

PLANNING COMMISSION MEETING
October 7, 2008

PLANNING COMMISSION PRESENT: Asia Bednar, Chris White, Diane Wirth, Kevin Witt

STAFF PRESENT: Chris Wallberg

OTHERS PRESENT: Al Bergevin, Amy Carolan, Tom Kromer, Sharon Lee, Mike Lenarz, Larry Lenertz, Bob Livingston, Jonathan Major, Susan Major, Phil Stanton, Brian Zeller

1. **CALL TO ORDER** by Acting Chair White at 7:00 p.m.
2. **PLEDGE OF ALLEGIENCE** was said.
3. **MEETING MINUTES** – White noted under application by Darla Kron – sentence should be change to City Staff saw absolutely nothing to prevent this CUP from being granted. **M/S/P (White/Witt) to approve the minutes of the September 16, 2008 meeting with correction. Motion passed.**
4. **APPLICATION BY PHILLIP & NANCY STANTON FOR VARIANCES TO REMOVE THE EXISTING STRUCTURE & BUILD A NEW HOME AT 723 QUINNELL AVENUE NORTH**

A. Public Hearing

- 1) **Call to Order** at 7:02 p.m.
- 2) **Introduction of Application** – Wallberg introduced application located across the street from City Hall; proposing to demolish the existing house, remove it, and put a new home in its place; public notice and publication has taken place for this Public Hearing; WMO has reviewed because there was expansion of impervious surface; Stanton and their contractor have stipulations that WMO put forward to prevent any problem with drainage or erosion; variances for their consideration are to lot size, lot width at front lot line, front yard setback, and side yard setback on the north side.
- 3) **Public Comments** – none
- 4) **Written Comments** – none
- 5) **Hearing Closed** at 7:05 p.m.

B. Discussion & Recommendation

Wirth asked Stanton regarding the side yard setback of 4 feet; if she is looking at the plans correctly, the new house will be put at same spot as old house; asked if that meant he is removing deck. Stanton said they are going to remove the structure; there is an existing deck right now; they put that in because they are planning to put a small deck out there, not right now but within the next couple years; footprint is larger and marked on plan. Bednar asked with the way the house was built, was there any idea of creating it to make it look as if it's more like the history of the City, the old style. Stanton said they would have shutters; probably will look more in keeping with the older style than they have now.

M/S/P (Bednar/Wirth) to recommend the City Council approve the application by Philip & Nancy Stanton for variances to remove the existing structure and build a new home at 723 Quinnell Avenue North, contingent on performance standards and outlined WMO conditions. Staff asked they make it contingent on performance standards being met, that the conditions be met that was outlined by WMO; applicants meet the requirements for primary and secondary septic location and most setbacks. Stantons comfortable with requirements. Bednar read requirements amending the original motion [performance standards/WMO conditions]. **Motion passed.**

5. **APPLICATION BY LAWRENCE & DENESE LENERTZ FOR VARIANCES TO REMOVE THE EXISTING SHELTER FROM THE BLUFFLINE AND REMOVE THE EXISTING STRUCTURE & BUILD A NEW HOME AT 435 QUIXOTE AVENUE NORTH**

A. Public Hearing

- 1) **Call to Order** at 7:15 p.m.
- 2) **Introduction of Application** – Staff introduced this was application by Lawrence and Denese Lenertz who would like to remove the existing home and replace it with a new structure; everything has been published and noticed as required by Statute for this Public Hearing; they are proposing to take out a bunker that is actually in the slope at the bluff line as part of their proposal; grading that will be required to remove the bunker from the slope in the bluff line requires a variance because grading is not permitted on a slope greater than 12% grade; proposal also includes some work on steps going down the slope that would require grading; need to provide them a grading and filling permit; can't do that unless there is a variance that allows any grading to go on at all; in regard to the new structure, there are some variances that are also required – lot size, lot width at the water line, and lot width at the building setback are all things this particular property does not meet the minimum measurements;

3) Public Comments –

Louis Jambois, 447 Quixote Avenue North. Lived at address for 20 years and has been Denese and Larry's neighbor for nearly 20 years; wanted to provide support to his next door neighbors for their project; they have been spectacular neighbors, good stewards of the waterfront, the bluff, and the bluff line; project would be a great asset to the neighborhood, certainly to the City, and of course to the Lenertzes; he and his wife Carol are in support of this project.

