



**MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF STACY IN THE COUNTY OF CHISAGO
AND THE STATE OF MINNESOTA PURSUANT TO DUE
CALL AND NOTICE THEREOF
SPECIAL MEETING OF THE CITY COUNCIL AND
PLANNING COMMISSION
MAY 19, 2020, 7:00p.m.
MEETING HELD VIA TELECONFERENCE DUE TO COVID-19**

Call to Order

The Planning Commission was called to order by Chair M. Ness at 7:00pm.

Present

Council:

Utecht	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
M. Ness	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Olivolo	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Authier	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Thieling	<input type="checkbox"/> Present	<input checked="" type="checkbox"/> Absent

Planning Commission:

M. Ness	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
J. Ness	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Kveton	<input type="checkbox"/> Present	<input checked="" type="checkbox"/> Absent
Sawatzky	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Olivolo	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent

Others Present: Andrea McDowell Poehler, Dan Boyum, Phil Carlson, Jesse Moxness, and Jeff Hensel

Purpose of the Special Meeting

To discuss:

1. The Stacy Retail Center Conditional Use Permit
2. Northstar Insulation Purchase Agreement
3. Resolution Proclaiming June to Honor Graduates
4. SCBA Equipment

Public Hearing 7:02-7:17p.m.

The purpose of the public hearing is to gather public input on an application for a conditional use permit to allow placement of two sea containers at the rear of the property described as 30962 Fenway Avenue, Suite 300. Property ID 19.00116.03.





There was no public comment submitted either in writing or during the meeting. The representative of the applicant, Jeff Hensel, was present.

The City Planner, Phil Carlson presented his memorandum, and addressed questions. The memorandum is attached to these minutes.

Mr. Hensel said he did not see the need for the trees on the east side of the containers.

Discussion on the CUP

Chair Ness asked for the commissions input:

- Member Olivolo said he would like to have the commission meet onsite of the project to obtain a clear vision the project
- Member J. Ness asked if the city had received any written public comment; we did not.
- Member Sawatzky would like the trees placed as discussed by the City Planner.
- Chair Ness said that he also would like the trees on each side as presented; these containers will be there for a long time. He would like to see an amendment to Mr. Carlson's memo, Item Number 1 under Recommendation. Add that the color is to be maintained and rust to be abated.

**Planning Commission
Recommendation on the
CUP**

Mr. Carlson said that this use is listed as a permitted use with conditions in our city code; we cannot prohibit the use but we can place conditions that we can live with.

Member J. Ness would suggest an escrow be placed for the city to utilize to restore the property when vacated if not done. The City Attorney said that this may not be an appropriate condition, and difficult to enforce. After further discussion it was decided in this situation it would not be appropriate; if needed the city could ask the association to restore the land.

Motion by J. Ness to recommend approval of the Conditional Use Permit for outside storage of two sea containers at the Stacy Retail Center, 30962 Fenway Avenue, as submitted in the application by Kenneth Erickson, with the following conditions, and approve the findings:

CONDITIONS:

- 1) The containers will be painted and maintained a color that is compatible with the existing Stacy Retail Center building; all rust to be abated.
- 2) Screening in the form of at least twenty-two Techny Arbovitae trees, or similar as approved by the City Planner – the original eight trees plus an additional fourteen trees – will be provided on the west, south, and east sides of the containers as described and illustrated (on the attached). The trees shall be at a minimum height of six feet, and be placed with at least a six-foot separation between the container and inside edge of the trees. The trees will be guaranteed for at least one year.
- 3) The placement of the containers will be reviewed by the City Engineer for adequate structural support, erosion control, stormwater handling, and other issues, to ensure there is no risk to health, safety, or the environment, in accordance with the following comments:
 - a. Prior to work proceeding, silt fence or wood-chip biorolls should be placed to protect downstream areas. This protection can be removed once disturbed areas have been restored with grass. Cleaning of any silt that may build up against the silt fence or bioroll must be done until the area is established with grass.
 - b. No depth of rock is provided for in the application. Depending on the quality of the existing subgrade



material in this area, the city's standard thickness for aggregate base is 6" to 8". We recommend that thickness be used for building a pad for the containers, and that the aggregate base be extended to the curb to allow for access into the containers.

- c. It appears from the detail provided that the applicant wants to keep the containers level from the curb elevation to the south. Fill will be needed adjacent to the aggregate base as the pad heads to the south. The fill should be placed at a maintainable slope. The silt fence/biorolls discussed above should be placed south of any of this topsoil fill.
- 4) If the storage containers are removed, the ground and surrounding site will be restored as required by the City Engineer.

