

City of Gem Lake City Council Meeting Minutes
Tuesday, March 17, 2015, 7:00 p.m.
Gem Lake City Hall, 4200 Otter Lake Road, Gem Lake Minnesota

Mayor Uzpen called the meeting to order at 7:00 p.m. Councilmembers Artig-Swomley, Bosak, Kuny and Lindner were present. Others in attendance: Greg Anderson and Justin Gese, S.E.H; Patrick Kelly, City Attorney; Tom Kelly, City Treasurer and Ben Johnson, City of Gem Lake Planning Commission chair.

March 17, 2015, Agenda

Upon motion made by Councilmember Artig-Swomley, seconded by Councilmember, Agenda approved by 5-0 vote.

Committee Report

The matter and application for a non-conforming use permit of 1581 East County Road E, Gem Lake, was presented to the City Council by the Planning Commission Chair, Mr. Ben Johnson. A motion was made after the report by the Commission, by Councilmember Bosak, and seconded by Councilmember Lindner, to deny the application of Salvador Torres for a non-conforming use permit at 1581 East County Road E, for a proposed business use at 1581 East County Road E. Five votes in favor of the denial of the use.

The denial is based on the following findings:

A public hearing was held on March 3, 2015, for the non-conforming use permit for 1581 East County Road E. The application was for a business use of auto detailing and limited auto repair service. At the hearing the applicant, Mr. Torres, and the property owner were not present to address and clarify whether the proposed use would meet the standards for approval. The Planning Commission needed clarification as to the types of use, the type of auto detailing, and definition of limited auto repair service.

- (a) There were no facts presented that the use by the applicant was a reasonable use of the property in considering such factors as:
 - i. No evidence or facts presented as to the functional and aesthetic justifications for the use, no plans of operation, storage of materials and extent of business;
 - ii. No evidence or facts presented that there was adequacy of off-street parking for the use and the number of automobiles that would be placed in the business and serviced;
 - iii. No evidence or facts presented that the use would not have an adverse off-site impact from such things as traffic, noise, dust, odors, and parking;

- iv. No evidence or facts presented that the improvement or use offers any stability of the property in the neighborhood;
- v. No evidence or facts presented that the use would not adversely affect or alter the essential character of the neighborhood;
- vi. No evidence or facts presented justifying the use is unique to the property and the use is not solely for the applicant's or land owner's convenience and is not solely because of economic considerations.

The Planning Commission did not have any evidence to support any findings that the use is consistent with the comprehensive plan and complies with other ordinances.

Thus a motion to deny. It is recommended that applicant re-apply in order to address the findings necessary to grant the use.

A brief discussion took place in regard to a letter of support to New Trax for a Ramsey County community block grant. A letter will be drafted and sent from the Gem Lake City Council stating that the City Council approved New Trax for a non-conforming use permit.

Old Business

Newsletter articles to include: the power line, new Hillary Farm residents Paul and Kerri Luecke, reminding residents to have their addresses visible for police and fire services and possibly an article about the re-opening of the newly remodeled White Bear Lake Library.

New Business

Water Crossing Feasibility

Greg Anderson from S.E.H. presented the findings of the water crossing feasibility study which will be reviewed further at the April 13, City Council workshop. Mr. Anderson and City Treasurer Tom Kelly in addition to city council members will attend the workshop.

Bond-Refunding discussion

A brief discussion took place on bond refunding. A motion was made by Councilmember Artig-Swomley, seconded by Councilmember Bosak to refinance bonds to get a better rate as recommended. Motion passed unanimously. City Treasurer Tom Kelly will clarify whether or not the new bond will have a call feature.

Claims for March, 2015

Upon motion by Councilmember Artig-Swomley, seconded by Councilmember Lindner, claims were approved for March, 2015.

Presentations from the public

None.

Adjournment

There being no further business upon motion by Councilmember Artig-Swomley, seconded by Councilmember Lindner, Mayor Uzpen adjourned the meeting at 8:56 p.m.

Respectfully submitted, Gloria Tessier.

DRAFT