Jonathan Major, 440 Quixote Avenue North. Also neighbors to Lenertzes; his wife Susan and he support this project as well.

4) Written Comments – none

5) Hearing Closed at 7:25 p.m.

B. Discussion & Recommendation

Lawrence Lenertz, 435 Quixote Avenue North. Lenertz surprised and delighted his neighbors support him; they are wonderful neighbors and one of the main reasons they want to build because you can't replace these neighbors; early this spring, he met with the City Clerk and asked if he could build a home on the River; she answered in the affirmative and provided some literature, some of which he understood, some he didn't; went home and hired Mike Rygh, a local builder who has a home on the River to give them a floor plan and design to start; he knew setbacks and whatever; about their second meeting with Rygh, Lenertz asked to meet with the DNR because there is no point in going forward if they are not headed in the right direction; at that point Rygh set up an appointment with Molly Shodeen of the DNR; they met at his home and showed her the site; Shodeen invited the City Clerk that was wonderful; they presented what they would like to do; can't put words in Shodeen's mouth, but once you remove the bunker, there is going to be grading issues and it's quite a steep hill right there; thought this grading was the direction she was promoting; obviously he was wrong, and she is not supporting that; at this point, they need to change their plans somewhat; one thing that Shodeen did insist on is that they hire an engineer, which they did; when they interviewed Todd Erickson, he indicated he had done work on the River, worked with WMO and DNR, and he thought this was a perfect fit; tried to express to Erickson what Shodeen's feelings were; City Clerk really didn't provide much input at all at the meeting; Erickson drew up some beautiful plans, but DNR not supportive.

Todd Erickson, Folz, Freeman, Erickson, Inc. Erickson introduced himself as a licensed civil engineer in the State of Minnesota; as Lenertz indicated, he contacted him early on in the process, and they initiated the process by going out to survey the property and to get a good accurate site map of the parcel; he was hoping Shodeen would be present [both White and City Clerk advised she was on her way]; indicated existing conditions and establishing bluff line location; after bluff line established, they were then able to offset that 40' requirement and place the home accordingly out of that setback; made determination of where the properties are north and south and drew a line indicating those two corners of the existing homes to the north and south, took an area to that, and that is where they located the home; would actually like to table this application, as they would like to work with Staff and move forward with revised plans the DNR endorses. White said as far as tabling, that is okay if they are able to work out the bluff line, but if there are major changes, asked if it didn't require a new application. Staff said there will probably will be changes here; in that case with any type of substantial changes, it becomes a new application so they would need to repost, publish and notice through their whole notification process; for that reason, she would suggest that if they are interested in tabling that they would do so for 30 days providing them adequate time to actually do some substantial work with this application; if the application is amended, anything substantially at all, this needs to be published and noticed within 10 days; would need everything in place by Thursday morning, and she doesn't see that as a practical idea. White believes generally if they were to just drop something, it isn't a big deal; if they are taking extra changing which is adding to application, then it is and the public is required to know about it. City Clerk said if PC planning to table, Shodeen and Amy (WMO), building inspector, engineer, and everyone involved should get together in the same room to be more productive and efficient. Witt thinks what they are dealing with right now in his mind is to look at a property; doesn't matter if from the neighbors or DNR's perspective, when they have an eyesore from the River - quite honestly there is buckthorn; for the record, he stopped by the home the past few days and looked it over; they are trying to make a major improvement to the property, and it is in everyone's best interest; if they look toward south, they have walkout there, north side slopes up slightly; in his mind they have to do some amount of grading no matter what they do; hard part is to get it done properly so it diminishes water; another thing he wanted to comment on is with all the use and talk about rain gardens, right now if you look at the property, in his estimation they have more water going uncontrollably down the hill than they will with a new home; with the new home, between gutters and rain gardens and grading properly done, he doesn't see how they can lose with this project personally; right now aesthetically from the River, they have basically old cement block; Shodeen's letter talked about some basic things that could be done; appears to be very doable but just needs to be tweaked a little bit; only concern he would have, and he hopes this can be worked out as they don't live too far away from Lenertzes and he knows they have children and one

concern he would have would be from a fire standpoint and having a fire escape; doesn't have to be a huge walkout, but maybe a walk up.