FINDINGS

The Planning Commission may consider the following Findings of Fact in support of approval of the Conditional Use Permit:

- 1) The City has an interest in the appearance of its business district to promote high quality development and investment over time, and therefore the City standards related to screening outside are reasonable and necessary.
- 2) The proposed storage containers will be visible from the City's most traveled highway, Interstate 35, and from neighboring properties. Screening the proposed storage containers from view with the required evergreen trees is reasonable and necessary.
- 3) The City has an interest in the public health, safety and welfare, and in stewardship of the West Branch Sunrise River environment, and therefore reasonable requirements are appropriate to ensure that the placement of the storage containers will further these interests.
- 4) The recommended permit conditions meet the standards for approving a Conditional Use permit in Section 153.189 of the Stacy Zoning Code.

Second by Member Sawatzky.

Vote on the Motion:

Roll Call Vote:



M. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
J. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Sawatzky	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Chair M. Ness declared the motion passes 4-0.

**Planning Commission
Adjourned at 7:46p.m.**

Motion by J. Ness to adjourn. Second by T. Olivolo.

Roll Call Vote:

M. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
J. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Sawatzky	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Chair M. Ness declared the motion carried.

Special Meeting to Order

Mayor Utecht called the Special Meeting of the City Council at 7:46p.m.

Roll Call:

Council:

Utecht	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
M. Ness	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Olivolo	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Authier	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Thieling	<input type="checkbox"/> Present	<input checked="" type="checkbox"/> Absent

Stacy Retail Center - CUP

Motion by Mayor Utecht to grant the CUP to the Stacy Retail Center as recommended by the Planning Commission. Second by Member Authier.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Authier	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

**NorthStar Insulation –
Purchase Agreement**

Mayor Utecht said that he would not support a purchase price of less than \$1.20 per square foot; the rest of the council concurred.



Mr. Moxness told the council how they came up with their offering price; they were not seeking business subsidies and did not want to offer a price higher than the County's valuation.

Mr. Moxness needs assurance that he can build a post frame building; Mayor Utecht said that based on working with Revived Iron he is confident the council can work something out with him.

City Attorney, Andrea McDowell Poehler, asked if the council wanted something added to the Purchase Agreement regarding required improvements? Mayor Utecht said that wasn't necessary the city code dictates building design.

The city clerk will forward the revised Purchase Agreement to Mr. Moxness for his review.

SCBA Fire Equipment

Mayor Utecht spoke with Nick Peltier regarding what he interpreted as a prepay penalty. Mr. Peltier explained this is the finance broker fee, the fee is spread out over the term of the loan; the fee is payable even if the loan is paid off early. So, there is no penalty for early payoff.

Member Ness said he was uncertain what the urgency of this item was.

Mayor Utecht explained, as it was explained to him by Mr. Peltier, if we don't have a purchase plan in place June 1, then by the letter of the rules we don't have valid SCBA's needs in place. We need to have the plan in place by June 1, it does not need to be finalized.

Motion by Utecht to approve proceeding with the deal as laid out by the fire department for replacement of the SCBA's. Second by Ness.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Authier	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Resolution – Honoring Graduates

Member Ness expressed concern regarding the precedence this may set; he understands this is because of the unique situation of COVID, he does support the class of 2020.



Motion by Utecht to pass the resolution (2020-5-1) as presented during the meeting. Second by Olivolo.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Authier	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

**Meeting Adjourned at
8:23p.m.**

Motion by Ness to adjourn. Second by Authier.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Authier	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Sharon MT Payne



City of Stacy
Planning Report

TO: **Stacy Planning Commission**
FROM: Phil Carlson, AICP, Senior Planner, Stantec
DATE: May 19, 2020
RE: Kenneth Erickson – Conditional Use Permit for Storage Containers
Stacy Retail Center, 30962 Fenway Avenue, #300

INTRODUCTION

Kenneth Erickson had applied for a Conditional Use Permit (CUP) to allow the placement of two metal sea containers at the rear of the Stacy Retail Center property, on Fenway Avenue in the southeast quadrant of Stacy Trail and I-35. The containers would be for the use of Unit 300 in the Retail Center. Exterior storage is only allowed in the General Business District by Conditional Use, and then only if screened as required by the City’s Storage Standards. In discussions with the City, Mr. Erickson withdrew the CUP application in favor of an Interim Use Permit (IUP) application. The IUP request was reviewed by the Planning Commission at the March 17 meeting, but when it was clarified that an IUP would be temporary, the applicant withdrew that application and is now back requesting a CUP, which would run with the land if approved.

