

CITY OF GRANT
MINUTES

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DATE : December 6, 2022
TIME STARTED : 7:00 p.m.
TIME ENDED : 8:28 p.m.
MEMBERS PRESENT : Councilmember Carr, Rog, Giefer,
Schafer and Mayor Huber
MEMBERS ABSENT : None

Staff members present: City Attorney, Nick Vivian; City Planner, Jennifer Swanson; City Treasurer Sharon Schwarze and Administrator/Clerk, Kim Points

CALL TO ORDER

The meeting was called to order at 7:00 p.m.

PUBLIC INPUT

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Rog moved to approve the agenda, as presented. Council Member Giefer seconded the motion. Motion carried unanimously with a roll call vote.

CONSENT AGENDA

November 1, 2022 City Council Meeting Minutes	Approved
November 2022 Bill List, \$92,812.50	Approved
City of Stillwater Fire Department Contract Extension, 2023-2025	Approved
Kline Bros., Road Work, \$19,812.50	Approved
City of Mahtomedi, 4 th Quarter Fire Contract, \$38,624.00	Approved
City of Stillwater, 2n Half Fire Contract, \$80,180.00	
Back to Black, Aprons/Potholing, \$54,060.00	Approved

1 Council Member Schafer moved to approve the consent agenda, as presented. Council Member
2 Rog seconded the motion. Motion carried unanimously with a roll call vote.

3 .
4 **STAFF AGENDA ITEMS**

5
6 City Engineer, Brad Reifsteck (no action items)

7
8 City Planner, Jennifer Swanson

9
10 **Consideration of Resolution No. 2022-29, Application for Conditional Use Permit, Exterior**
11 **Storage and Staging for Asphalt Business, 7559 Jamaca Ave** – City Planner Swanson advised the
12 Applicant, Ryan Conlin on behalf of A.R.C Paving Inc, is requesting a Conditional Use Permit (CUP)
13 on the subject property to allow for equipment storage and staging to support the small asphalt paving
14 business (seasonal) from the site. As described by the Applicant, the principal use of the property is
15 storage of equipment and staging of equipment that is used for the off-site asphalt paving operations.
16 Activities on the site will primarily be seasonal occurring between April and November of each year.
17 The proposed use includes parking of large vehicles and equipment on the site, employee parking of
18 personal vehicles during the day when off-site work is conducted, and routine maintenance of the
19 equipment needed for the business. The Applicant has indicated that future administrative/office uses
20 at the site may occur, but such activities would be accessory to the principal equipment storage uses
21 on the site.

22
23 A duly noticed public hearing was held on November 9, 2022, and one member of the public
24 provided public testimony. A summary of the testimony is provided:

- 25
26
- Concern regarding devaluation of property due to the proposed operations.
 - The existing condition of the fence onsite is in disrepair and does not adequately screen the
27 subject site and looks bad particularly along the northerly property line (shared property line
28 with the proposed operation).
 - Concern regarding hours of operation, particularly the morning hours when idling of vehicles
29 to take off-site for day.
 - The potential adverse impact to wetlands due to the washing of vehicles/equipment on site.
 - Other comments included questions regarding the total number of vehicles/pieces of
30 equipment on site, and the number of trips and vehicles (activity) on the site on a daily basis.
- 31
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36 City Planner Swanson stated after the Public Hearing was closed, the Planning Commission discussed
37 the application. After discussion, the Planning Commission recommended approval of the CUP with
38 the conditions as amended. The draft conditions are provided in the draft CUP that is attached to this
39 staff report.

40
41 The following staff report is generally as presented to the Planning Commission.

42
43 **Application Summary**

44

Applicant: Ryan Conlin, A.R.C. Paving	Site Size: 1.27 Acres (55,321 SF)
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Inc. Owner: FJB Properties	
Zoning: A2 - Agricultural Small Scale Future Land Use: Rural Residential/Ag	Request: Conditional Use Permit (CUP)
Address: 7559 Jamaca Ave. N. Grant, MN 55082	Location Description and PIDs: PID 27.030.21.23.0004, subject property generally located northeast of the 75 th Street N and Jamaca Ave. N.

