



Truth in Taxation 6:00 p.m.  
Regular City Council Meeting to follow Truth in Taxation  
Tuesday, December 20, 2022  
Lakeland City Hall

---

## REGULAR CITY COUNCIL MEETING MINUTES

**TRUTH IN TAXATION – 2023 LEVY** - Kim Guyer gave a breakdown of the Levy and the budget for 2023

1,109,107.00 is the final budget and the certified levy total is 947, 904 no changes were made to the budget since September

**City Council Present: Council Member Mike Thron, Council Member Doug Sand, Council Member Pat Rivers, & Council Member Robert Craggs**

**City Staff Present: City Clerk Michelle Elsner, Financial Consultant Kim Guyer,**

**Via Zoom: City Attorney Dave Snyder, Public Works Simon Wirth, City Engineer Erik Henningsgard, & Zoning Administrator Kate Eiyneck**

1. **CALL TO ORDER – 6:00 PM**
2. **PLEDGE OF ALLEGIANCE**
3. **ADOPT AGENDA** – Council Member Craggs made a motion to adopt the agenda. Seconded by Council Member Rivers
4. **CONSENT AGENDA - (Items may be pulled for discussion and/or separate action)** Council Member Craggs made a motion to approve items A – H in the consent agenda and pull items I and J for discussion. Seconded by Council Member Thron all ayes motion carries
  - A. Approve November 16, 2022, City Council Meeting Minutes
  - B. Monthly List of Claims
  - C. Approve 2023 Liquor License Renewals
  - D. Approve 2023 Tobacco License Renewals
  - E. Resolution 2022-15 Certifying Special Assessment [Unpaid Water Bills]
  - F. Adopt the 2023 City Council Meeting Schedule
  - G. Adopt Resolution 2022-16 2023 Budget and Property Tax Levies
  - H. Approve Tru-Green Contract for 2023
  - I. Approve the final application for payment for Minnesota Paving and Materials for the Quality Avenue Project. – Council Member Craggs made a motion to approve the final payment for Quality Avenue after asking some questions about the payment with Erik Henningsgard. Seconded by Council Member Rivers, all ayes motion carried
  - J. Approve the 2023 Fee Schedule – Council Member Craggs asked that the water rates be updated to show the tiered rate that was put into effect in 2022. Council Member Craggs made a motion to approve the fee schedule with that one change. Seconded by Council Member Rivers all ayes motion carried
5. **AGENCY REPORTS**
  - A. Law Enforcement Report - In Packet
  - B. Fire Department Report - In Packet
  - C. Animal Control Report – In Packet
  - D. Building Permit Report – Andy Schreder - Rum River Construction Consultants - In Packet
  - E. Engineering Report – Erik Henningsgard – SEH - In Packet
  - F. Public Works/Water Department Report – People Service – In Packet
  - G. Zoning Report – Kate Eiyneck – MSA – In Packet
  - H. Financial Report – Roger Schanus – Carlson SV – In Packet
6. **OPEN FORUM** (Public Comments, Presentations, and Petitions)

**Please Keep Comments to less than 5 minutes**

**Mary Maloney Miller – 16087 1<sup>st</sup> St N** – On the report from MSA said page one of 2 and there is only one in the packet. Comment on tabling the CUP tonight it is going to trigger the 60 days rule what happens if that isn't granted? Mayor Paiement explained that with the request for more information, it stops the clock on the application.

**Julie Thron – 16411 Division St** – I wanted to ask the council if we could get someone to redesign the website.

7. **PUBLIC HEARING** – (Discussion and Action by the City Council will follow each Public Hearing after closing)