REQUEST

The request is to two place two “sea containers” – large steel storage containers – each 8 ft wide by 8 ft tall x 40 ft long, at the rear of the property of the Stacy Retail Center for the use of Unit 300, as illustrated to the right. The proposed location is south of the parking lot at the rear of the property on unpaved ground. The containers would be painted a similar color to the existing building, with a row of Arborvitae trees as screening. The applicant states the containers would be in place “until the owner sells or vacates Unit 300.” That is the owner’s condition, not one the City would impose, since the CUP would run with the land.



LAND USE & ZONING

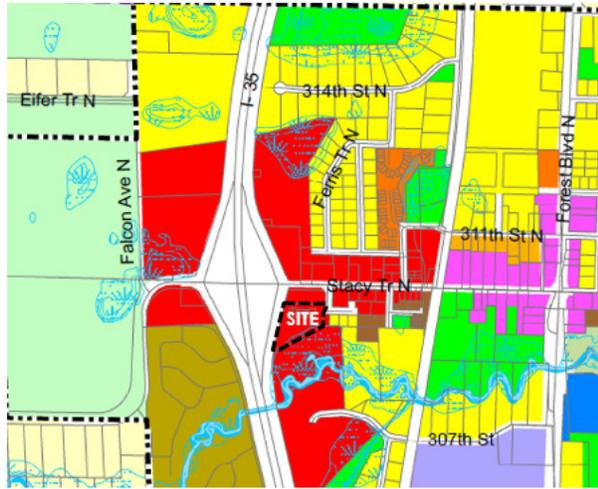
The Stacy Retail parcel is guided General Business and zoned GB – General Business, illustrated on the map excerpts below. The Shoreland District also crosses the south edge of the property.



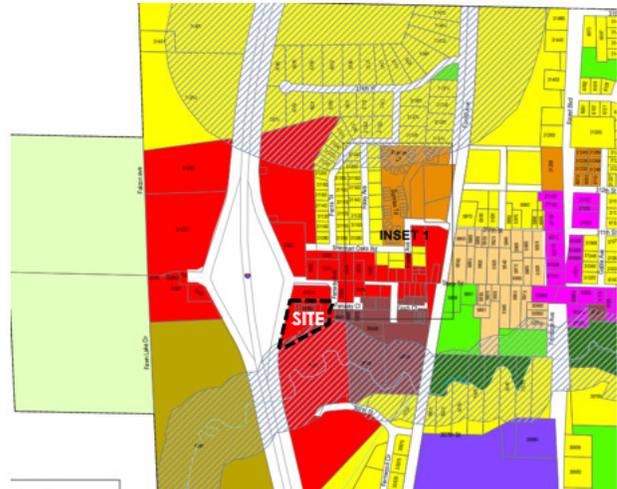
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Adjacent uses are commercial to the north and northeast, Interstate Highway 35 to the west, and vacant land along the West Branch Sunrise River to the south.

Future Land Use Map



Zoning Map



CONDITIONAL USE PERMIT

The GB District lists allowable conditional uses, including:

- (9) Outside storage for any allowed use within the General Business District.

Section (A) in 153.068 Storage Standards requires the following:

- (A) Exterior storage. All materials and equipment shall be stored within a building or fully screened so they will not be visible from adjoining properties.

Conditional Use Permits and the standards for considering them are discussed in Section 153.189(B)(1)(f) of the Zoning Code:

- (f) The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects, and shall make a recommendation to the City Council within the guidelines as mandated by state statutes. At a minimum, the Planning Commission, in its judgment, shall consider at a minimum the following standards as it would apply to the particular use at the proposed location.