1
2 The Applicant is requesting a new CUP to permit equipment storage and staging operations
3 associated with a small asphalt paving business. A summary of the proposed use of the site is as
4 follows:

- 5 • Storage of equipment that supports a small asphalt paving business. The asphalt paving
6 business activities are conducted off-site and various locations and projects.
- 7 • Activity on the site will include staging of equipment for the day’s business activities and
8 picking up of equipment. The site will primarily be active between April and late November.
- 9 • No storage of asphalt is proposed on site. A stockpile of Class 5 on the property during the
10 active months is requested.
- 11 • Employees will come to the site in the morning to pick up their equipment for the day and will
12 leave their personal vehicles on the site. At the end of a work day the equipment will be
13 returned to the site and stored and personal vehicles picked up.
- 14 • Potential use of the existing buildings with future improvements may allow for accessory
15 administrative/office uses to support the operation.
- 16 • Off-season storing and maintenance of equipment, with occasional running of equipment.

17
18 The business currently operates with a fleet of four (4) dump trucks, a semi/trailer combination, a tool
19 truck/trailer combination, two (2) small tool trucks, a mid-size excavator, a road grader, three (3) skid
20 steers, and six (6) rollers. During the operational season, a typical day of operations generally starts at
21 6 am and ends around 5 pm. The Applicant indicated that the time frame could vary depending on
22 weather and workload. The typical day starts with approximately 30 - 45 minutes of warming up
23 trucks, fueling and swapping equipment on trailers based on the day’s work schedule. The Applicant
24 has indicated that aside from the pick-up and drop-off activities, the site will generally be vacant. A
25 rough concept of how the site would be used and function during the active season is provided as
26 Attachment C Proposed Site Operations Layout.

27
28 As stated in the Applicant’s narrative, the current business has 5 employees (combination of both part
29 time and full time) and they hope to grow to 8 - 10 employees in the future. To support the employees
30 and use of the site, the Applicant indicated they would like to install a well and septic system on the
31 property if the CUP is approved. Staff discussed this with the Applicant and learned that the existing
32 buildings on the site are not functional for the type of business proposed and there is not useable
33 drive-in maintenance space which is desirable for the business. The Applicant indicated that in the
34 future they are interested in modifications to the building that may include full demolition of the
35 structures depending on the access location, etc. If new structures are constructed, depending on their
36 function, a well and septic may be required, and it is possible that no suitable location for a septic

1 drainfield exists. If that were to occur, they would consider installing a system with a holding tank.
2 Further analysis regarding the buildings, future plans, and utilities are provided in subsequent sections
3 of this report. Finally, the Applicant indicated that during the winter months the equipment will be
4 parked and stored on site and that routine maintenance may occur during the winter months, but
5 generally the site will be relatively quiet between December and March.

6
7 City Planner Swanson advised the City Code states the following for consideration when reviewing a
8 Conditional Use Permit (32-141):

- 9
- 10 “(d) In determining whether or not a conditional use may be allowed, the City will consider the
- 11 nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on
- 12 adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of
- 13 consideration in determining the effect of the use on the general welfare, public health and safety.”
- 14 (e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a conditional use
- 15 permit, and a periodic review of said permit may be required.”

16
17 Section 32-245 Table of Uses establishes the list of permitted and conditionally permitted uses in the
18 City. Subsection (b) states, “Uses shall be allowed according to the use table in subsection (c) of this
19 section. When a specific use is not listed, the closest similar listed use shall determine the restrictions
20 and conditions which apply.”

21
22 The Table of Uses identifies “Storage – As a Principal Use” as permitted with a Conditional Use
23 Permit and references Section 32-316 for additional criteria and standards.

24
25 The subject site is located at 7559 Jamaca Avenue N., and is described as being in the Northwest
26 Quarter of Section 27, Township 30, Range 21 (27.030.21.23.0004). The parcel is approximately
27 1.27 acres, is fairly regular in shape, and is bordered by Jamaca Avenue N., on the west. The majority
28 of the site is either paved with bituminous or improved with gravel surface and includes an existing
29 principal structure and two accessory buildings that are clustered on the eastern portion of the
30 property. The majority of the property perimeter is fenced with varying types of materials and
31 conditions. The fence along the Jamaca frontage which appears to be a standing seam steel, green,
32 fence product that is 100% opaque that screens all activities internal to the site.