- A. Public Hearing for Wellhead Protection Part 2 – Mark Sherrill and Erik Henningsgard from SEH spoke about Part 2 of the wellhead protection plan and what is looked at every 10 years when it is being rewritten.
- B. Public Hearing to Consider an Update to the CUP for the St Croix Business Center 44 St Croix Trail S – MSA recommended exercising the extension on the 60-day rule. Zoning requested more information on the types of exterior storage that are being requested. Along with more information about the uses of the building. The residents that came to comment on this issue all declined to have their comments heard at this time. Mr. Gasperini believes that we have responded in a timely manner to all requests. We have had all the information diligently to the planner.  
Art Doyle 73 Quehl Ave S – I will withhold comments until there are more details. I also wanted to say Thank you to Pat Rivers for your service to the City of Lakeland.  
Julie Thron 16411 Division St – I am withholding my comment until the public hearing next month  
The public hearing will be continued until next month.
- C. Public Hearing to consider a Conditional Use Permit Request – 404 Saint Croix Trail N – This is a request for a replacement of 2 car lots to just 1 new dealership. Mayor Paiement asked for clarification on the 70 parking spots that are in existence for the property and if the new applicant would inherit all 70 spots. Zoning responded that yes that would be the case. Conditional Use Permits do run with the land zoning is recommending that both CUPs for the current car lots are revoked and a new one is issued for the new Car lot. Zoning is recommending that this application be approved with the conditions in the zoning report. Zoning states this would continue as a legal nonconformity and this CUP would improve the conformity of the property.  
James Long – Longs Auto Place – I looked at the recommendations and I don't have a issue with them. My question is there is about 25' of vegetation is there some other type of greenery that you would like to see at the location? Also one of the questions I do have is since I am an early morning person I would like to ask that I be allowed to come and go as I please to allow me to do paperwork and clear cars if needed due to the weather. I would also like to apologize to the other business owners in the building one of the conditions the current owner put on this transaction was I could not speak to the current tenants. Council Member Craggs asked about the lighting are you comfortable with our lighting ordinances and the fact that you would be required to follow them? The response was yes I am, He also asked about the signage and if there would be any issues staying within those constraints also? The response was yes I am ready to stay within the ordinance.  
Angie 16470 5<sup>th</sup> St – There is no traffic at Bonsai and I moved here 3 years ago because it was a quiet safe place. My kids would no longer be able to be outside or my animals. How many car lots does Lakeland need? If the council wants it put it across the street from your house. The only way the cars are getting out of the lot is from 5<sup>th</sup> St and that is literally my front door.  
Nicole Hanson 284 Quehl Ave - I'm all about the business I was an East St. Paul resident and my concern is with the safety and the caliber of clients that Longs attracts. I want to know what the council is planning on doing for our safety the clientele this dealership attracts would be bringing crime to Lakeland. They are going to be taking their test drives on our streets.  
Joe Heying 16580 Upper 4<sup>th</sup> St N – My concern are lighting I like having darkness I am fearful of what the new lighting would do. I am worried about the East St. Paul environment would be bringing to Lakeland. What kind of water contamination is going to happen with all of the cars there and the fluids they are going

to be dropping? This is a bad idea in my book for Lakeland. What would this do to property taxes in the future Also the safety of the crosswalks by the roundabouts?

Brennan Bonsai - I was caught off guard about this situation there is 2 parcels on that property the north parcel doesn't have a CUP. I don't know how 40 spaces translate to spaces for retail sales we were told we needed to have 5 spaces for customer parking and those could not be used for retail cars. We don't have any advertising or lights. There is nowhere for me to go with my operations in Lakeland, so it is putting me out of business. My thought was if you were to acquire the CUP for all 3 businesses what is to stop you from buying the property to the south and acquiring all their CUPs?

City Attorney Dave Snyder – One of the criteria for auto use is a minimum lot size area that is called a dimensional standard. In order to grant a use such as a CUP I think it would be required that it shows the council also consider if this is appropriate for a variance.

Tim Wirth -16160 4<sup>th</sup> St N – My question is we have special requirements regarding permeable and non-permeable surfaces is the applicant aware of these requirements and limitations?

Mary Maloney Miller 16087 1<sup>st</sup> St N – My question is this property connected to city water does it need to be? I would like the council to look at our Comp plan and the goals that are stated in it is a large dealership what do you see when you think about the St. Croix Valley? The safety of the bike paths and the residents that use the bike path needs to be taken into consideration.

