

1 CITY OF ST. ANTHONY  
2 CITY COUNCIL REGULAR MEETING MINUTES  
3 MARCH 9, 2021  
4

5 **CALL TO ORDER.**

6  
7 Mayor Stille called the meeting to order at 7:00 p.m.  
8

9 **PLEDGE OF ALLEGIANCE.**

10  
11 Mayor Stille invited the Council and audience to join him in the Pledge of Allegiance.  
12

13 **ROLL CALL.**

14  
15 Present: Mayor Stille, Councilmembers Jenson, Randle, Walker and Webster.

16 Absent: None

17 Also Present: City Manager Charlie Yunker, Parks and Environmental Commission Vice Chair  
18 James Niemi, Public Works Superintendent Jeremy Gumke, City Planner Steve  
19 Grittmann, and City Attorney Jay Lindgren.

20 Guest: Boulevard Autoworks Applicant Tom Archambault and WSB Engineer Justin  
21 Messner.  
22

23 **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON ALL OF THE FOLLOWING**  
24 **ITEMS.**

25  
26 **I. APPROVAL OF MARCH 9, 2021 CITY COUNCIL MEETING AGENDA.**

27  
28 Motion by Councilmember Webster, seconded by Councilmember Walker, to approve the City  
29 Council Meeting Agenda of March 9, 2021 as presented.  
30

31 **Motion carried 5-0.**

32  
33 **II. PROCLAMATIONS AND RECOGNITIONS – NONE.**

34  
35 **III. CONSENT AGENDA.**

36  
37 A. Approve February 23, 2021, Council meeting minutes.

38 B. Licenses and permits.

39 C. Claims.  
40

41 Motion by Councilmember Randle, seconded by Councilmember Jenson, to approve the Consent  
42 Agenda items.  
43

44 **Motion carried 5-0.**

45  
46 **IV. PUBLIC HEARING – NONE.**

47  
48 **V. REPORTS FROM COMMISSION AND STAFF - NONE.**  
49

1 **VI. GENERAL BUSINESS OF COUNCIL.**

2  
3 A. 2021 Parks and Environmental Commission Work Plan

4  
5 Parks and Environmental Commission Vice Chair James Niemi presented the 2021 Work Plan  
6 for the St. Anthony Village Parks and Environmental Commission. The Parks and Environmental  
7 Commission is a five-member advisory commission, appointed by the City Council and is  
8 charged with the following duties:

- 9 A. To prepare, revise, and maintain a comprehensive, long-term plan for the redevelopment  
10 of parks within the City. This plan shall be viewed as a working document that serves as  
11 a framework and reference to future redevelopment;
- 12 B. To make recommendations to and advise the City Council and staff regarding park and  
13 environmental issues and ideas;
- 14 C. To establish priorities and recommend a phasing plan and schedule for implementing  
15 innovative park and environmental initiatives, improvements, renovations, and plans;
- 16 D. To work with other communities to explore cooperative arrangements to develop  
17 connecting routes in the form of bikeways, walking paths, and corridors of green space  
18 wherever possible;
- 19 E. To investigate funding sources, including requests for increases in the City budget,  
20 designated for parks, green spaces and environmental initiatives;
- 21 F. To seek new areas for additional parks, natural areas, walking paths, bikeways, and green  
22 space corridors;
- 23 G. To generate community involvement in the development of parks, environmental  
24 initiatives and their elements;
- 25 H. To review and recommend revisions to the operation and maintenance of City parks and  
26 environmental initiatives; and
- 27 I. To periodically review, re-evaluate and update the comprehensive park and  
28 environmental initiatives plan to reflect current and future park needs of the City.