Jonathan Major, 440 Quixote Avenue North. Directly across the street from Lenertz; Witt made a good point about fire safety for the children, but moreover he would like to say right now that Lenertzes have a serious issue when it comes to severe weather; as it stands right now, when there is severe weather and the sirens go off, the family leaves the home, travels down the bluff line and into that bunker; they can tell they are there because they have a red light that says they are down there; sees this as an improvement for their safety as well. Witt said this may be out of context because this goes from PC to CC once the final application is made; speaking for himself, obviously he has no problem with lot size, width, and other variances; to him it is very straightforward; if they look at the plan, the home is not overly extravagant where it is being overbuilt in the lot; impervious rules fall in line and they are not doing anything they shouldn't be doing here; whole issue the way he sees it is they are trying to do everything right with exception they need to work out the grading; to him there has to be a compromise made on that because the property to the south is far more than the property to the north and there has to be a way to grade so that everyone's happy.

M/S/P (Wirth/White) to table the application by Lawrence & Denese Lenertz for variances to remove the existing shelter from the bluff line and remove the existing structure and build a new home at 435 Quixote Avenue North until the next PC meeting. Witt asked if the motion had to say 30 days or if they could leave open and address at next PC meeting. Staff threw in another monkey wrench which is later in the agenda; doesn't mean to manipulate their agenda but due to Election, the next scheduled PC meeting is on Election Day; PC needs to make an adjustment to that date. **Motion passed.**

6. APPLICATION BY AMY CAROLAN ON BEHALF OF THE MIDDLE ST. CROIX VALLEY WATER MANAGEMENT ORGANIZATION FOR VARIANCE TO ALLOW GRADING ON GREATER THAN 25% SLOPE FOR THE AFTON-LAKELAND GULLY STABILIZATION PROJECT AT 16028 5TH STREET SOUTH

A. Public Hearing

- 1) **Call to Order** at 7:45 p.m.
- 2) **Introduction of Application** – Staff introduced application for variance to complete grading on slopes greater than 12%; to clarify for any confusion, this does say the 25% slope – that is the way it is being presented at engineer's recommendation; variance is to the 12% slope, but what they are working on here was at least 25% and probably more so they are dealing with erosion that is a pretty serious situation; again for this application, it has been published and noticed according to Statute; this project has been going on for 1.5 years; this is the first that PC or CC would have heard about it; came to their attention they needed a grading and filing permit; engineer has reviewed as well as WMO; grading permit part of process.
- 3) **Public Comments** – none
Amy Carolan, MSCWMO Administrator. Sole purpose of this project is to control a severe erosion problem that is occurring in that area; right now the head cuts are more than 10' deep; grading will be focused just in the base of the ravine, so there won't be a lot of grading going on the side slopes of the area but only for the purpose of keying in the rock structures to control the movement of water down the ravine and also to fix some of the deepest head cuts and to place boulder drop structures to stabilize those areas more completely; sole purpose is to control erosion issue.
- 4) **Written Comments** – none
- 5) **Hearing Closed** at 7:50 p.m.

B. Discussion & Recommendation

White asked what live stakes were. Carolan said they are cuttings, live stakes are cuttings from live plants, usually willows, or in this case it will be elderberry because of the shade in the area; you take live cuttings from plants in the dormant season and take the dormant stake of the plant and place it into the side of the bluff; in spring, it is allowed to root so they get shrubs growing on the side of steep slopes by using cuttings. White said in regard to that, whenever she sees anything eroding and see the plants usually erode with it because the rock still gets washed away and the roots have nothing to hold them; asked if these are items that are suppose to go in there and will hold. Carolan said it is typical bioengineering for controlling erosion; additionally there will be seeding with native species and blanketing as well to help stabilize slopes. Staff said this has been joint project with WMO and Afton as well; in interest of cost, Afton is also participating in this because it is on the part of the bluff that is both cities. Carolan said there are permanent easements put in place as well, so they have the chance to do maintenance on the area should any of the systems not work properly; there also is a two year warranty on the plants they plant that they will have to be established.

M/S/P (Witt/White) to recommend the City Council approve the application by Amy Carolan on behalf of the Middle St. Croix Valley Water Management Organization for variance to allow grading on greater than

12% slope for the Afton-Lakeland Gully Stabilization Project at 16028 5th Street South, as per the application. Motion passed.

