent the plans and responded with their concerns.

Council Member Meyer stated what the city engineer requested and approved, Council Member Battles seconded, all in favor, Rivers abstained, Battles aye, Dresel aye, Meyer aye, motion passes 3 to 0.

Council Member Dresel left the meeting.

PUBLIC HEARINGS

6a. Planning Commission – Chapter 30 of the City’s Municipal Code

Action

Administrator Pechman stated the City Council held the 1st Reading of Chapter 30 at their last regular meeting in June. The focus of the proposed change was the challenge of having enough members to make a quorum for the meeting. The council discussed the desire to keep the Planning Commission at 7 members. Staff was recommending potentially changing down to five members with 2 alternate members. The discussion that followed was to look at changing to have 2 alternate members. The 1st alternate would be the Council Liaison and the 2nd alternate would be the 2nd council member back up to the liaison. The Planning Commission will stay with 7 members. One will be the City Council Member (former liaison) the alternate will be the 2nd Council Member assigned. The 2nd Council Member will only be called in order to make a quorum of the commission.

Council Member Meyer made the motion to open the public hearing, Council Member Battles seconded, all in favor, all ayes, motion carried. Meyer aye, Battles aye, Rivers aye, 3 to 0.

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

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

6b. Park Commission – Chapter 31 of the City’s Municipal Code

Action

The City Council held the 1st Reading of Chapter 31 at their last regular meeting. City Council and Staff discussed the need to potentially change the number of members from 7 to 5. The commission has had trouble getting a quorum of members to have a Park Commission meeting. The commission has also been short 1 member for several months and the youth liaison position has never been filled or attended on a consistent basis.

The Council at its last regular meeting held the first reading of the ordinance and announced the public hearing date for July 25, 2023.

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

Council Member Battles said the Park Commission currently has 5 regular members, but they would also like having the positions remain the same and they do not want the youth positions to go away. They are fine with the liaisons stepping in if they are needed as with the Planning Commission.

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

Council Member Battles made the motion to keep the 7 members (5 members and the 2 alternate liaisons) and the youth remain; we will do the same as the Planning Commission and use liaisons for voting members if needed, Council Member Meyers seconded, all in favor, all ayes, motion carried.

6c. Vacation of ROW of Car Condos

Action

Associate Planner Nelson stated City staff received a petition to vacate the platted Right of way (ROW) in the Deer Garden plat see exhibit A. The ROW includes:

40’ R/W of Deer Garden Plat that is part of a recorded plat of Deer Garden, Chisago County, Minnesota which lies easterly of the west line of Lot 23 and its northerly extension and lies easterly of the west line of Lot 26 and it’s southernly extension, all in said Deer Garden.

The petition was filed in accordance to 412.851 of MN State Statues. The request was received on July, 20 2023 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, Council Member Battles seconded, all in favor, all ayes, motion carried.

Don Skelly the developer with High Pointe Land is looking to vacate this to clean up the platting and making it easier to close on the purchase.

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

Administrator Pechman said for clarification he shows the survey and where it is located. Pechman stated the county GIS does not show but upon research by the purchaser the R.O.W. it had been found. Administrator Pechman stated the R.O.W. in this location will not be needed by the city.

Acting Mayor/Council Member Rivers made the motion to vacate the ROW, Council Member Meyers seconded, all in favor, all ayes, motion carried.

NEW BUSINESS

7a. 10512 Liberty Lane – Conditional Use Permit (CUP)

Action

Associate Planner Nelson stated Dylan Rybak of Minnesota Built Chisago LLC has applied for a Conditional Use Permit (CUP) at the address 10512 Liberty Lane Chisago City, MN 55013 PID # 13.00019.20. He is requesting to expand the storage capacity at the property by adding portable storage units. The proposed units are white/grey in color with red doors but the colors can vary slightly. Shipping style containers are not being proposed. The unit's range in size from 10x10 to 10x20. The property obtained a CUP for outdoor storage in 1997. Resolution 97-08-05 Permitted the outdoor storage of items including boats, motors, and similar items. Conditions of the CUP included: #5 No outdoor storage of parts and #6 The area will be kept neat and orderly in appearance. The property obtained second CUP for permanent mini storage structures in 2002. Resolution 02-07-02 to allow outdoor storage. Conditions of CUP included: #2 The outdoor storage is limited to the back 2/3 of the property and #3 The outdoor storage may only consist of the following: Campers, camp trailers, fifth wheel trailers, passenger cars, passenger trucks, utility trailers and boats. All items requiring licensing must be current. Two buildings were constructed for mini storage. In 2006 a third building was added to the property. In 2016 a second story addition was added to the building in the center of the property. Sometime between 2016 and 2019 the previous owner installed 14 portable units that are grey with brown roofs and red doors and match the three main structures. They are 8'x12' and are in the back 2/3 of the property on the east side. The 14 units were installed without proper permitting. Dylan Rybak and Minnesota Built Chisago LLC purchased the property in 2022. He added an additional 14 portable storage units in May 2023. They are white in color and have red doors and range in size from 10'x10' to 10'x20'. They're located from the front property line to the rear on the east and west sides. These 14 units were installed without proper permitting. There is no representative there to answer any questions and was not at the Planning Commission.