29  
30 In 2021, the Parks and Environmental Commission will focus on the following items:

- 31 • Continue with citywide parks cleanup in the Spring.
- 32 • Education and outreach in conjunction with community organizations to promote use of  
33 the organics drop off site.
- 34 • Explore pedestrian and bike friendly routes.
- 35 • Joint meeting with the Planning Commission.
- 36 • Explore water conservation initiatives working with Rice Creek and MWMO watersheds,  
37 and partner with schools for water conservation poster contest.
- 38 • Promote Arbor Day and Tree City activities in 2021, including outreach and education to  
39 residents and City contractors about tree diversity, climate resiliency, and proper planting  
40 techniques.
- 41 • Promote annual Sustainability Fair at the Community Center.
- 42 • Central Park solar demonstration project.

43  
44 Councilmember Randle asked for more information on the Central Park solar demonstration  
45 project. Mr. Niemi stated the Citizens for Sustainability obtained a grant to work with the school  
46 district to set up a solar demonstration.

1  
2 Mayor Stille thanked Mr. Niemi for his report.

3  
4 B. St. Anthony Public Works Department Annual Report

5  
6 Public Works Superintendent Jeremy Gumke presented a power point summarizing the 2020  
7 Public Works Annual Report including an Overview, Public Works Mission Statement, Public  
8 Works Department, Changes in 2020, Tribute to Jay Hartman, Street Maintenance Division, Salt  
9 and Salt/Brine Usage 2012-2021, Parks Maintenance Division, Park Usage by Ice Skaters, 2020  
10 Citywide Park Projects, Parks and Environmental Commission, Water/Sewer Division,  
11 Watermain Breaks and Service Leaks 2012-2020, Vehicle Maintenance Division, 2020 Annual  
12 Employee Safety and Compliance Training, Engineering Division (WSB) Projects 2020,  
13 Additional 2020 Projects, Street and Utility Improvements and Mill and Overlay Projects 2021-  
14 2033, 2021 Street and Utility Improvement Project, 2021 Mill & Overlay Project, 2021  
15 Reclamite Project, Citywide Sustainability Initiatives, 2020 Sustainability Initiatives, 2021 and  
16 Beyond, and 2021 Upcoming Events.

17  
18 Mr. Gumke noted the entire report is available on the City Website [www.savmn.com](http://www.savmn.com).

19  
20 Councilmember Webster thanked Mr. Gumke for the overview. She was intrigued with the data  
21 on the watermain breaks and service leaks.

22  
23 Councilmember Jenson stated he agrees with what Councilmember Webster had said. He  
24 thanked Mr. Gumke for stepping up and taking on added responsibilities since mid-November.

25  
26 Mayor Stille stated a resident submitted a comment thanking the department for their work in  
27 keeping the trails open. The email blast for snowplowing was very helpful to residents. Mayor  
28 Stille mentioned about the Central Park drainage and where the tile was placed does not match  
29 the drawing.

30  
31 C. Resolution 21-024; a Resolution to approve conditional use permit for a car wash facility  
32 with vacuum stations at 2701 Kenzie Terrace in the C, Commercial District

33  
34 Mayor Stille stated first Mr. Grittman will make his presentation, followed by questions from the  
35 Council, then the applicant will present, followed by questions and Council discussion, and  
36 finally a motion will be made by Council.

37  
38 City Planner Steve Grittman reviewed the applicant (Boulevard Autoworks) is proposing to  
39 construct a new car wash facility at 2701 Kenzie Terrace. The facility requires a conditional use  
40 permit and would replace the existing parking lot on the site. Based on a review of the  
41 application, Planning Staff recommends approval of the CUP request, with conditions related to  
42 compliance with code requirements applicable to the impacts of the proposed use.

43  
44 The Planning Commission reviewed the application at a public hearing on December 15, 2020.  
45 Several members of the public provided written and oral comments, expressing concerns related  
46 to noise, lights, odors, and general compatibility with the neighborhood, with the potential to

1 disrupt quality of life and diminish property values. After the hearing, Commission discussed  
2 the item extensively, ultimately passing a motion to recommend approval of the Conditional Use  
3 Permit, based on the findings in the proposed resolution and with the conditions recommended in  
4 the staff report, as well as one additional condition limiting hours of operation to 7:00 a.m. to  
5 10:00 p.m. The applicant had indicated that the proposed hours of operation would be 8:00 a.m.  
6 to 5:00 p.m. With those conditions, the Planning Commission vote passed unanimously.

