



CITY COUNCIL AGENDA

COUNCIL CHAMBERS

TUESDAY, MAY 27, 2025

6:00 PM

Call to Order/Roll Call/Pledge of Allegiance

The meeting of the City Council was called to order by Mayor Tom Spooner at 6:00 pm. Councilors in attendance included Mandy Barnes, Adama Doumbouya, Royal Ross, John Rowan, Peter van Sluis and Chuck Thiele. Also in attendance were City Administrator Jessica Kinser, City Clerk Heather Slechta, Interim Parks and Recreation Director Kevin O'Brien, Police Chief John Sherwin, Fire Chief Dustin Dienst, Community and Economic Development Director David Wanberg, Human Resources Director Kevin Bushard, City Engineer Mark DuChene, Planning Manager Harry Davis and City Attorney Scott Riggs.

Approve Agenda

Motion by Ross, seconded by Rowan to approve the agenda as presented and carried unanimously.

Presentations/Introductions

Safe Summer Kickoff Day Proclamation was read by the Mayor and presented to Chief Sherwin.

Approve minutes of the May 13th City Council Meeting

Motion by Doumbouya, seconded by van Sluis to approve minutes of the May 13th City Council Meeting and carried unanimously.

Requests to be Heard – None

Consent Agenda

- A. Approve List of Claims
- B. Resolution 2025-142 Approve Agreements for Northern Links Trail Crossing Within CPKC Railroad Right-of-Way
- C. Approve Use of Central Park for Light of Hope Celebration Event
- D. Resolution 2025-129 Accept Donations to the Parks & Recreation Department
- E. Resolution 2025-130 Accept Donations from Harry Brown's and Walmart to the Police Department
- F. Resolution 2025-131 Approve Street Closure for Heritage Days Car Cruise Night
- G. Approve Consent Assessment Agreement for 1300 Lyndale Avenue North
- H. Resolution 2025-143 Approve Permanent Right of Way Easement for Amber Court

Motion by Ross, seconded by Thiele to approve Consent Agenda items A-H and carried unanimously.

Public Hearings

Ordinance 2025-2 Annexing Certain Land from Wells Township into the City (Second Reading) and Approve Summary Publication of Ordinance 2025-2

City Planning Manager Harry Davis stated that at the previous City Council meeting on May 12, 2025, City Council approved the first reading of Ordinance 2025-2. Staff did not make any substantial changes to the Ordinance.

Motion by Ross, seconded by Rowan to open the public hearing and carried unanimously. The public hearing was opened at 6:06 pm.

No comments were received.

Motion by Doumbouya, seconded by van Sluis to close the public hearing and carried unanimously. The public hearing was closed at 6:07 pm.

Motion by Ross, seconded by Barnes to approve Ordinance 2025-2 Annexing Certain Land from Wells Township into the City (Second Reading)

Roll Call Vote:

Aye: Councilor Barnes, Doumbouya, Ross, Rowan, van Sluis, Theile and Mayor Spooner

Nay:

Motion carried 7:0

Motion by van Sluis, seconded by Thiele to Approve Summary Publication of Ordinance 2025-2 and carried unanimously.

Resolution 2025-144 Order Improvements, Approve Plans and Establish Bid Date for 2025 Miscellaneous Street Reconstruction Project - Contract 2025-05

City Engineer Mark DuChene stated that resolution 2025-144 orders the improvements and approves the construction plans and specifications for the proposed 2025 Miscellaneous Street Reconstruction Improvements - Contract 2025-05 project, including removals, watermain replacement, sanitary sewer replacement, lot services, storm sewer construction, grading, aggregate base, sidewalk reconstruction, bituminous paving, turf restoration and related improvements on the following streets:

Amber Court (Crystal Lane to South End)
Division Street W (Intersection of Division Street W and 4th St SW)
Grant Street North (Park Avenue to 200' West)

The preliminary total estimated cost of the improvements, including contingency, permitting and engineering, is \$518,275.00. Proposed funding for the project is as follows:

Street Improvement Fund (401)	\$ 342,150.00
Water Utility Fund (601)	\$ 20,850.00
Sewer Utility Fund (602)	\$ 37,700.00
Storm Water Utility Fund (603)	\$ 10,750.00
Special Assessments	\$ 106,825.00

Resolution 2025-144 also establishes a bid date of June 18, 2025, for the project. Construction is anticipated to start in August and be completed by November.

Motion by Thiele, seconded by Doumbouya to open the public hearing and carried unanimously. The public hearing was opened at 6:15 pm.

No comments were received.