33
34 The site is generally located in the southwestern quadrant of the City, on the northeast corner of the
35 75th Street N and Jamaca Avenue N intersection. The Mahtomedi School Campus including the
36 Wildwood Elementary School is located just west of the subject site. Other uses surrounding the site
37 include a mix of agricultural and rural residential uses. The most recent use of the site was Floyd’s
38 Auto Sales which was a business use that operated with a Conditional Use Permit to sell used cars.

39
40 The site is guided RR/AG – Rural Residential/Agricultural in the City’s adopted Comprehensive
41 Plan. Land within the RR/AG land use designation is generally described as supporting rural
42 residential and agricultural uses with limited non-residential uses that require a CUP. The proposed
43 exterior storage and staging uses to support the asphalt paving business is similar to other contracting
44 businesses in the City such as HVAC equipment storage, roofing material storage, etc., where the
45 business operations and activities primarily occur off-site and the property is used for materials and
46 vehicle storage as well as support administrative services. Depending on the conditions established

1 for the proposed business operations and provided a CUP is obtained, the proposed operation could
 2 be consistent with the adopted Comprehensive Plan.

3
 4 The Applicant submitted a Certificate of Survey and a Proposed Site Operations Layout to
 5 demonstrate the proposed site storage configuration and operations (See attachments). The following
 6 dimensional review is provided for review and consideration.

7
 8 City Planner Swansons advised the following site and zoning requirements in the A2 district relate to
 9 the proposed application. The following review is conducted focusing on the submitted site plan.
 10 Staff comment is in italics.

Dimension	Standard
Minimum Lot Area	5 Acres
Frontage on an Improved Public Road	300'
Front Yard	65'
Side Yard Setback (from street in case of corner lot)	65'
Side Yard Setback (from interior lot lines)	20'
Rear Yard Setback	50'
Height of Structure	35'
Non-accessory, non-dwelling structures	Per Permit (requires CUP and Building Permit)
Impervious surface coverage	50%
Floor Area Ratio	30%

12

Proposed Use

The Applicant’s narrative describes his business as an off-site seasonal asphalt paving business and the proposed use of the site is for year-round equipment storage and staging to support the business. While the Applicant’s business is an asphalt operation, no asphalt will be stored or processed on site. Instead, the principal use of the site is for equipment storage and staging to support the off-site asphalt operations. Therefore, the principal use of the site is most similar to exterior storage and staging uses that support the business operations and exterior storage is permitted as a principal use if a conditional use permit is obtained in the A2 zoning district.

Section 32-246 and 32-83 establishes that the existing Floyd’s Auto sales CUP is a non-conforming use that if terminated can only be replaced by a business operation that is established as either permitted or permitted with a Conditional Use Permit. The proposed operation, if determined to be a Principal Storage Use, is conditionally permitted and therefore 1) establishes the use as conforming; and 2) will eliminate the previous non-conforming auto sales use.

Given the proposed operations and existing improvements on the site, transitioning the site to a use that is permitted or conditionally permitted

is desirable as it eliminates/reduces the amount of non-conformity on the site.

**Lot Area, Lot
Frontage and Access**

Lot Area

The subject property is approximately 1.27 acres and does not meet the minimum lot size requirement. However, the lot and use of the parcel for non-residential uses was established as part of the previous CUP issued for Floyd's Auto Sales that remains in effect until a new conforming use is established. Given that there is an existing CUP that establishes the use of the site for a business that has similar characteristics to the subject request, staff would generally consider the Lot Area as legally non-conforming.

Lot Frontage

Per the submitted Certificate of Survey the westerly border of the subject site abuts the Jamaca Avenue N. roadway and there is approximately 201-feet of frontage. The subject parcel does not meet the required minimum lot frontage; however, the lot is a legal lot of record and is considered legally non-conforming.

Access

The subject project is accessed from Jamaca Avenue N., via a large driveway that is located approximately 250-feet from the Jamaca (CSAH 9) and 75th St. N. (CSAH 12) intersection. No changes to the access are proposed as part of this application; however, the Applicant has indicated that they may explore moving the driveway location to improve the site circulation. Since Jamaca Avenue N., is a County Road any request to modify or change the driveway would be subject to the Washington County permitting process and approval. *Staff recommends including a condition that any modifications to the access must obtain an access permit from Washington County.*

Setbacks

As shown on the Certificate of Survey submitted by the Applicant, there is an existing principal structure, carport and accessory structure located on the site. A storage container with approximately 301 square feet is also identified adjacent to the accessory structure, and it is assumed to be movable/temporary. The existing principal building is located approximately 52-feet from the roadway edge per Washington County GIS records and 21.6-feet from the existing fence line (front).