Julie Thron 16411 Division St – I have Rennie's CUP from May of 1996 he was granted the 40 parking spots. Bonsai was given his CUP in 2015 it was low volume low key and great for Lakeland. Gasper Auto came in June of 2019 it was also a low-impact dealership as an online sales. So now you are talking about 70 cars. Is this what we want for the City of Lakeland to be known for car lots? I don't think this is what we want for Lakeland. I think the small car lots are fine but 70 cars is ridiculous.

Angie 16470 5<sup>th</sup> St – You put this big new dealership here how long before you have to ramp up all the other small businesses in Lakeland to match the big car lot on the end of the road?

Jerry VanHouten 16565 Upper 4<sup>th</sup> St - I admit I did not do as much homework as I should have. Maybe it would be helpful if Kate or someone could go through those. The other things I was wondering about it seems the only benefit I heard is maybe we will get rid of the junk would the construction company be going away as well? Is that really the only benefit to the City?

James Long Longs Auto – As far as cleaning off the cars early in the morning it would be a snow broom at the early hours. I don't see any reason to have test drives in your neighborhood St. Croix Trail North or Highway 94 would be more appropriate for test drives. Council Member Sand asked Mr. Long about he corner of 5<sup>th</sup> and St Croix Trail and the main approach being on St Croix Trail will you use the other driveway on 5<sup>th</sup>? Mr. Long said they are required to have 2 entrances but the one on 5<sup>th</sup> will be a secondary entrance because it is easier to access the entrance on St. Croix Trail. Council Member Thron asked about the car deliveries and do they come in by transport. Mr. Long stated almost all the vehicles are driven in by his staff. There would be only 10 or 15 vehicles a year to be dropped off by a truck.

Comments from Lynn Merimonti opposing the dealership were read into the record. Comments from Hunter and Shelby Gasper owners of Gasper Auto Sales were read into record advocating for their business. Comments from Washington County Public Works regarding traffic patterns and driveways were read into the record.

## **8. CITY BUSINESS**

A. Discussion and Action on Update to the CUP for St. Croix Business Center - A. – The Council postponed this discussion until the January meeting, at the recommendation of staff. Council Member Craggs made a motion to table the amendment to the CUP until the building comes into compliance with the CUP and the necessary Certificates of Compliance that they are currently carrying until next month. Seconded by Council Member Rivers, all ayes motion carries.

B. Discussion and Action on Conditional Use Permit Request – 404 Saint Croix Trail N – The recommendation from the City Attorney was to table this since it is a nonconforming parcel which would trigger a variance for this CUP. Mayor Paiement thinks that the Council should follow that recommendation. Council Member Thron is concerned about the cars and the hours. Council Member Craggs feels that the Comp plan needs to be looked at to see if it is compatible. Also is in agreement with a more detailed site plan and the variance application. Council Member Sand asked zoning to describe the zoning for the 2 parcels. There are 2 sections of your zoning code that apply here 159.113 for Automobile Sales and Showrooms which has several requirements. These parcels are located in the retail business district is to provide land for retail businesses primarily shopping. The current CUPS allow for 70 parking spaces so when the parcels change ownership what is the process for the CUPS/ Do they go with the property? Kate stated the CUPS do run with the

land. Council Member Rivers agrees with the variance application and that the decision for the 70 parking spaces were already made by previous administration. Mayor Paiement made a motion to table this until the next months meeting because additional information is needed to determine if a variance is needed. Seconded by Council Member Craggs all ayes motion carried

C. Afton Lakeland School PTA donation request - Council Member Rivers made a motion to give the Afton Lakeland PTA 1000.00 from gambling funds for the Spring Carnival. Seconded by Council Member Sand, all ayes motion carries

**9. CITY STAFF REPORTS**

**10. CITY COUNCIL AND MAYOR REPORTS** – Council Member Rivers thanked the Council and the City of Lakeland for trusting him to assist with the council duties. Thank you to those that ran this fall and will be taking my place.

Council Member Thron wanted to reiterate that the fire department and the study they want to do there are grants available to be used. He also asked if we can get in place and ordinance for fire inspections commercial and rental buildings.

**11. ADJOURN** Council Member Craggs made a motion to adjourn. Seconded by Council Member Rivers all ayes meeting adjourned at 8:38 PM