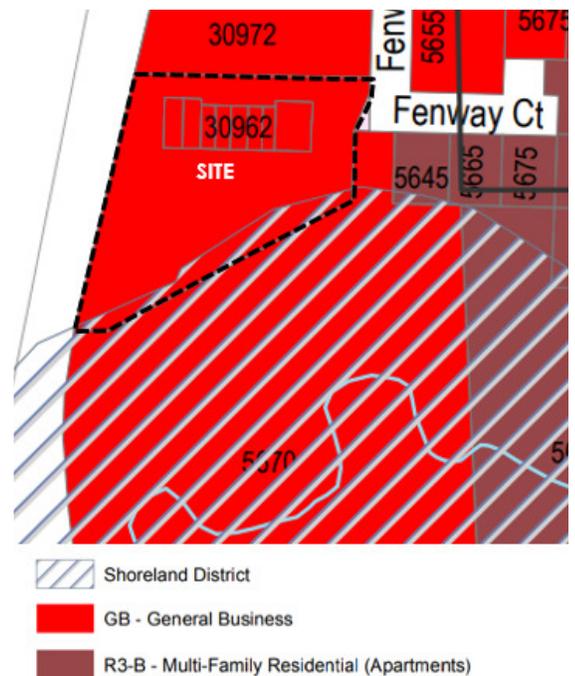
1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.
2. The proposed use is or will be compatible with present and future land uses of the area.
3. The proposed use conforms with all performance standards contained in the city code.
4. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.
5. Traffic generation by the proposed use is within capabilities of streets serving the property.

SHORELAND DISTRICT

There was discussion in the previous IUP application about the Shoreland District and how its standards apply to the subject property. These questions were not fully answered and we will address them here. The Zoning Map shows the Shoreland District (gray cross-hatched line) extending on either side of the West Branch Sunrise River and onto the subject property, as seen in the close-up to the right.

The Shoreland District is described in Section 153.054 of the Zoning Code. Its boundaries are 300 feet from the “normal high water mark”, also typically called the Ordinary High Water Level, or OHWL, of rivers and streams. This applies to the West Branch Sunrise River, which is classified as General Development Waters in the Code. This classification is for waters that are typically able to handle more development than Natural Environment Waters, which are more sensitive. Although the boundary of the district extends 300 feet from the OHWL, the setback for structures in sewered areas is 50 feet from the OHWL, illustrated on the next page.

The map below shows the area around the subject property with the Shoreland District boundary superimposed in the light blue line. This boundary appears to be taken from the centerline of the river and not the OHWL, which would be at or beyond the riverbank. The OHWL is not a line that is kept by the DNR or other agency for rivers (as it is for lakes), since it is not a certain elevation – a river drops as it flows downstream. To be accurate it would have to be surveyed in the field by a qualified natural resource professional. I have discussed this with Stantec Natural Resources staff who are experienced with these issues and they say that two other indicators can approximate the OHWL: DNR Protected Waters and the National Wetlands Inventory. Both of these are shown on the map below as well:

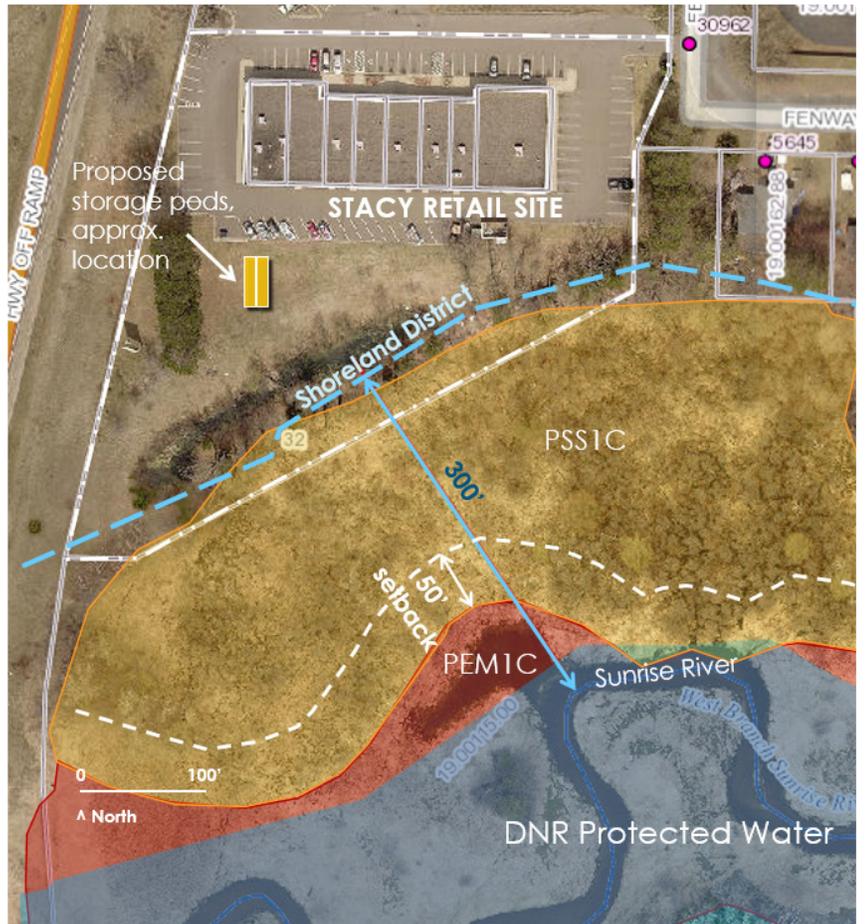


- The DNR Protected Waters around the Sunrise River is shown in the blue shaded area. It is