The existing shed is located approximately 45-feet from the roadway edge and approximately 25-feet from the existing fence line (front). The shed is setback approximately 32.4-feet from the northerly (side) property line. The carport is setback similar distance from the roadway and fence line and is positioned adjacent to the principal structure.

As shown on the Certificate of Survey the location of the existing buildings do not meet the front yard setback. Since the buildings are existing, they are considered legally non-conforming structures. As

legally non-conforming commercial structures no enlargement of the structures is permitted. *Staff recommends including a condition that since the existing structures are legally non-conforming no enlargement (footprint or height) of the structures is permitted and any contemplated improvements must meet the standards for maintenance of structures that are non-conforming as established in Section 32-80.*

Additionally, as noted on the Applicant’s general Proposed Site Operations Layout the Applicant is considering the removal of the existing buildings and constructing a new building(s) in the future. *Since plans for any future buildings are unknown staff recommends including a condition that any new or proposed structures on the site will be required to meet all setback requirements in place at the time of the application; and that depending on the size and use of such structure contemplated, that an amendment to this CUP may be required.*

**Principal Structure,
Accessory Buildings
and
Parking/Coverage
Standards**

Principal & Accessory Structures

The existing CUP issued for the Auto Sales business (Floyd’s) permitted the existing principal building to be used for commercial use which is approximately 2,122 SF. There are two accessory buildings on the subject site – a shed that is 376 SF and carport that is 247 SF for a total of 623 SF of accessory buildings on site. There is also a storage container denoted on the Certificate of Survey which is assumed to be a temporary/moveable structure which does not meet the accessory building standard definitions. In total there is approximately 2,745 SF of permanent structural buildings on with an additional 247 SF of temporary building area. *Since the lot is non-conforming, staff recommends including a condition that the amount of building square footage may not exceed 2,992 SF unless the CUP is amended. If demolition of the existing buildings is proposed depending on the layout and size of the proposed buildings an amendment to the CUP may be required.*

Coverage Requirements

Section 32-246 establishes that the maximum percent of coverage of a site, where coverage includes parking areas or structures of any type, is 50%. As shown on the Certificate of Survey approximately 90% of the site is improved with either structures, gravel or bituminous surface and only a small area between the road right-of-way and the existing fence is impervious, as well some green space within the required setback area. Section 32-246 also stipulates that the maximum floor ratio is 30%. Given the total building area is 2,992 SF and the lot size is approximately 1.27 acres the Floor Ratio is approximately 5%, which meets the City’s requirements. As developed, the current site does not meet the City’s coverage requirements due to the extensive gravel/bituminous area. Similar to the structure locations, the

impervious/coverage is established as legally non-conforming; however, certain standards regarding grading, stormwater, etc., may still be required depending on the level of improvements at the site. ***Staff recommends that a condition be included to address any stormwater, grading, or site alteration requirement established in the City Engineer's memo that will be submitted under separate cover.***

Parking & Parking Lot Requirements

As shown on the Applicants Proposed Site Operations Layout, to support the proposed equipment storage operations nearly the full site must be improved. As stated in the narrative the asphalt paving equipment is large and requires significant area to make the turning movements on the site. While the Applicant did not identify any additional improvements to this area as part of the application, given the change in use, discussion regarding the appropriate materials for the storage/parking area should be addressed. Per section 32-373 Surfacing and drainage, "...all other uses shall utilize asphalt, concrete or a reasonable substitute surface as approved by the city engineer..." ***Staff requests discussion by the Planning Commission regarding improvements to parking/equipment storage area to determine if additional improvements are recommended. In addition, staff requests discussion regarding the amount and quantity of gravel and/or bituminous area since the existing improvements do not meet the City's ordinances.***