7. APPLICATION BY DAVID ERICKSON ON BEHALF OF TEAM INVESTMENT FOR VARIANCE TO PLACE A NEW ISLAND CANOPY WITHIN THE 40' SETBACK & AMENDMENT FOR CONDITIONAL USE PERMIT TO REFLECT THE CHANGE

A. Public Hearing

- 1) **Call to Order** at 8:00 p.m.
- 2) **Introduction of Application** – Staff introduced application was also noticed according to State Statute; there is a bigger project than just for the variance for the canopy and that is a reconfiguration; in addition to what they are being asked to consider which is area of the canopy itself, it is recommending they review because this will also amend a CUP to reflect what these reconfigurations are going to be; because they are at Public Hearing, now is the time to determine what reconfigurations are going to be.
- 3) **Public Comments** –
Gary Vandervorst, Lakeland Plaza. Has worked with Erickson for 30+ years; Erickson isn't in the audience because he had a previous commitment and regrets he couldn't cancel that; certainly interested in the project as he has worked with City Staff and the CC/PC; well represented by Peter Hilger and Tom Kromer.
Peter Hilger, Architect. Glad to answer questions.
- 4) **Written Comments** – none
- 5) **Hearing Closed** at 8:07 p.m.

B. Discussion & Recommendation

Bednar thinks changing pumps actually makes more sense down there, just because it is more logical; boats have a hard time getting in there and filling up now; if she is reading this correctly, how are big boats filling up now. Hilger backed up a little bit; emailed to City Hall yesterday a diagram and passed a copy to PC; basically the property line they see, the area marked in blue is County and actually temporary construction that is out there today; when they take a right now into the island, they are heading dead square into a gas pump the way it sits right now; the double lines out in the roadway represent the new road configuration; one of their challenges was to get the new road configuration from the County engineers, incorporate that into their plan, and figure out where this was all going to end up and also more importantly what was going to happen with the grades; what is happening with the road is it is actually coming down slightly; based upon where the position of the tanks are right now, they have a fairly significant swale, about a 2.5' drop from the sidewalk down to the pumps back up to the frontage road; with all of this work going on, this is the perfect opportunity to make things right; their intention is to reposition the canopy so that people coming in either from 3rd Street or St. Croix Trail will basically be coming into the pumps at the correct angle as they are approaching it; that is the critical reason for changing the pumps and the practical matter is a emergency sort of situation because they don't want people, once this thing gets confused, to be running into the sides of pumps when they are not paying attention; very significantly a safety issue as well; as part of this process, they will be adding an additional pump; alignment of the curb cut is the new access into their property from St. Croix Trail; also have to position pumps in such a way it makes sense for fueling trucks to come in and maneuver around; they believe that the combination of pulling this closer to CSAH 18 is also going to give them more room to put 90° parking in front of the store and plenty of maneuvering room in front which is where they see the greatest amount of activity; they have a challenge with weather coming up and would like to get the old tanks pulled out, the new tanks put in, the new concrete set at the correct elevation so that it will align up with the new elevation with CSAH 18 as quickly as they possibly can; talking two phased approach, they are going to ask the City to approve the entire development which is all of the parking, the additional parking, the additional impervious area they are indicating on this plan; however, they would like to commence the construction of just the tank portion a little bit sooner than all the approvals can be handled; not the City approvals but the watershed district's approvals; they have to wait until the watershed district meets to approve the entire development, because it is a disturbed area in excess of 10,000 sq. ft.; then they are into freeze up and fairly significant complications; would like to get the City's approval for the entire plan and continue to work with the watershed on doing the portion that is outlined right around the pumps which is the minimum area they need to dig out the tanks, replace the tanks, take out the old canopy, put the new concrete in, set the new canopy; they would just have gravel around the perimeter until spring anyway because they are going to run out of time to pave; important thing is to get those pumps rotated; met with Amy Carolan yesterday to discuss that strategy to make sure it is okay; grading plan as he understands it is Staff level approval, so they would work with the City Engineer on the final establishment of grades; still need the City's approval for the overall plan development and bringing the canopy closer to the property line; final point there is one adjustment on plan which they just discovered since making application – they were proposing to shift the driveway, provide a new curb cut on 3rd Street; reason for that to improve circulation through what is now a dead end at the parking lot; trash