- close to the riverbank in some places but extends beyond it in others;
- The National Wetlands Inventory is shown in two shades – the red and yellow areas. The red is labelled PEM1C, and indicates an emergent marsh wetland, which is probably close to the OHWL. The yellow PSS1C is a scrub shrub wetland and is definitely not in the OHWL.

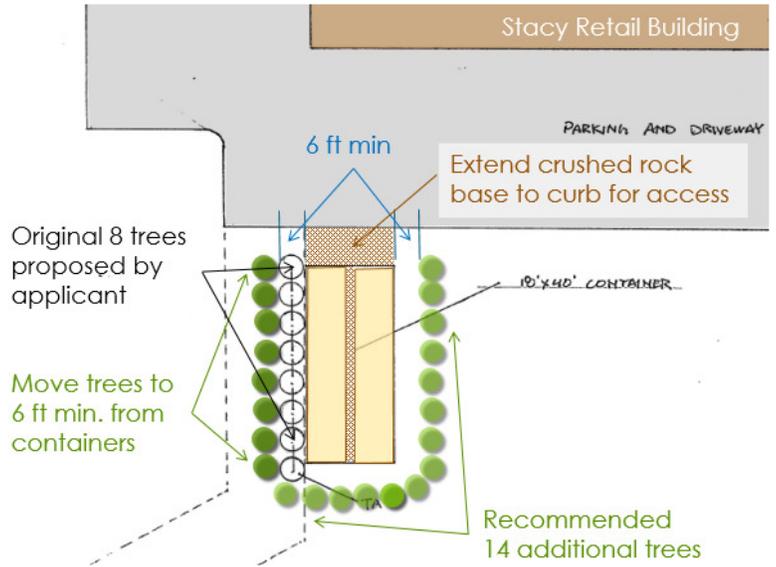
If we assume the worst-case scenario for location of the OHWL and take a 50-foot setback for structures from the red PEM1C boundary (the white dashed line), it is still well back from the proposed location of the storage containers. Therefore, even without a survey we can safely conclude that the proposed storage containers do not come near the required 50-foot Shoreland setback.



PLANNING ISSUES

Visibility/Screening

The proposed storage containers are “outside storage”, allowed in the GB District by CUP but only if fully screened so they will not be visible from adjacent properties. The applicant proposes a row of evergreen Arborvitae trees along the west side of the storage containers. In previous discussions the Planning Commission recommended that the containers be screened on three sides – west, south, and east – and that the trees be at least 6 feet from the containers to allow access. This will require an additional 14 trees beyond the 8 proposed, as illustrated to the right.



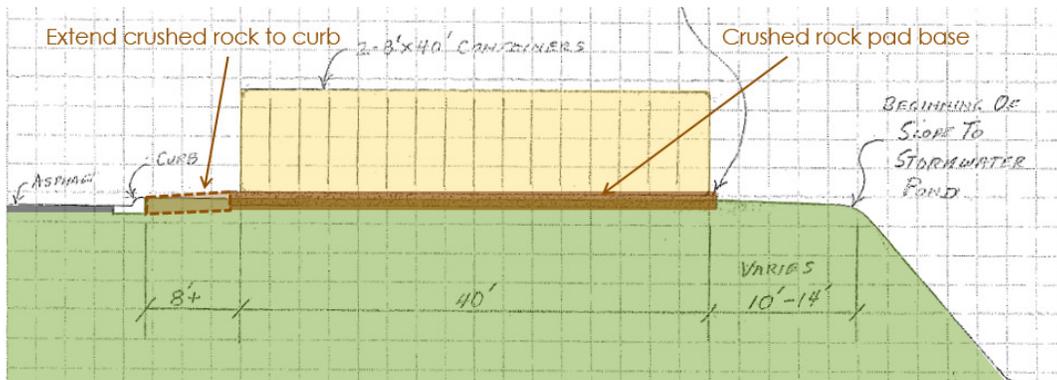
With this screening, the view from the 35W freeway ramp would look something like the illustration below.