Council Member Meyer made a motion to deny the CUP, Council Member Battles seconded.

Council Member Meyer stated no one had shown up at the Planning Commission meeting representing the request and now tonight so they figured they were not too serious about the CUP.

Acting Mayor Rivers stated there is a motion on the table, all in favor, all ayes, CUP denied.

7b. Chisago Lakes Car Condos – Final Plat

Action

Associate Planner Nelson stated Don Skelly of High Pointe Land LLC has submitted a final plat application to develop car condominiums called Chisago Lakes Car Condos at 29425 Karmel Ave. Mr. Skelly is requesting to develop and use the site as a six-building planned owner-occupied condominium storage facility. The property is in the Light Industrial (LI) district. Utilizing this site as a storage facility is allowed with the CUP that has been obtained. The property is currently being used for agricultural purposes. The Planning Commission held a duly noted public hearing on July 6, 2023. Discussion centered around the use of the buildings. Don Skelly explained the units would be heated, hooked up to City sewer and water, would be owned by private owners but would not be livable units intended for habitation. The buildings are proposed to be enclosed with a fence connecting the backs of the buildings, creating a perimeter around the interior space. Planning Commission voted to approve the Preliminary Plat with city staff recommended conditions.

Council Member Meyer made the motion to approve the final plat with any city conditions, Council Member Battles seconded, all in favor, all ayes, motion carried.

Mr. Skelly said one thing which needs to be addressed on the plat is the intention is to have an electronic gate at the front. They would like to fence the property so the storm ponds are to be maintained by the city.

City Attorney Doran stated the understanding is that the storm ponds are privately owned and need to be maintained by the property owner.

Administrator Pechman stated sometimes we will allow the city to maintain these ponds but it is assessed back to the property owner; we will not take ownership of the ponds.

7e. Shore Land Overlay District Ordinance Amendment

Action

Associate Planner Nelson stated City staff had received a notice from the DNR to amend the Shoreland Overlay District Ordinance (SLOD) to include North Sunrise Pool and Sunrise River, both recently annexed into the city. Staff submitted a revised version of the Shoreland Overlay Ordinance to the DNR. City staff has received a conditional approval letter. If the new ordinances are adopted by the City Council, the DNR will be notified, and a final approval letter will be sent to the City. The Planning Commission held a duly noted public hearing on July 6, 2023. Discussion centered around the proposed changes to include the North Sunrise Pool and Sunrise River. Planning Commission voted to approve the proposed amendments.

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

7f. Speed Limit Request – Jewel Lane & Wyoming Avenue

Action

Administrator Pechman stated that City Staff received complaints regarding two streets within Chisago City. The first is Wyoming Ave. Wyoming Ave. has seen an increase in the number of vehicles. Residents who use Wyoming Ave. have complained that east bound traffic is exiting Hwy 8 to bypass backed up traffic especially if they are headed to Old Towne Rd. Wyoming Ave. has no posted speed limit. Staff believes Chapter 169.14 Subd. 2 Number 1 allows the city to post a speed limit of 30 mph based upon it being an urban district with narrow lots and several driveways would qualify for it to be posted. Administrator Pechman stated the second request is in the newly annexed area of Lent Township on Jewel Lane. City staff has less data and knowledge on Jewel Lane other than it is a long dead-end road with multiple houses and two ninety degree turns with no cautionary signage. Staff believes the roadway would qualify as a rural residential district under Minnesota State Statute 169.14 Subd. 2 Number 8. If the council were to approve a speed limit sign on Jewel Lane, it would be 35mph. The sign would need to indicate you are entering and exiting a rural residential district.

Council Member Battles asked are they looking for a speed limit or Dead-end sign.

Administrator Pechman stated the speed limit.