enclosure is located up in that corner of the building - basically the southwest corner; impossible for those trucks to get in there to service that adequately especially as tight as everything else is there; wanted to provide another curb cut; where they were planning to put it, they have since found out their drain field is; need to shift the entrance down a little bit farther; will need to snake it through between a power pole and an existing tree but he will need to field locate those on the final survey plan; will end up with 33 parking stalls. Witt thinks it very good idea to add the driveway if he can work it out; as many kids that run through to buy candy, etc., if they can give a garbage truck an easier access point and less backing up, will be safer for the kids and community. Hilger said one of the long range plans is to install a storm sewer, so they no longer will they have to walk through the drainage to get to the store; they will bring that underground, so basically looking to have almost a level access from the store to the pumps to the right of way to CSAH 18. Bednar asked where it said right turn only into the property, can they come back out there so would be coming out on 3rd. Hilger said design will deter them from coming back out; if they were to come out they would be coming into a turn land anyway; the way that is set up, it is a double width right now; what they are driving on right now is basically County; also will be relocating the monument sign; there are two light poles out there right now that will be relocated as well because they need to get them out of the driveways. Staff said the sign placement would have to meet the ordinance requirement; there is a triangle and intersection that have to conform to lines of visibility; she didn't understand that was final - for them to actually make measurement and make that determination

Brian Zeller, 16626 11th Street. WMO is part of review because it exceeds the 10,000 sq. ft. of the area; they are not looking at it in regard to the canopy variances. Hilger said they are looking in the increase of parking as part of the overall plan which the WMO will look at; they will be making that application at their November 27 meeting. Staff noted if increase in impervious surface would not be within the 50% that most are allowed, there would have to be variance action on that; WMO is interested in whether it is an increase of 500 sq. ft. or more, but they are also very specific as their ordinances to say if they are over 50% of total area of the property, then a variance process has to be met; doesn't know if that is the case. Hilger thought they weren't adding that much and asked if Staff looking at impervious of the parking or the parking and the building. Staff said everything. Witt agrees procedurally he doesn't have any trouble with any of this because with the change that has taken place in front of their business, if you let common sense prevail with the angle of the pumps right now, they have a nightmare and thinks the faster they move the better off it is for everyone from a safety standpoint; would be for making recommendations to move forward, but won't make that until more discussion takes place. White had questions regarding lighting; Hilger mentioned they were going to relocate 2-3 existing light posts. Hilger's expectation is lighting would not bother neighbors to the north because they will be illuminating in the same direction they are currently; not reorienting them but just shifting them; canopies themselves, right now they have a dropped box below the ceiling of the canopy, so fixture actually below the canopy; retrofitted to allow lights to go straight down and not glare off into the distance; what they are proposing with this canopy is a recessed canopy light that is basically flush with the ceiling that has a fairly significant intensity straight down but very little lateral throw; when these are positioned, they have to put little lights that just illuminate the front of the pumps.

Tom Kromer, Construction Manager for Freedom Oil. They have done some research on this lighting and thinks based on what he has seen at the store, obviously the lights put in probably had a significant amount of glare; two things they will have going for them with this is (1) if they can raise that grade up, that will bring the canopy up higher so lights won't be right in your eyes if you are on the road and (2) with flush mount lights, there is virtually no glare whatsoever; area right below remains lit so people are safe; just put this same fixture in at the Holiday Station in Lake Elmo; manufacturer LSI came up with basically a spotlight that directs light at the descent; nice concept and thinks it will be a very attractive portion to the store at night; this canopy lighting issue has been a chronic problem, so this solution seems to solve that; many cities have had the same issue about the collateral glare that goes out; existing fixtures that are there are 400 watt canopy lights and they would like to go to 320 watt which is energy saving; technologies are changing where they are trying to give them a little more light with less energy; have gone through some changes with their Freedom stores and instituted a new image on their canopies; they would like to try their image on the canopy here if they could. Staff said when brought to her he indicated it was proposed and would get back to her on specifics; didn't put it in; no issue in regard to colors but potentially could be with regard to size. Hilger said question is whether the signage is just lettering or graphics. Staff said it will be all of those measures on all four sides in addition to what is on the building and in addition to the monument sign; apologizes as she didn't understand she had final plan; thought it something they would do administratively.