Engineering/Environmental Concerns

There was concern expressed at a previous Planning Commission meeting about the ground on which the containers would be placed and their structural support, as well as the potential impact on runoff and the river environment. The West Branch Sunrise River is about 350 feet south of the parking lot and proposed containers on the subject property. The City Shoreland Ordinance would apply to development within 300 feet of the ordinary high water level (OHWL) of the river, but only requires a 50-ft setback from the OHWL to structures. This project would not be close to these Shoreland setback requirements, as discussed above. But runoff to the river is an issue. City Engineer Dan Boyum provided the following comments:

- 2) Elevation information is not provided in the application. From review of the 2' contour information from the DNR, the area slopes to the south from the parking lot. The grading plan from the original development can be used by the applicant to provide some additional information on the elevation of the pad based on past comments from the Planning Commission.
- 3) Prior to work proceeding, silt fence or wood-chip biorolls should be placed to protect downstream areas. This protection can be removed once disturbed areas have been restored with grass. Cleaning of any silt that may build up against the silt fence or bioroll must be done until the area is established with grass.
- 4) No depth of rock is provided for in the application. Depending on the quality of the existing subgrade material in this area, the city's standard thickness for aggregate base is 6" to 8". We recommend that thickness be used for building a pad for the containers, and that the aggregate base be extended to the curb to allow for access into the containers.



- 5) It appears from the detail provided that the applicant wants to keep the containers level from the curb elevation to the south. Providing some of the elevation information noted above will help the applicant understand the slope in the area. We anticipate fill will be needed adjacent to the aggregate base as the pad heads to the south. The fill should be placed at a maintainable slope. The silt fence/biorolls discussed above should be placed south of any of this topsoil fill.

RECOMMENDATION

We recommend that the Planning Commission recommend approval of the Conditional Use Permit for outside storage of two sea containers at the Stacy Retail Center, 30962 Fenway Avenue, as submitted in the application by Kenneth Erickson, with the following conditions:

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- 5) The containers will be painted a color that is compatible with the existing Stacy Retail Center building.
- 6) Screening in the form of at least twenty-two Techny Arbovitae trees, or similar as approved by the City Planner – the original eight trees plus an additional fourteen trees – will be provided on the west, south, and east sides of the containers as described and illustrated in this report. The trees will be guaranteed for at least one year.
- 7) The placement of the containers will be reviewed by the City Engineer for adequate structural support, erosion control, stormwater handling, and other issues, to ensure there is no risk to health, safety, or the environment, in accordance with the following comments:
 - a. Prior to work proceeding, silt fence or wood-chip biorolls should be placed to protect downstream areas. This protection can be removed once disturbed areas have been restored with grass. Cleaning of any silt that may build up against the silt fence or bioroll must be done until the area is established with grass.
 - b. No depth of rock is provided for in the application. Depending on the quality of the existing subgrade material in this area, the city's standard thickness for aggregate base is 6" to 8". We recommend that thickness be used for building a pad for the containers, and that the aggregate base be extended to the curb to allow for access into the containers.
 - c. It appears from the detail provided that the applicant wants to keep the containers level from the curb elevation to the south. Fill will be needed adjacent to the aggregate base as the pad heads to the south. The fill should be placed at a maintainable slope. The silt fence/biorolls discussed above should be placed south of any of this topsoil fill.
- 8) If the storage containers are removed, the ground and surrounding site will be restored as required by the City Engineer.

FINDINGS

The Planning Commission may consider the following Findings of Fact in support of approval of the Conditional Use Permit:

- 5) The City has an interest in the appearance of its business district to promote high quality development and investment over time, and therefore the City standards related to screening outside are reasonable and necessary.
- 6) The proposed storage containers will be visible from the City's most traveled highway, Interstate 35, and from neighboring properties. Screening the proposed storage containers from view with the required evergreen trees is reasonable and necessary.
- 7) The City has an interest in the public health, safety and welfare, and in stewardship of the West Branch Sunrise River environment, and therefore reasonable requirements are appropriate to ensure that the placement of the storage containers will further these interests.
- 8) The recommended permit conditions meet the standards for approving a Conditional Use permit in Section 153.189 of the Stacy Zoning Code.

60-DAY DEADLINE

The most recent Conditional Use Permit application was received on April 29, 2020. The 60-day deadline for final action by the City