Council Member Meyers said he made the motion to approve the speed limit sign on Wyoming Avenue of 30 mph/Urban and since we typically do not post dead-end roads but could place a dead end sign and some road curve signage on Jewel Lane, Council Member Battles seconded, all in favor, all ayes, motion carried.

7g. Resolution 23-07-01 – Trail Connections Grant Program

Action

Administrator Pechman stated City Staff received word June 22nd that our application was accepted, and we were given the grant in the amount of \$250,000 for the extension into Ojiketa Regional Park. Bolten and Menk's design was changed during the submittal process based on wetlands and need to acquire an easement. The matching cost to the city has increased to \$213,000. Based upon a larger trail. Staff is recommending the entire trail fund be used approximately \$90,000. The additional \$123,000. To be used of some park dedication and gas franchise fees. Those amounts will be determined closer to the date of construction. City Staff has been working with our consulting engineers from Bolten and Menk on a proposed grant request to extend the existing Swedish Immigrant Trail and the Old Towne Road trail into Ojiketa Regional Park. Chisago County recently completed a new round about intersection

at

Old Towne Road and CSAH 23. The project included a pedestrian trail on the round about itself but did not connect to the existing trail to the North or into Ojiketa Regional Park, leaving a segment to be completed. Tonight is to approve the fiscal agent for the project.

Council Member Meyer made the motion to approve Cassie Gemuenden as the fiscal agent for the project, Council Member Battles, all in favor, all ayes, motion carried.

7h. Approval of Promotion Tyler Istvanovich

Action

Administrator Pechman stated Tyler Istvanovich hired as public works 1 has now completed his certification for water and sewer and is now able to be promoted to the public works II pay scale. Tyler has been with the city approximately 4 years and will be effective August 1, 2023.

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

7i. Chisago Lakes Lions Club -Highway 8 Signage

Action

Administrator Pechman stated City Staff received an email from Donna Lunde requesting signage for the recognition of the Chisago Lakes Lions Club. The sign will be placed along HWY 8 in Chisago City. The Community Recognition Signing Program allows communities to express their identity by name on population or boundary signs. Non-profit service organizations maybe approved for this signing request. MnDOT will work with the city once they receive a request of approved signage from the city.

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

7j. Funds Transfer Capital Fund 52 to Fire Department General Fund 01

Action

Administrator Pechman stated he had meet with Fire Chief Reed and the repair line in the budget is very low and are in need of monies for repairing vehicles.

Council Member Meyer made the motion to approve the transfer of up to \$10,000 out of capital, Council Member Battles seconded, all in favor, all ayes, motion carried.

7k. Gambling LG230 form approval

Action

Administrator Pechman stated the Lake Center for Youth is a non-profit they are holding a raffle at the Uncommon Loon Brewing Company, November 16, 2023. This form is needs council to approval.

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

7l. Adding a 3rd Voting Precinct

Action

Administrator Pechman stated it has come to our attention that if there are more than 50 registered voters in the former Lent Township area. They are represented by District 4 Commissioner Montzka.

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

7m. Outdoor Cannabis Use

Discussion

Council Member Meyer stated he has seen other cities implementing an ordinance treating cannabis smoke the same as cigarette smoke. Meyer stated so no smoking would not be in the park.

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Administrator Pechman stated this has been before the Park Commission previous and the only park that is smoke free is Rotary Park since it is located across the street from a school. Pechman stated they can always change this as needed.

Council Member Meyer asked if we have to put anything into our existing ordinances.

Chief Schlumbohm stated Lindstrom is putting some ordinances into place for the smoking in parks. Minnesota has put some laws in place for second hand smoke. The state has approved the use of edibles and in a year they will be licensing the products when the office of cannabis management takes over.

Attorney Doran said the smoking in public is already in place until the office of cannabis management takes affect. A lot of city's are putting in a moratorium; which will be redundant. We should be looking at our current ordinances pertaining to the new sale of cannabis that will be coming within a year. There is nothing imminent about the smoking.

Chief Schlumbohm stated we currently do not have zoning for it so that would need to be done.

Attorney Doran it is based on population, Chisago County has a limited number of dispensary's that can be held. His recommendation that has been created for edibles and it regulates what is already legal. Until the Office of Cannabis is up and running there will be an opportunity to implement if we need too. If the city wants to implement a moratorium to do so they can.

UNFINISHED BUSINESS

None.

ADJOURN

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

Respectfully Submitted by:
Paula Oehme,
Deputy City Clerk