M/S/P (Bednar/Wirth) to recommend to the City Council regarding the application by David Erickson on behalf of Team Investment for Freedom Valu Center at 280 St. Croix Trail South that the concept of the reconfiguration of this property be approved; that the variance to setbacks to canopy placement close to the east property line be approved; that all phases are approved contingent on WMO approval; and that proposals for purposes of the CUP would meet all ordinance requirements. Witt would like to recommend

approval of all phases based on WMO input. White would also like to include that they visit with Washington County on the east side since it is their easement. Staff believes they can add as long as they meet ordinance requirements. **Motion passed.**

8. APPLICATION BY JIM GILLES ON BEHALF OF THE LAKELAND PUBLIC WORKS DEPARTMENT & FEE OWNER RIVER VALLEY COMPANIES REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A PUBLIC WORKS SHOP AT 98 ST. CROIX TRAIL NORTH

A. Public Hearing

- 1) **Call to Order** at 8:22 p.m.
- 2) **Introduction of Application** – Staff introduced shop proposed in part of the River Valley Printing building; plan is to store some equipment [plows] west of the building and that area has vegetation that provides natural screening from properties to the west and must be maintained; no sign proposed, but must be approved before placed.
- 3) **Public Comments** – none
- 4) **Written Comments** – none
- 5) **Hearing Closed** at 8:25 p.m.

B. Discussion & Recommendation

Witt considers this a serious formality because *they are us*; if they can't trust them, who can they trust; thinks this pretty straightforward. Wirth thinks very nice building. White would like to make change to letter D Chemical/Pollutant Storage and Disposal - paints and small gas cans does indicate where they will be stored; she would like it to state items should be stored inside the building. Staff said just so everyone understands, as part of this Public Hearing is 24/7, and there is likely to be activity there at all times of the day. Bednar clarified neighbors were all notified and they know exactly what is going in there.

M/S/P (Wirth/Witt) to recommend to the City Council to approve the application by Jim Gilles on behalf of the Lakeland Public Works Department and fee owner River Valley Companies requesting a CUP to operate a Public Works shop at 98 St. Croix Trail North with change in Provision D that paints and small gas cans be stored within the building and that screening between west property line and building be maintained. Motion passed.

9. CONDITIONAL USE PERMIT ANNUAL REVIEW

A. Public Hearing

- 1) **Call to Order** at 8:30 p.m.
- 2) **Introduction of Application** – Staff said by ordinance requirement, the City has annual review of CUPs; PC checks with their businesses and they bring information back to the City for this purpose; this application was also properly published and noticed in regard to State Statute; referred to summary [copy on file at City Hall] for the CUP; for the most part, no one is asking for any major changes; could ask for changes as part of this because they do have a Public Hearing. Bednar asked if Lakeland Auto on Wiederkehr property as well. Staff said it will be his CUP; they can extend it for an additional year even though they know he is gone; reason they know that might be a good idea is they have actually had some businesses who thought they were going to leave and asked them to let their CUP expire change their minds, and then had to go through process again; Staff is recommending both for Gruber Lawncare and Lakeland Auto that they renew for the next year so if Wiederkehers have either lawncare or a very similar service or an auto shop, they already have a CUP in place; that can be an administrative change for CC Consent Agenda for approval; their ordinances do not allow a property owner to have a list of uses, with the exception of Lakeland Plaza; hopefully once they get codification, it will take all of these extra businesses that are within a property like this and be purely administrative.
- 3) **Public Comments** – none
- 4) **Written Comments** – none
- 5) **Hearing Closed** at 8:40 p.m.

B. Discussion & Recommendation

White asked that 16) Cheep Mini Storage be pulled because she has been trying for over 3 months to get him to lock his gates and he is not doing it; north and south there are wood gates that close up; have them there so in the winter they can plow - they open up and plow the snow; people are opening them up and throwing their garbage they don't want to take back with them out of the storage; if it were locked, they would have to shimmy under or throw it over and would be more difficult; these are supposed to be locked according to their CUP and haven't been; he has been ignoring it and she would like not to approve 16.

Sharon Lee, 730 Quixote Avenue North. Wanted to point out that this has been an issue not just in months but years; over the years this issue has come up repeatedly; as they are discussing this and thinking about it, know

this isn't just an error of short term but problematic for a long time; not fair to neighbors on either side. Staff said with review they could choose to not approve CUP; option to that is show cause hearing, and with this particular business owner, he has had a couple of those where they send a letter on behalf of the CC to say on a certain date they need to come and show them why they should not remove their CUP; that is the motivator that was needed to get this taken care of in the past; she would recommend and PC recommend for the CC to extend this CUP for 30 days; Staff will send letter as soon as that might be approved asking him to take care of it by a certain date; if he doesn't, then they send the show cause hearing letter and that is when the attorney gets more involved.

M/S/P (Witt/White) to recommend to the City Council they approve the Conditional Use Permits as presented for renewal, with exception of 16) Cheep Mini Storage with further recommendation of sending letter to owner providing a 30 day extension to address issues. Motion passed.