7  
8 The Council referred action on this item back to the Planning Commission to finalize and clarify  
9 its recommendation. The Commission discussed it further. The Commissioners commented  
10 predominantly related to their satisfaction that they had reviewed the subject thoroughly at their  
11 previous meeting and did not believe it needed significant further review. The motion for  
12 approval passed.

13  
14 On January 26, the Council considered the item, with the clarified Planning Commission action.  
15 Due to a variety of comments, the Council was concerned that additional verification of issues  
16 raised was necessary to make a final determination. The Council directed staff to engage the  
17 necessary resources to examine potential impacts on the use on air quality, stormwater  
18 management, noise, and additionally, potential impact on neighboring property values.

19  
20 Staff has undertaken those engagements, copies of which were provided for Council review.

21  
22 Mr. Gritman provided background information stating the proposed car wash building would be  
23 located toward the north/middle portion of the property, utilizing the middle of three existing  
24 curb cuts to Kenzie Terrace. The other two curb cut access points would be closed. Traffic is  
25 designed to enter the site and circulate counter-clockwise around the building to the entrance at  
26 the west end, exiting the building to the east, with access to a series of one-way driveways that  
27 provide access to outdoor vacuum stations on the south side of the building. The site plan also  
28 provides 6 additional parking stalls on the site in two separate bays.

29  
30 The proposed site plan appears to meet the minimum standards; however, a Conditional Use  
31 Permit is subject to requirements to qualify for City approval.

- 32 1. The use is one of the conditional uses specifically listed for the district in which the  
33 property is located;
- 34 2. The City Council has specified all conditions which the City Council deems necessary to  
35 make the use compatible with other uses in the area;
- 36 3. The use will not be detrimental to the health, safety, or general welfare of persons  
37 residing or working in the vicinity or to the values of property in the vicinity; and
- 38 4. The use will provide a service or a facility which is in the interest of public convenience  
39 and will contribute to the general welfare.

40  
41 Staff provided written resident comments for Council consideration along with detailed drawings  
42 of the project. Staff proposed some specific additions and changes to the site plan designed to  
43 moderate impacts. These are recommended conditions to the requested Conditional Use Permit  
44 for a car wash facility at 2701 Kenzie Terrace.

- 45 1. Revise the plan to shift the facility and westerly egress lane at least 5 feet to the east.

2. In this additional setback space, plant a continuous row of Spruce trees no greater than 15 feet on center, to create and grow a buffer between the access aisle and the adjoining multi-family residential building. Due to the proposed grade and retaining wall, a wider space (and thus, greater shift) may be necessary to accommodate this planting.
3. Add larger evergreen trees to the northwest corner of the site to moderate impacts of headlights in the stacking lane.
4. Reorient the parking/access lanes in the front area to 90-degree parking angles, and eliminate the one-way circulation patterns that add unnecessary pavement.
5. Add a solid fence line along the north boundary/alley to create a buffer between the commercial activity and the single-family neighborhood to the north, and add landscaping in that space to enhance the visual aesthetic and reinforce the buffer.
6. Add larger evergreen stock in the northeast portion of the stacking lane area to screen headlights from the single-family properties.
7. Add a permanent, noise-insulated structure to house the vacuum machinery from which only vacuum hoses may extend to buffer noise, to mitigate noise impacts on the adjoining multi-family building. The structure must be consistent with the materials of the principal building as required by City Code.
8. Operate the facility in a manner that requires entry doors to close prior to wash machinery engaging the vehicle, and exit doors to remain closed until dryer machinery has completed its cycle.
9. Reduce parking lot light pole height to no more than 20 feet, and ensure full cut-off hooded fixtures to reduce light spillage onto adjoining property.
10. Specify hooded, downcast wall lighting on the building to avoid any light-source glare.
11. Compliance with the requirements of the City Engineer with regard to engineering and construction, including utilities, stormwater and street improvements.
12. Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m. or other hours of operation as may be required by this or future City Council resolution.