Motion by Ross, seconded by Theile to close the public hearing and carried unanimously. The public hearing was closed at 6:15 pm.

Motion by Ross, seconded by van Sluis to approve Resolution 2025-144 Order Improvements, Approve Plans and Establish Bid Date for 2025 Miscellaneous Street Reconstruction Project - Contract 2025-05 and carried unanimously.

Ordinance 2025-06 Dedication of Public Right of Way Along Grant Street

City Engineer Mark DuChene stated that as part of the City's approved 2025-2029 Capital Improvement Plan, the realignment of Grant Street with Park Avenue was included as part of the 2025 Miscellaneous Street Reconstruction Project, Contract 2025-05. In 2023, the City acquired the property at 422 Park Avenue and removed the existing dwelling and related structures to accommodate the street realignment project. Ordinance 2025-6 formally dedicates the necessary portion of the 422 Park Avenue parcel as a public right of way. The remainder of the parcel may be sold, replanted or redeveloped at a later date per future direction from the City Council.

Motion by van Sluis, seconded by Rowan to open the public hearing and carried unanimously. The public hearing was opened at 6:17 pm.

No comments were received.

Motion by Doumbouya, seconded by Rowan to close the public hearing and carried unanimously. The public hearing closed at 6:18 pm.

Motion by Thiele, seconded by Rowan to approve Ordinance 2025-06 Dedication of Public Right of Way Along Grant Street

Roll Call Vote:

Aye: Councilor Barnes, Doumbouya, Ross, Rowan, van Sluis, Thiele and Mayor Spooner.

Nay:

Motion carried 7:0

Items for Discussion

Mighty Fine Coffee/127 14th St NW - Comprehensive Plan Amendment; Zoning Map Amendment; Preliminary Plat; Final Plat; Variance(s); Conditional Use Permit; Resolution 2025-132 Approve a Comprehensive Plan Amendment to Guide Certain Property at the Corner of 2nd Ave NW and 14th St NW for Commercial/Residential Mixed Use; Resolution 2025-133 Approve Variances for Lot Area and Impervious Surface Coverage at 127 and 123 14th St NW; Ordinance 2025-4 Approve Rezoning Certain Properties at the Corner of 2nd Ave NW and 14th St NW to C-2, Highway Commercial (First Reading); Resolution 2025-134 Approve the Preliminary and Final Plats for Mighty Fine Coffee Addition; Resolution 2025-135 Approve a Conditional Use Permit for C-2 and Shoreland Overlay District at 127 and 123 14th St NW and Resolution 2025-136 Approve Variances for Parking Area Setbacks and Drive-Through Stacking Spaces at 127 and 123 14th St NW

City Planning Manager Harry Davis informed the Council that Mr. Steve Underdahl, on behalf of Nathaniel Cunnigham and Jordan Brennan and Jessica Swink requested approval of a Comprehensive Plan Amendment, Zoning Map Amendment, Preliminary Plat and Final Plat, Conditional Use Permit(s) and Variance(s) for redeveloping and combining two parcels. They intend to establish a coffee shop and drive-through with onsite coffee roasting at 123 & 127 14th St NW.

The comprehensive plan amendment application requested changing both the subject parcels from Established Residential Neighborhood to Commercial/Residential Mixed Use. The Zoning Map Amendment proposed rezoning both parcels from C-1, Neighborhood Commercial to C-2, Highway Commercial. The preliminary and final plats proposed combining the lots into one, making all the proposed uses on one parcel. The Conditional Use Permits (CUP) are required to allow a drive-through in C-2 and within the Shoreland Overlay District, part of the 1,000-foot buffer from Mill Pond, or the Cannon River Reservoir. In order to make the site work for the proposed use, the development needs four variances: for developing a property with less than the required amount of lot area; impervious surface coverage within Shoreland; parking area setbacks; and fewer stacking spaces than required for a drive-through.

Davis stated that staff worked with the applicant for a year before the applicant applied for the requested approvals. The DRC affirmed support for the project through meetings in April and early May. Staff support the comprehensive plan and zoning map amendments as the subject property is on two minor arterial roads. Placing commercial at the corner to serve the nearby neighborhood and primarily industrial intersection will be a benefit to the city and neighbors. The preliminary and final plats meet all criteria, and staff recommended approval. Staff supports the CUP requests with conditions that minimize the impact on adjoining residential properties. Regarding the variances, staff support all four variances with the general understanding that this street corner is historically commercial, both properties were at one time fully developed, and the impervious surface request has support from the DNR.