10. SET NOVEMBER MEETING DATE

White asked if everyone comfortable going a week later on November 11. Staff would like to give Wirth opportunity to summarize workshop on PC; clearly the Lenertz CUP will come back; they are pretty open to when they can set meetings; wonders if it might be good idea to see what happens in the next day or two with regard to the Lenertzes and possibly even having their meeting a bit earlier if it appears that they can get that done according to Statute; it would help them if earlier than November 4. Witt suggested once Staff knows what is going on to poll them; if it works out for the majority that is great. Staff said they would need to do it either Tuesday or Wednesday the week before because Thursday they are setting up for Election. Consensus to not set date with understanding Staff will get in touch with them by early next week; will see what can be done about scheduling earlier than November 4.

Sharon Lee, 730 Quixote Avenue North. Lee addressed paperwork she handed out earlier this evening in regard to St. Croix River Workshop which is being sponsored by the St. Croix Partnership Team, the Partnership Team being a representation of all the cities and townships along the Saint Croix River from Prescott north, both Minnesota and Wisconsin; about a year ago, the Partnership decided that it might be helpful for PC/CC to do some workshops to clarify some ordinances, rules, regulations that were placed on the River dating back to the 1970s to protect the River as a Wild and Scenic River; the Partnership reviews all of the rulings that they as a PC do in the River zone; every time they have a variance in front of them and they make decision, it comes before them; representatives from the Wisconsin side and up and down the River on Minnesota side look at what they decided as to whether it was appropriate to protection of the River; in doing that, it became so clear there is confusion and all of the cities and townships are struggling what are the rules, what is pertinent and what is not, what is hardship and why is it important; three workshops planned; one coming up in October, one in the spring, and one next fall that will actually be taking place on a riverboat to tour the River; there will be speakers and a chance to get into small groups to discuss some of these issues; she is highly recommending they as PC members attend all three if possible; thinks it will help them, not only for the information, but to know they are not hanging on a limb by themselves and that other communities struggle with these issues; clear understanding what the purpose is of ordinances and what they are really doing; basically gave them all her talking points on page 3; if they have any questions, they should give her a call and she will get back to them. Bednar referred everything that comes before them and it gets back to the Partnership, asked if that is a mandated thing or the cities comply because they request it. Lee said nothing happens other than when they look at what the cities have done, that goes to the County and they look at what they have either recommended or disapproved; gives them summary of what is happening on the River; not only has representatives from the various cities and townships, but also interest groups - groups that are also concerned about landowners rights, marinas; they would have an opportunity to find out how and why the DNR does what they do because they are involved with this group, both the Minnesota DNR and Wisconsin DNR; definitely differences in how the two states handle things; Lee represents the City of Lakeland in the Partnership; Jim Stanton is alternate; they should RSVP to the Partnership Team if interested. White said if they are interested, the League of Minnesota Cities has an attorney and his full specialty is land use which includes hardship; they will come out to the City for free to talk to them all about how they should do things if they are interested. Lee thinks the first meeting will focus on the water side, the second will be land use, third basically providing visual how that ties together; just a way to help the PC/CC in what is out there and make is easier to make decisions; one of the things when Scenic River created was to try to bring two states split by the River in accordance with each other. Staff thinks the City, including Staff, has not done a thorough job of providing training, even in the basics of what their role is and understanding what each Staff person's roles is and how this fits in with the role of the CC.

11. MEMBER REPORTS

Wirth provided brief summary of meeting in Duluth; was really good meeting for someone starting on the PC because it really gives you basics of what you are suppose to do; felt better about what they are doing as a PC; very interesting and has one of the flyers they provided that she asked Wallberg to copy for all of them; did whole section on how to do surveys. White reiterated use of land use folks if they ever want them; along with those lines too, they could get into role

business and what they should be doing as PC member; they are the City's insurers so any of these claims that do take place, they are the ones who handle. In answer to Bednar, Staff said it might help to know most of the City ordinances they still use came to them as models; this codification is the only time someone sat down, put it all together in one place, and then used a company who could help them to decide (1) that what they had in there is not contrary to State or Federal Law, and (2) there is a single eye looking at all of these sections to see if there is overlap.

12. ADJOURN – M/S/P (Witt/Bednar) to adjourn at 9:02 p.m. Motion passed.

Chris White, Acting Chair

Kate Piscitello, Recording Secretary