Mayor Stille noted Justin Messner is present to address any questions from Council.

Councilmember Walker asked about condition #7 and he is concerned about the airflow noise. Mt. Justin Messner responded the purpose to allow airflow is to prevent overheating of the vacuum machinery. A baffle system could be used if desired. Councilmember Walker asked for clarification if the sound would be reduced with the planned enclosure. Mr. Messner stated it would be reduced but would not be a sound-proof box. Councilmember Walker asked what was meant by additional study is needed and Mr. Messner stated if the applicant had an additional method for the vacuums, those methods would need to be reviewed by Staff.

Mayor Stille stated the noise study was long and L50 would be provided with the state standard being L60. Mr. Messner stated noise monitoring was done on the site from traffic and found the site was L52-L54 decibel range. Readings were taken outside another car wash which produced L63 decibels. This sound information was used to project the sound at Kenzie Terrace. The maximum value found was L63 at Kenzie Terrace. When the doors are shut the noise from the carwash would be L36.

1 Councilmember Jenson asked what the analysis looks like as far as the vacuums if they were  
2 fully mitigated. Mr. Messner stated that is difficult to determine without a proposed design. This  
3 will be evaluated in the final plans. They would not be allowed to exceed the L50 standard.  
4

5 Councilmember Walker asked with only the hoses exposed, he asked about the noise that would  
6 come from the customers who had music playing loud or their vehicle noise.  
7

8 Mayor Stille stated he has the same question. It's more of a management question rather than  
9 engineering. Mayor Stille asked Mr. Messner for a summary of the air quality study. This  
10 project would not require a State review. A greenhouse analysis was done and the result was the  
11 emissions were not a significant issue and far below any state standard.  
12

13 Councilmember Jenson asked about the water control. Mr. Messner stated the City has a Water  
14 Resource Management Plan for any new development within the City. The study included the  
15 amount of water that runs off the site. The applicant is proposing to construct a rain garden on  
16 site which would improve the down stream quality of the water running off the site and also a  
17 retention pond. Volume and flood control were also. The City requires volume control. The  
18 storm water would be treated before entering the storm water system. The site plan appears to  
19 meet the requirements; however, the rain garden size needs to be addressed. Mississippi  
20 Watershed standards do not apply due to the size of the site.  
21

22 Mr. Tom Archambault, applicant, asked if the Council had any specific questions regarding the  
23 plans.  
24

25 Councilmember Walker asked about how the noise from the customers that may occur. Mr.  
26 Archambault stated he visited seven other locations that operate the same equipment and found  
27 each site was staffed by at least three staff to make sure vehicles were not kept running and that  
28 radios are turned down. Staff would be trained properly to address concerns. The noise from the  
29 vacuum cleaners, the way the cleaners work each station does not have its own motor. It's a large  
30 turbine system that creates the vacuum. The turbine will be housed in the equipment room. The  
31 only thing that would be heard would be the suction of the vacuum. He does not believe  
32 Condition #7 is an issue.  
33

34 Councilmember Jenson stated there are a number of residents that have a concern about this  
35 project and requested Mr. Archambault comment on each of the 12 conditions. Mr. Archambault  
36 stated regarding property value degradation, the study showed there would be no degradation to  
37 the neighboring homes. Mr. Grittmann stated the City did ask a certified appraiser as to an opinion  
38 about property values decreasing and the opinion was since it is Commercial those values are  
39 built into the neighboring property values as they stand. There would be no negative  
40 consequences to property values. The appraiser's report was included in the Council packet for  
41 review.  
42

43 Mayor Stille stated the applicant must abide by the conditions if Council approves. Mr.  
44 Archambault stated a number of the conditions are black and white and if not done, the permit  
45 would not be received. He already spoke regarding Condition #7 and could possibly be  
46 eliminated. Condition #8 needs some rewording knowing how the wash is done and the industry

1 equipment works. It's a conveyor belt system that feeds the car into the wash. The exit door can  
2 be closed until the dryer is completed and the ready is to leave. Condition #9 and #10 will be fit.  
3 Condition #12 has been revised and is fully agreeable with the exception of the City telling a  
4 private business how to operate.