At the public hearing during the May 19th Planning Commission meeting, several members of the public, including neighbors to the property, voiced support for the proposals and welcomed both the amenity and the business itself to the neighborhood. Planning Commissioners generally supported the project and asked questions about traffic, safety, screening, and compatibility with the neighborhood. The first two resolutions received unanimous support from the Planning Commission. The zoning map amendment ordinance and the other resolutions received 6–1 votes. The dissenting vote was by Commissioner White, who had concerns over the traffic impact and cars stacking onto 14th St NW.

Steve Underdahl stated that many developers have shied away from developing the property in the past and that the applicants would appreciate a positive vote.

Motion by Ross, seconded by van Sluis to approve Resolution 2025-132 Approve a Comprehensive Plan Amendment to Guide Certain Property at the Corner of 2nd Ave NW and 14th St NW for Commercial/Residential Mixed Use and carried unanimously.

Motion by Thiele, seconded by Rowan to approve Resolution 2025-133 Approve Variances for Lot Area and Impervious Surface Coverage at 127 and 123 14th St NW and carried unanimously.

Motion by van Sluis, seconded by Ross to approve Ordinance 2025-4 Approve Rezoning Certain Properties at the Corner of 2nd Ave NW and 14th St NW to C-2, Highway Commercial (First Reading)

Roll Call Vote:

Aye: Councilor Barnes, Doumbouya, Ross, Rowan, van Sluis, Thiele and Mayor Spooner
Nay:

Motion carried 7:0

Motion by Thiele, seconded by Barnes to approve Resolution 2025-134 Approve the Preliminary and Final Plats for Mighty Fine Coffee Addition and carried unanimously.

Motion by Rowan, seconded by Doumbouya to approve Resolution 2025-135 Approve a Conditional Use Permit for C-2 and Shoreland Overlay District at 127 and 123 14th St NW and carried unanimously.

Motion by Barnes, seconded by Doumbouya to approve Resolution 2025-136 Approve Variances for Parking Area Setbacks and Drive-Through Stacking Spaces at 127 and 123 14th St NW and carried unanimously.

Malecha Auto Body/190 20th St NW - Vacation, Preliminary and Final Plat, CUP; Ordinance 2025-5 Vacate a Portion of Drainage and Utility Easement at 190 20th St NW; Resolution 2025-137 Approve the Preliminary and Final Plats for MAB Second Addition and Resolution 2025-138 Approve a Conditional Use Permit Amendment for Major Auto Repair in C-2 and Shoreland at 190 20th St NW

City Planning Manager Harry Davis explained that Steve Underdahl on behalf of Malecha Auto Body requested an easement vacation, preliminary and final plat, and conditional use permit amendment at 190 20th St NW. The subject property is zoned C-2, Highway Commercial, partially falls within the Shoreland Overlay District, and contains approximately 1.74 acres.

The proposed development includes the existing Malecha Auto Body business at 190 20th St NW and extends the business to an adjacent parcel at 2029 2nd Ave NW. The proposed structure will support and expand service for the main building and business operations. To combine the properties and get zoning entitlement supporting the new structure, the submittal includes an easement vacation to remove a previously platted easement along the bisecting property line, preliminary and final plats to combine both parcels, and an amendment to an existing conditional use permit (CUP) to expand a major auto repair use in C-2 and within the Shoreland Overlay. The previous CUP, Resolution 2022-158 and Resolution 2022-159, was approved in 2022 alongside platting the property, Resolution 2022-157 and a variance, Resolution 2022-209.

The proposed easement vacation, preliminary and final plats, and CUP amendment are consistent with the planning and zoning aspects of the City's Unified Development Ordinance. City staff do not recommend taking parkland dedication or fees in-lieu as the additional land at \$1,000 per gross acre for commercial development is less than the impact of the existing house of \$1,000 per single-family dwelling at 2029 2nd Ave NW that will be demolished for this project. The DRC recommended approval of this project at its May 6, 2025, meeting.

During the Planning Commission public hearing on May 19, 2025, the Planning Commission unanimously recommended approval of the project and the various submittals to City Council.

Motion by Ross, seconded by van Sluis to approve Ordinance 2025-5 Vacate a Portion of Drainage and Utility Easement at 190 20th St NW

Roll Call Vote:

Aye:

Nay:

Motion carried 7:0

Motion by Ross, seconded by Thiele to approve Resolution 2025-137 Approve the Preliminary and Final Plats for MAB Second Addition and carried unanimously.

Motion by Doumbouya, seconded by Barnes to approve Resolution 2025-138 Approve a Conditional Use Permit Amendment for Major Auto Repair in C-2 and Shoreland at 190 20th St NW and carried unanimously.