At a minimum, if the Planning Commission determines that the existing condition is acceptable, it is likely that the Applicant will continue to make improvements to the equipment storage/parking area in the future. Therefore, it is possible that future permitting and analysis from the City Engineer may be required particularly if any grading is proposed. ***Staff recommends including a condition that any future conversion of the gravel area or bituminous area to a different material may require a grading permit from the City Engineer, and depending on the plans may require an amendment to the CUP.***

Parking of Equipment

As shown on the Proposed Site Operations Layout submitted by the Applicant, the proposed Truck/Equipment Parking is on the southeast corner of the site. The configuration allows for the site circulation to occur in the south half of the site, and for equipment storage and drop-off to be located in one area with the fueling tank station to occur on the way out of the site. The location of the equipment storage/parking is reasonable, but it is not possible to verify that the area is adequate to support the equipment identified by the Applicant's narrative without more details. ***Staff recommends including a condition that an updated Proposed Site Operations Layout must be submitted to demonstrate the parking area and to confirm that the circulation route is functional.***

Lighting

The proposed lighting is not included on the site plan and is not described in the Applicant’s narrative. However, staff spoke to the Applicant and he stated that he would like to install some lighting for security purposes near the principal structure, the employee parking and the truck parking/loading areas. Section 32-321 Lighting, lighting fixtures and glare states that lighting shall not exceed 25 feet or the maximum height of the principal building. The standards further stipulate that lighting may not spill onto adjacent residentially zoned/used land or onto the public right-of-way. *Staff recommends including a condition that a lighting plan, including location and fixture specifications must be submitted for review and approval by staff prior to any installation. If necessary, a photometric plan may be requested to demonstrate compliance with the City’s lighting standards and regulations.*

Signage

A specific sign plan was not submitted as part of this application. However the Applicant indicated to staff that they would like to install a sign on the exterior fence of the property similar to the Floyd’s sign that is currently present. *Staff recommends including a condition that any proposed signage must comply with the size, quantity and location standards as established for the A2 zoning district. Any deviation of the standards will require either a separate CUP or an amendment to this CUP.*

Landscaping/Fencing

The majority of the site perimete is fenced with various materials, including a a green 100% opaque material along the Jamaca Avenue N., front property line. The Applicant did not propose any alterations or changes or changes to the fencing as part of this Application.

However, during the public hearing the adjacent residential neighbor indicated that the condition of the fencing along the northerly property line of the subject site is intermittent and in poor condition. They indicated that screening between the properties is not adequate and that the fencing, or lack thereof, is an eyesore. The Planning Commission discussed the public testimony and determined that a screening plan, especially on the northerly property line, must be developed and should include a combination of vegetation and fencing to achieve 100% opacity at the ground level. *A recommendation has been added to the draft CUP to require the Applicant to submit a plan for screening along the west and north property line, which much be reviewed and approved by City Staff. In addition, a condition is included to require the landscape screening improvements to be installed within six (6) months of the CUP being granted.*

Utilities (Including Fueling)

Well & Septic System

The existing property is not served by a well or septic system. The Applicant has indicated that they will periodically wash equipment on the site so a well must be installed. *Staff recommends including a*

condition that all proper permitting must be obtained from the MDH and/or MnDNR to install a well on the site.

During the public testimony concern was expressed regarding the washing of equipment and the wastewater runoff generated from this activity. There are several wetlands in proximity to the site and runoff, particularly if contaminated, could adversely impact receiving water bodies. The Planning Commission also indicated that this was a concern and that plan for wastewater runoff related to washing equipment should be developed and any required permits obtained. ***Staff recommends including a condition that the Applicant must work with the City Engineer to develop a plan for equipment washing on the site, and that any permits from the MPCA or other adjacent having jurisdiction, must be obtained prior to the commencement of operations on the site.***

As noted in the narrative, the Applicant is also interested in installing a septic system on the site. Since the site is nearly fully improved, there likely is not adequate space to install a drainfield. ***Staff recommends including a condition that a permit must be obtained from Washington County for installation of any septic system, including tank or other system type.***

Fueling Station

The Applicant has indicated that they need to have a fuel tank on site so that the equipment can be properly maintained and fueled. The proposed location is depicted on the Proposed Site Operations Layout. Staff did not identify any specific standards in the Zoning Ordinance regarding onsite fuel tanks, but supports the location as identified on the Proposed Site Operations Layout diagram which locates it further away from the structures on site and away from adjacent residential uses. ***Staff recommends including a condition that any required MPCA permits for onsite fuel tanks must be obtained and evidence of such permits must be provided to the City.***

Operations

The hours of operation given in the narrative are as follows:

- Running the trucks, setting up for the workday: Approximately 6:00 am – 6:45 am.
- The site would generally be vacant during the day.
- Returning trucks and equipment, preparing up for the next workday: Approximately 5 pm.