5  
6 Councilmember Jenson asked if the entry doors were left open would that noise add to the  
7 decibel. Mr. Messner stated the noise at the entry would be over L60. Mr. Archambault stated  
8 the sound study was done on ground level and estimated at how the sound would move up the  
9 five stories of the Kenzington Complex. The enter door is as far from the Complex as possible.  
10 Their noise mitigation is the best they can have it. Councilmember Jenson asked if the doors  
11 remain open if there are cars waiting to enter. Mr. Archambault stated that is correct and if there  
12 are no cars waiting the door could be closed.

13  
14 Councilmember Walker asked about Condition #8 and how comfortable is Mr. Archambault  
15 regarding competition with other car washes in the area. Mr. Archambault stated there is no  
16 competition in the area. Typically, it would take 2-3 minutes for a car to be washed/dried and the  
17 speed is adjustable. Their system provides a quicker and better wash.

18  
19 Councilmember Webster asked that the noise study with the door closest to Kenzington, the  
20 sound would exceed the standard. Mr. Archambault stated if there is a line of vehicles waiting,  
21 the door does not close. If the door would need to be closed and the conveyor stopped it would  
22 lengthen the time and cost for energy. Councilmember Webster stated without mitigation the  
23 noise levels would exceed the standard. Mr. Messner stated that is correct based on the noise  
24 analysis, they would exceed the L50 State requirement.

25  
26 Mr. Gritman stated in Condition #8, it was not their intent was not to shut down the conveyor  
27 between cars. If the door was open, it would exceed the L50 State requirement.

28  
29 Mr. Archambault this is a conveyor system and the most noise would be created by the high-  
30 pressure rinse and dryer equipment. He requested a re-write of Condition #8 to remove the  
31 wording that the entry door needs to be closed. Mr. Gritman stated the sound study stated the  
32 noise coming out of the entry door exceeds the L50 requirement. Mr. Archambault stated the  
33 study was done at Eddie's Auto Wash in Edina on equipment that is significantly older with a  
34 different structure and setup. There will be dissipation of the sound. Mr. Messner stated the  
35 sound leaving the facility at the dryer levels of L80 which will dissipate, was studied at six  
36 different home locations and would exceed the State standard of L50.

37  
38 Councilmember Jenson asked how long was Eddie's Car Wash that was modeled. Mr. Messner  
39 stated he does not have that information. Councilmember Jenson stated he believes a shorter  
40 facility would have a louder decibel level than a longer one.

41  
42 Ms. Cary Zahrbock, 2704 27<sup>th</sup> Avenue NE, stated she loves a clean car. She is not against car  
43 washes or businesses. She has learned a lot about car washes, use permits, etc. She does not  
44 believe there has been time for the community input that is necessary. She stated crime has not  
45 been addressed. She said car washes are prime businesses for robbery and vandalism. The  
46 landscaping can add to the vulnerability of the car wash and neighboring homes to crime. She

1 does not believe a car wash would be an asset to the City as there are three others within 1 ½  
2 miles from this site. Ms. Zahrbock asked who residents would complain to if violations occur  
3 and what recourse is available to residents. She questioned the appraiser's opinion and she  
4 believes there would be an impact on property values in the area. Real estate professionals have  
5 said there would be an impact. Ms. Zahrbock asked that the application be withdrawn or Council  
6 deny the request.

7  
8 Mayor Stille stated when the process started there was no opportunity to gain residents  
9 comments. He has not spoken to the applicant and directed Council not to speak to the applicant.  
10 The City needed to get an independent appraiser to do a study. Mr. Gritman stated the City has a  
11 complaint system and residents should file complaints to be registered with Code Enforcement.  
12 City Manager Yunker stated residents could send a letter, call or stop by City Hall also to file a  
13 complaint.