Blais/1216 1st Ave NW - CUP and Variances; Resolution 2025-139 Approve a CUP for an Accessory Structure at 1216 1st St NE; Resolution 2025-140 Approve Variance for

Placing an Accessory Structure in a Front Yard at 1216 1st St NE and Resolution 2025-141 Approve Variances for a Larger Accessory Structure than Allowed and for More Accessory Use and Structure Area than Primary Use and Structure at 1216 1st NE

City Planning Manager Harry Davis explained that David Blais requested a Conditional Use Permit (CUP) and variances at 1216 1st St NE. The property is zoned R-1, Single Family Residential and contains approximately 7.30 acres of land. The request from the applicant is to have a 100-foot by 40-foot or 4,000 square foot accessory structure on the property. The accessory structure will be for personal use. The submitted CUP is to allow an increase of 25% as allowed in the ordinance for an accessory structure. The variances are to address the additional square footage beyond the 25% increase, the amount of accessory use in comparison to residential use, and the location of the structure in the front yard.

Davis found that the requested CUP and variance from the front setback meet the criteria to be granted. The conditions for a CUP are met by the request, and the variance from the front setback demonstrates a practical difficulty where the flattest part of the site for a new structure is located in front of the house. However, staff cannot find a practical difficulty sufficient to meet all the required criteria for the 4,000-square-foot structure which is a 270% increase over what is allowed by the CUP and to have more accessory structure area and use than the primary structure area and use the amount of accessory structure proposed to be 177% the size of the dwelling.

At the Planning Commission public hearing on May 5th, the proposals generally received support from most of the Planning Commission. The Planning Commission voted 5-2 on tabling the items for the next meeting and providing staff direction on writing findings in favor of all the requests. Commissioners Green and Jackson dissented, wishing to vote on the items at that meeting. After revisions by staff, the items were heard again at the May 19th meeting. Planning Commissioners voted unanimously in favor of the CUP and the variance for the front setback. Commissioners then voted 5-2 to recommend approval of the size and accessory use versus primary use variance. Commissioners Green and Ackman dissented, stating that the rules should be followed and there is not a clear practical difficulty with the variances.

In addition to the recommended resolutions, the Planning Commission voted unanimously to request the City Council direct staff to research and propose new ordinance language that would permit larger accessory structures on lots over 5 acres.

Councilor Ross asked how this would affect future landowners, Davis stated that it might be difficult to develop, however, the owners do not intend to split the property. Ross also asked if they would be using the current driveway and if there would be any screening, Davis stated that they would use the driveway and there would not be additional screening. The property does not receive any city services, as they have their own septic and well. Rowan asked for Attorney Riggs opinion, he had nothing further to add. Ross asked if there would be any living quarters in the new garage, Davis stated that he was not aware of any intention of that.

Motion by Ross, seconded by van Sluis to approve Resolution 2025-139 Approve a CUP for an Accessory Structure at 1216 1st St NE and carried unanimously.

Motion by Doumbouya, seconded by Barnes to approve Resolution 2025-140 Approve Variance for Placing an Accessory Structure in a Front Yard at 1216 1st St NE and carried unanimously.

Motion by Ross, seconded by Thiele to approve Resolution 2025-141 Approve Variances for a Larger Accessory Structure than Allowed and for More Accessory Use and Structure Area than Primary Use and Structure at 1216 1st NE and carried unanimously.

Ordinance 2025-7 Approve a Zoning Text Amendment to Allow Proof of Parking in Commercial Districts

City Planning Manager Harry Davis explained that this request was brought forth by city staff to amend the Unified Development Ordinance and allow the same proof of parking concept allowed in industrial districts to apply to commercial districts.

City staff acknowledge recent redevelopment projects struggling with parking ratios for a minimum amount of parking spaces, while the existing business(es) demonstrate much lower parking demand. In an effort to work with applicants, the Development Review Committee previously issued determinations allowing developments to show “proof of parking”, where the property and development must demonstrate that there is enough room for parking on the property, but not construct all the required spaces. If parking demand requires additional spaces, the applicant could expand their parking facilities to accommodate it. This concept is expressly allowed in industrial districts, but the flexibility is not clearly extended to commercial districts.

To prevent a property from avoiding the cost of installing parking, the development may only use proof of parking for up to 30% of the required spaces, meaning that developments in a commercial district must provide at least 70% of the required parking. This proof of parking concept does not apply to residential uses, so in a situation where there is mixed-use, the residential parking ratios still fully apply, and the proof of parking would only be allowed for the non-residential portions of the development.