Based on discussion with the Applicant and the submitted narrative no clients will visit the site, and no subcontractors will use the property. The onsite activity will generally be comprised only of the owner's activity and their employees. ***Staff recommends including a condition that no public or retail sales are permitted on the site, and that operations shall generally be restricted to the activities noted in the Applicant's***

narrative.

The Applicant has stated that they will store the identified equipment on the site and that the employees will pick up the equipment for the off-site activities planned for the day. In addition to the equipment, the Applicant notes on the Proposed Site Operations Layout the desire to keep a back-up stockpile of class 5 on the site. While not a structure, the height should generally be controlled in a similar way so as not to be visible from adjacent residential parcels or the public right-of-way. ***Therefore, staff recommends including a condition that addresses the height of the class 5 stockpile.***

The Proposed Site Operations Layout provides a general concept of the operations. The diagram is helpful to understand the intended operations on the site, however, it is not scalable and it cannot be verified that the areas are adequate to support the proposed activities. ***Staff recommends including a condition that the Proposed site Operations Layout be updated to reflect the appropriate scale and dimensions of the designated areas so that it can be confirmed that the areas can support the intended activities*** (e.g. the equipment storage area should include dimension of the dump trucks/rollers/etc., to ensure that the area is large enough and that the circulation plan works.)

In addition to the circulation pattern, as described by the Applicant, the morning activities include warming up of the equipment for 30-45 minutes. While a short period of time, if this activity occurs at 6 am it could be loud and/or disturb adjacent residential uses and therefore should be located as far from the northerly property line as possible. ***As such, staff recommends including a condition that the area designated for morning equipment warm-up must be located on the south side of the site as shown on the Proposed Site Operations Layout.***

Noise

Based on the Applicant's narrative the most activity on the site will occur at the beginning of the day when the equipment is picked up and at the end of the work day when the equipment is dropped off. As discussed previously, the Applicant has indicated that the equipment will need to be "warmed up" in the mornings before leaving the site. This activity has the potential to disturb adjacent residential uses and therefore the activity should occur as far away from the northern property line as possible. As previously noted, staff recommends a condition to address this issue. In addition, all noise on the site is subject to the standards established by the MPCA. ***Staff recommends including a condition that all operations must comply with the MPCA's noise standards that set regulations for duration, decibel levels and time of day.***

- 1 City Planner Swanson noted there are no improvements to the site identified as part of the
- 2 application, although the Applicant has indicated a desire to change the access location and
- 3 potentially make modifications to the building location and configuration. The City Engineer is

1 reviewing the Application based on the existing conditions and the potential future improvements. An
2 engineering memo will be emailed to the Planning Commission prior to the meeting.

3
4 The property is within the Valley Branch Watershed District (VBWD) and it is the Applicant's
5 responsibility to obtain any necessary permits. While the Applicant does not have immediate plans to
6 grade or alter the property, there may be required stormwater improvements to the site based on the
7 proposed use. As previously mentioned, the site is located off of Jamaca (CSAH 9) which is a County
8 Road. The Applicant must work with the County to determine if an access permit is required or if
9 moving the access driveway is allowed. Additionally, Washington County Environmental Services is
10 responsible for all septic permitting and the Applicant must work with them to determine if there is a
11 solution on the site.

12
13 City Planner Swanson advised the Planning Commission (5-1) recommends approval of the
14 Conditional Use Permit with the conditions as noted. The draft CUP and Resolution are attached for
15 the City Council's review and consideration.

16
17 City Planner Swanson explained the storage definition per City Ordinance noting the ordinance does
18 not limit times for storing or parking vehicles. The lot is non-conforming but the proposed use is
19 conforming.