14  
15 Ms. Susan Guthrie, 2616 Pahl Avenue, lives 400 feet from the proposed car wash. She wanted to  
16 talk about the process. A CUP is a request and is granted after studying the potential effect on the  
17 neighbors. The City has done studies on behalf of the applicant which is in direct violation of  
18 Minnesota State Statute 462.3595. By the City doing the studies the Council cannot be impartial.  
19 The applicant should have been told which studies are necessary and have the applicant have  
20 them conducted. Ms. Guthrie wrote a detailed letter requesting receipt of her letter by return  
21 email. She does not want her neighborhood blighted by this land use. A car wash within 75 feet  
22 from homes and the condos will negatively impact the neighborhood in regards to air, noise,  
23 water pollution as well as property values. There were over 70 residents opposed to this project  
24 that submitted letters and emails to the City. The City Planner should not have recommended  
25 approval for something that exceeded State noise limits.

26  
27 Mr. Tom Deegan, 2616 Pahl Avenue, has been a resident of St. Anthony for 25 years. He  
28 referred to MN Statute 462.3595 relating to the City obtaining the studies. He was a fire marshall  
29 for the City of Minneapolis and reviewed his job responsibilities. He was never allowed to direct  
30 engineers to do a study on behalf of the applicant. He does not believe the applicant was given  
31 proper instructions. He takes issue with the appraiser in that the study was similar to one done for  
32 a PUD. In the comprehensive plan this parcel was designated for a park. It is not the City's role  
33 to design a project for the applicant. The purpose of the Statute is to avoid litigation. A market  
34 analysis should have also been done. He pays some of the highest taxes in the State.

35  
36 Mr. Dave Colling, sent in an email a few weeks ago. He wants to speak of the real-world  
37 applications at the car wash. At the last meeting, it was mentioned that the residents have a fear  
38 of the unknown. He visited Tommy's car wash and spoke with the residents near the car wash.  
39 He said two were management issues and two were design issues. The residents complained  
40 about the noise from customer's cars music and the customer's speaking to each other. There  
41 was a loud recording that was heard every time a car entered. Another issue was garbage that  
42 doesn't make it into the garbage can. Lights reflected off the materials on the outside of the  
43 building and forced neighbors to cover their windows. He would like to see this request denied  
44 and is willing to work with the City to try to find a solution.



1 Mr. John Grotkin, project manager for general contractor of the project. He had a similar  
2 experience with other car washes they are constructing. From a noise standpoint, when they were  
3 touring car washes, they were able to carry on a normal conversation outside the front end of the  
4 car wash. He wants to make sure the Council and residents know the applicant is willing to  
5 comply with all the conditions and he is zoned and legal to do this. He has a good business plan.  
6 The property is zoned commercial. He stated Tom is a very good neighbor and is willing to do  
7 everything the right way.

8  
9 Mr. Thomas Isaacson, 2604 Pahl Avenue, is a block and half from the site. He acknowledged  
10 there has been a lot of work on this on both sides. Noise requires more attention. This would be  
11 making a loud area louder. If the applicant cannot meet the requirements, then the project should  
12 not proceed. The proposed plan seems too large for the lot. He feels Saturday mornings will be  
13 very busy and loud. This is not a compatible arrangement. He thanks the City for doing its due  
14 diligence and that the noise will affect the residents.

15  
16 Mr. Jesse Pikturna, thanked all for their comments regarding the car wash. This site is very close  
17 to the backyard of his home. He is concerned about loud noises. He is concerned for the  
18 children. This project is inconsistent with the ideals of the City. This would make the  
19 neighborhood less sustainable, walkable and safe. Eddie's car wash has similar equipment but it  
20 doesn't have audible instructions for cars entering the car wash. There needs to be strong  
21 enforcement of violations and non-compliance. He does not see how Council can approve this  
22 request. The guidance of the Planning Commission was incorrect. The residents have rights.  
23 Projects need to be safe before they are approved. The applicant said the doors for entry would  
24 remain open and the noise standards would be exceeded. This needs to be denied. The Council  
25 has responsibilities to the residents.