In general, the proposed amendment meets the code criteria for amending the zoning text. The request and recommended approach meet many goals and policies of the comprehensive plan. The ability for property owners to show that they have enough room to meet parking ratios, but not have to construct all the required parking, should be a huge benefit to redevelopment projects.

At the Planning Commission public hearing on May 19, 2025, the Planning Commission unanimously recommended approval of the ordinance to City Council.

Councilor Ross asked if this was only in commercial districts, Davis stated that it does not include residential. Mayor Spooner stated that this is a way to get their foot in the door, get started and then make them match the ordinance, it is business friendly. Councilor

Rowan asked what Attorney Riggs thoughts were on this, Riggs stated that this is a tool that the City can use to be flexible. Councilor Doumbouya likes the flexibility.

Motion by Thiele, seconded by Doumbouya to approve Ordinance 2025-7 Approve a Zoning Text Amendment to Allow Proof of Parking in Commercial Districts

Roll Call Vote:

Aye: Councilor Barnes, Doumbouya, Ross, Rowan, van Sluis, Thiele and Mayor Spooner.

Nay:

Motion carried 7:0

Ordinance 2025-3 Approve a Zoning Text Amendment to Match Land Uses in Shoreland with the DNR Model Ordinance (Second Reading) and Ordinance 2025-3 Summary Publication

City Planning Manager Harry Davis stated that at the previous City Council meeting on May 12, 2025, City Council approved the first reading of Ordinance 2025-3. Staff did not make any substantial changes to the Ordinance.

Motion by Ross, seconded by van Sluis to approve Ordinance 2025-3 Approve a Zoning Text Amendment to Match Land Uses in Shoreland with the DNR Model Ordinance (Second Reading)

Roll Call:

Aye: Councilor Barnes, Doumbouya, Ross, Rowan, van Sluis, Thiele, Mayor Spooner

Nay:

Motion carried 7:0

Motion by Ross, seconded by Rowan to approve Ordinance 2025-3 Summary Publication and carried unanimously.

Resolution 2025-145 Order Improvements, Approve Plans and Establish Bid Date for Northern Links Trail Project, Contract 2023-07

City Engineer Mark DuChene explained that the resolution 2025-145 orders the improvements and approves the construction plans and specifications for the proposed Northern Links Trail Project - Contract 2023-07 project including removals, grading, watermain replacement, bituminous trail paving, box culvert construction, turf restoration and related improvements for the Northern Links Trail connection from Hulett Avenue to North Alexander Park.

The preliminary total estimated cost of the improvements, including contingency, permitting and engineering, is \$1,557,850.00. Proposed funding for the project is as follows:

Street Improvement (401)/MSAS	\$ 733,582.00
Federal Funds	\$ 824,268.00

The resolution also established a bid date of June 18, 2025, for the project. The

construction timeline will be contingent on lead times for the box culvert and the availability of the railroad to complete their work.

Councilor van Sluis asked if this would affect traffic on Highway 3, DuChene stated that it would not. Barnes asked if this in on the North, DuChene stated that it is on Hullet east of the railroad and continues on the south side to provide a loop on the south. Barnes also thanked staff for cleaning up graffiti.

Motion by Doumbouya, seconded by Ross to approve Resolution 2025-145 Order Improvements, Approve Plans and Establish Bid Date for Northern Links Trail Project, Contract 2023-07 and carried unanimously.

Bids - None

Boards and Commissions Reports, Announcements and Project Updates

City Administrator Kinser stated that there were 98 properties that applied for the Ash Tree Removal Program totaling 179 trees. The next Council Chat will be held at the Great Hall at 5:00 pm on June 11, with Barr Engineering. The first Residents Academy session will be on June 2 at 6:00 pm at City Hall; there are currently 12 people registered. Councilor van Sluis stated that he would not be at the meeting next week. Councilor Barnes stated that The Straight River Arts Festival is this weekend at Central Park and Depot Fest is also taking place. Councilor Thiele reminded everyone of the Safe Summer Kick-off next week and encouraged everyone to attend. Mayor Spooner was in Wurzburg last week, it was a great time, he stated it was interesting seeing other forms of government and that we have the same issues as others such as housing and transportation.

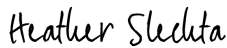
Adjournment

Motion by Ross, seconded by Doumbouya to adjourn the City Council meeting and carried unanimously.

The meeting was adjourned at 7:10 pm.

Respectfully Submitted,

DocuSigned by:



C591781B8B3A479...
Heather Slechta
City Clerk