

**City of Gem Lake Special City Council Meeting Minutes**  
**Tuesday, May 12, 2015, 7:00 p.m.**  
**Heritage Hall, 4200 Otter Lake Road, Gem Lake**

Mayor Uzpen called the meeting to order at 7:01 p.m. Councilmembers Bosak, Kuny and Lindner were present. Others in attendance: City Attorney; Tom Kelly, Ben Johnson, City of Gem Lake Planning Commission chair, members of the community and business district, Giogi Gochitashvili, Cliff and Tari Nadeau, Fritz Magnuson and a high school student not signed in.

**May 12, 2015, Agenda**

A motion was made by Councilmember Lindner, seconded by Councilmember Bosak to approve the agenda. Motion passed.

**Committee Report**

Planning Commission Chair Ben Johnson reported on action taken on the Tuesday, May 5, 2015, Planning Commission meeting in regard to the Interim Use Permit for Mr. Salvador Torres to conduct an automotive detailing business at 1581 County Road E. East in the City of Gem Lake. (see page 3 of this document).

In regard to the Hansen brothers permit for garden plots on County Road E, Commissioner Marier asked at the Planning Commission meeting whether there were satellites available on the property. Mayor Uzpen stated it has been brought to the attention of Mr. Hansen and will be brought forth to Mr. Her. Mayor Uzpen noted that the properties are renewing their permits which is done yearly.

**New Business**

**Application from Salvador Torres to Open an Auto Detail Business**

Mr. Gochitashvili approached the council and stated that Mr. Salvador Torres was not in attendance because he has gone out of business. Mr. Gochitashvili asked the council if the Interim Use Permit could be transferred to another potential business wanting to rent at the location. Attorney Kelly responded that item 4. on the Interim Use Permit states that the permit is not transferrable. Members of the Council stated that Mr. Gochitashvili could use the drafted Interim Use Permit as a guideline to follow for a potential business, but it was only a guideline.

A motion was made by Councilmember Lindner, seconded by Councilmember Bosak that the permit was denied because the business is closed. Motion passed.

### **Chip Sealing Streets Resolution 2015-06**

It was noted that the Chip Sealing Resolution 2015-06 was approved two months ago but action was delayed until now. The last time the streets were chip sealed was in 2006, noting that Chip Sealing is regular and routine maintenance of city streets.

A brief discussion ensued about routine maintenance, statutory guidelines and reserved funds. Noted in the minutes that via Fritz Magnuson, members of the Daniels Farm Association are opposed to Resolution 2015-06.

Councilmember Artig-Swomley arrived – 7:40 p.m.

A motion was made by Councilmember Bosak, seconded by Councilmember Lindner to approved Resolution 2015-06, role vote taken – yes, Councilmembers Artig-Swomley, Bosak, Lindner and Mayor Uzpen. Opposed – Councilmember Kuny. Motion passed 4-1.

### **Adjournment**

A motion was made by Councilmember Lindner, seconded by Councilmember Artig-Swomley to close the meeting at 7:45 p.m.

*Respectfully submitted, Gloria Tessier*

## Report from the City of Gem Lake Planning Commission meeting Tuesday, May 5, 2015

Attached, please find Interim Use Permit drafted by the City of Gem Lake Planning Commission outlining the conditions and requirements necessary for Mr. Salvador Torres to conduct his automotive detailing business at 1581 County Rd E East in the city Gem Lake.

The Planning Commission met on Tuesday, May 5, 2015 for our regularly scheduled meeting. Members present at the meeting were Beth Herzog, Dan Marier, Derek Wippich and Benjamin Johnson. Also in attendance were the Gem Lake City Attorney, Patrick Kelly, Tom Riedesel, Planner with White Bear Township and Gloria Tessier, City of Gem Lake. On the agenda was a public hearing for the Interim Use Permit application for the previously mentioned business. There were no members of the public present for the hearing, nor were the applicants nor representatives of the applicants present.

The Planning Commission meeting was called to order at 7:00. At 7:20 p.m., the Public Hearing was opened and the Commissioners heard from Tom Riedesel regarding the Staff Report produced in response to Mr. Torres's Interim Use permit application. Mr. Riedesel provided an overview of the proposed business and talked generally about the building and area. There was discussion about the history of the project including the applicability of interim use permits as compared to non-conforming use permits; interim use being preferred as it allows control over the duration of the permitted use.

The Public Hearing portion was closed and the Commission discussed the Interim Use Permit conditions, reviewing each of the original 12 items in turn and making adjustments as the discussion warranted. Changes and additional conditions were agreed upon utilizing information and recommendations of the Planner and City Attorney who participated in the discussion. Additional conditions were added to restrict business hours (no Sundays), limit the duration that vehicles awaiting service or otherwise parked at the business could remain (72 hours), requiring that the business close the exterior doors when tools such as pneumatic wrenches or high pressure sprayers are in use (noise abatement for residential area just east of the business) and requiring that when conducting activities like degreasing engines and engine compartments, washing the exterior of vehicles or otherwise detailing in a manner which produces runoff, that those activities must be accomplished in the work bays with floor drains that capture that runoff.

Neither Mr. Torres (the business owner) nor SGS Holdings (the property owner) were present at this hearing. However, Mr. Torres had been present at the April Planning Commission meeting when the Commission was unable to act on the application as we were without quorum. As such, despite the application language stating the owner must be present at the Planning Commission and City Council meetings, the Planning Commission felt that Mr. Torres had made an effort to comply with the proscribed application process and his absence was an oversight. The Commissioners did not feel it should be grounds for withholding a recommendation and were satisfied with the information we

received from Tom. Therefore, the Planning Commission voted 4-0 to recommend approving the Interim Use Permit for Mr. Torres's automotive detailing business as attached.

Regards,

Ben Johnson  
(612) 968-7583