26  
27 Mr. Paul McHugh, he is concerned with customer generated noise. Some people may not abide  
28 to signs regarding noise or staff intervention. It would be best to keep this type of business out  
29 of a residential neighborhood. He has a friend who is the operator of the carwash at 38<sup>th</sup> and  
30 Stinson, David Hernandez. He has talked with David about the closing of doors at the car wash  
31 and he said there is no way you can keep a car wash door closed. The appraiser used circular  
32 logic in their appraisal. The appraisal report should be dismissed based on common sense. Mr.  
33 McHugh referred to a letter submitted by a realtor who has bought/sold many of the units in the  
34 Kenzington.

35  
36 Mr. Tim Keane, thanked Council for holding this public conversation. There have been many  
37 important points stated this evening. He noted figure 4.2 of the Comprehensive Plan does  
38 illustrate the future land use of this site as park. There are compatibility land uses that the  
39 Council must consider. This is a high velocity, high customer project right next to residences.  
40 Light, noise and traffic intrusion are considered trespassing. He is amazed the City is considering  
41 putting this use next to resident's homes.

42  
43 Ms. Barb Gottfried stated she is very upset about this situation. Eleven years ago, she had cancer  
44 and she feels fortunate to being alive. She learned she needs to be protective of her health and  
45 the other residents of Kenzington. She is concerned about the vehicle exhaust which will be  
46 pulled in through the wall via the air conditioners. The Kenzington is not a climate control

1 building. The City stated signs would be posted showing no idling cars. The signs would not be  
2 adhered to. The MPCA states exhaust from an idling car creates more pollution than moving  
3 cars. This is a serious situation. All ages will be affected. She expects the City Leaders to follow  
4 the City Code. She appreciates Council is listening to the residents. She asks that Council think  
5 about the resident health.

6  
7 Ms. Beth Wandell, 2800 27<sup>th</sup> Avenue NE, they are west of the site. She stated the noise  
8 ordinance would be violated if the car wash cannot run with the doors shut. She asked Council  
9 to follow MN law. She wants to live and raise her children in a safe and quiet environment.

10  
11 Mr. Phil Hoversten, resident of 38 years. He is a physician and a degree in public and  
12 environmental health. The study should have been done for the actual site and needs to be more  
13 accurate. A car wash uses soap, chemicals and water. There is no data that the health and safety  
14 of the car wash employees. The levels of noise are low and would not be a danger to the health  
15 of residents. He believes due diligence has been done.

16  
17 Mayor Stille stated there has been a lot of discussion and he would like the City Attorney to  
18 comment on the process. City Attorney Jay Lindgren stated the role of the Council is to act as  
19 judge to the record and all information that has been submitted. Whether the request is  
20 detrimental to health, safety or general welfare to persons in the area or to property values, is the  
21 basis to approve or deny. From a process standpoint, Council has the Planning Commission and  
22 Staff and include the record.

23  
24 Mayor Stille stated Council is in a situation where a property is zoned Commercial and this is an  
25 accepted use. He would like to see the issues mitigated. With the applicant not being able to  
26 operate the car wash without keeping the noise low, he cannot be supportive of this project.

27  
28 Councilmember Randle stated he has been back and forth on this matter, he has read the packet,  
29 and he hopes there is a way to work through the noise issue as the applicant is abiding by all  
30 other conditions. The applicant has rights too. Councilmember Randle does not want to deny  
31 this request as Council needs to consider the applicants rights. He hopes there is a way to  
32 compromise and meet in the middle. Mayor Stille stated if there was a way, he would be open to  
33 that.