20
21 City Attorney Vivian stated there is a difference between building on a non-conforming lot and the
22 use of the lot. The proposed use is a permitted use per the Zoning Code, that was adopted in 1996
23 and states storage is a permitted use with a CUP. The Council has to judge the application on its own
24 merit and would need findings if the use is not allowed. Those findings must be based on health,
25 safety and welfare. If an allowed use is denied it could subject the City to litigation. Reasonable
26 conditions can be added if the City chooses to approve the application.

27
28 After Council discussion of reasonable conditions, conditions were added relating to gravel load
29 times, installation of a porta pot until the septic is installed, No gravel allowed to be stored above the
30 fence, and repair of the northern fence.

31
32 **Council Member Giefer moved to adopt Resolution No. 2022-29, as amended. Council Member**
33 **Carr seconded the motion. Motion carried with Council Schafer voting nay with a roll call**
34 **vote.**

35
36 **City Attorney, Nick Vivian (no action items)**

37 38 **NEW BUSINESS**

39 **Consideration of Resolution No. 2022-30, Final 2023 Budget** – City Treasurer Schwarze advised
40 per the Budget Work Sessions and approval of the preliminary budget, the final budget is set in the
41 amount of \$1,847,641.

42 **Council Member Giefer moved to adopt Resolution No. 2022-30, as presented. Council**
43 **Member Schafer seconded the motion. Motion carried unanimously with a roll call vote.**

44 **Consideration of Resolution No. 2022-31, Final 2023 Levy** – City Treasurer Schwarze advised the
45 final levy includes a three (3) percent increase from year 2022.

1 Council Member Giefer moved to adopt Resolution No. 2022-31, as presented. Council
2 Member Rog seconded the motion. Motion carried unanimously with a roll call vote.

3 Consideration of Resolution No. 2022-23, 2023 Liquor License, MoGrow Inc. -

4 Council Member Geifer moved to adopt Resolution No. 2022-23, as presented. Council
5 Member Schafer seconded the motion. Motion carried unanimously with a roll call vote.

6 Consideration of Resolution No. 2022-24, 2023 Liquor License, Cozzies, Tavern Inc. –

7 Council Member Giefer moved to adopt Resolution No. 2022-24, as presented. Council
8 Member Schafer seconded the motion. Motion carried unanimously with a roll call vote.

9 Consideration of Resolution No. 2022-25, 2023 Liquor License, Dellwood Barn Weddings LLC
10 –

11 Council Member Giefer moved to adopt Resolution No. 2022-25, as presented. Council
12 Member Schafer seconded the motion. Motion carried unanimously with a roll call vote.

13 Consideration of Resolution No. 2022-26, 2023 Liquor License, Schone’s Inc. –

14 Council Member Giefer moved to adopt Resolution No. 2022-26, as presented. Council
15 Member Schafer seconded the motion. Motion carried unanimously with a roll call vote.

16 Consideration of Resolution No. 2022-27, 2023 Liquor License, Loggers Trail Golf Club –

17 Council Member Giefer moved to adopt Resolution No. 2022-27, as presented. Council
18 Member Rog seconded the motion. Motion carried unanimously with a roll call vote.

19 Consideration of Resolution No. 2022-28, 2023 Liquor License, Applewood Hills LLC –

20 Council Member Geifer moved to adopt Resolution No. 2022-28, as presented. Council
21 Member Rog seconded the motion. Motion carried unanimously with a roll call vote.

22

23 **UNFINISHED BUSINESS**

24 There was no unfinished business.

25 **DISCUSSION ITEMS** (no action taken)

26 Staff Updates (updates from Staff, no action taken)

27 City Council Reports/Future Agenda Items

28

29 **COMMUNITY CALENDAR DECEMBER 7 THROUGH DECEMBER 31, 2022:**

30 Mahtomedi Public Schools Board Meeting, Thursday, December 8th and December 22nd,
31 Mahtomedi District Education Center, 7:00 p.m.

32 Stillwater Public Schools Board Meeting, Thursday, December 8th, Stillwater City Hall, 7:00
33 p.m.

34 Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.

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36 **ADJOURNMENT**

1 **Council Member Schafer moved to adjourn the meeting at 8:28 p.m. Council Member Rog**
2 **seconded the motion. Motion carried unanimously with a roll call vote.**

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4 These minutes were considered and approved at the regular Council Meeting January 3, 2023.

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Kim Points, Administrator/Clerk

Jeff Huber, Mayor

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APPROVED