34  
35 Councilmember Webster thanked the residents for their involvement in this process. All the  
36 letters and emails were included in the Council packet. She stated at the last meeting, Council  
37 requested the studies be done. There is a conflict which needs mitigation on the noise level. She  
38 would struggle to support the request.

39  
40 Councilmember Walker stated it involves the rights of many vs. the rights of the applicant. He is  
41 concerned with some of the issues. He is concerned about how this would play in real life. He  
42 could not support the request.

43  
44 Councilmember Jenson stated the basic data point is the noise standard which would be in  
45 violation of State Statute. If the standard cannot be met, he could not support the request. The  
46 appraiser stated the property values would not be affected without any value details.

1  
2 Mayor Stille commended on the studies ordered by the City. The City is an independent body,  
3 and there was talk about the applicant ordering the studies which would have most likely come  
4 back in favor of the applicant.

5  
6 City Attorney Lindgren read five paragraphs to be included in the motion.

7  
8 Motion by Councilmember Webster, seconded by Councilmember Jenson, to deny Resolution  
9 21-024; a Resolution to approve a Conditional Use Permit for a car wash facility with vacuum  
10 stations at 2701 Kenzie Terrance in the C, Commercial District with the following findings of  
11 fact in support of the denial:

- 12 1. The purpose of the Conditional Use Permit requirement for the car wash use in the  
13 Business zoning district is to consider whether or not the use can be compatible with  
14 the neighboring land uses.
- 15 2. The proposed use will create noise, fumes, lights, and other potential negative  
16 impacts on adjoining residential properties.
- 17 3. While some mitigation is possible to reduce those impacts to levels that may comply  
18 with the minimum requirements of state standards, the impacts are nonetheless likely  
19 to negatively affect the quality of life of the existing adjoining and nearby residents,  
20 given the height, exposure, and nearness of those existing uses.
- 21 4. The zoning ordinance requires that to approve a Conditional Use Permit, the City  
22 Council must determine that: "The use will not be detrimental to the health, safety, or  
23 general welfare of persons residing or working in the vicinity or to the values of  
24 property in the vicinity."
- 25 5. Based on the written record and the additional information provided at the March 9,  
26 2021, City Council meeting, the City Council finds that (a) the required determination  
27 cannot be made (b) that the use would be detrimental to health, safety, general  
28 welfare, or property values in the vicinity of the proposed use; and (c) that  
29 insufficient mitigating conditions are available to overcome this detrimental  
30 incompatibility.

31  
32 **Motion carried 4-1 (Randle).**

33  
34 **VII. REPORTS FROM CITY MANAGER AND COUNCIL MEMBERS.**

35  
36 City Manager Yunker had no report.

37  
38 Councilmember Webster had no report.

39  
40 Councilmember Randle had no report.

41  
42 Councilmember Jenson stated on March 5, 2021, he had two meetings with Ramsey County  
43 Local League of Governments.

44  
45 Councilmember Walker had no report.  
46

1 Mayor Stille reviewed he participated in a panel with the League of Women Voters on February  
2 24, 2021. Earlier today, he attended a meeting with the Mississippi Water Management  
3 Organization. The Council had a work session prior to the City Council meeting. He presented to  
4 the Liquor Operations on February 24, 2021. He inducted some Fire Department recruits on  
5 March 4, 2021.

6  
7 **VIII. COMMUNITY FORUM.**

8  
9 Mayor Stille invited residents to come forward at this time and address the Council on items that  
10 are not on the regular agenda.

11  
12 Hearing none, Mayor Stille moved forward with the agenda.

13  
14 **IX. INFORMATION AND ANNOUNCEMENTS – NONE.**

15  
16 **X. ADJOURNMENT.**

17  
18 Mayor Stille adjourned the meeting at 10:15 p.m.

19  
20  
21 Respectfully submitted,  
22 Debbie Wolfe  
23 *TimeSaver Off Site Secretarial, Inc.*

24  
25 \_\_\_\_\_  
26 Mayor

26 ATTEST: \_\_\_\_\_  
27 City Clerk  
28