

**MINUTES**  
**MAPLEWOOD CITY COUNCIL**  
7:00 P.M. Monday, September 26, 2022  
City Hall, Council Chambers  
Meeting No. 20-22

**H. PUBLIC HEARINGS**

1. **Xcel Energy, 1555 Century Avenue North**
  - a. **Public Hearing**
  - b. **Conditional Use Permit and Wetland Buffer Waiver Resolution**
  - c. **Public Vacation of an Easement Resolution**

Community Development Director Thomson and Environmental Planner Finwall gave the presentation.

Mayor Abrams opened the public hearing. The following people spoke:

None

Mayor Abrams closed the public hearing.

Councilmember Cave moved to approve the resolution for a conditional use permit and a wetland buffer waiver permitting Xcel Energy's gas plant improvements at its site located at 1555 Century Avenue North.

Resolution 22-09-2124

CONDITIONAL USE PERMIT AND WETLAND BUFFER WAIVER RESOLUTION

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

- 1.01 Xcel Energy has requested approval of a conditional use permit to allow for improvements to its existing gas plant.
- 1.02 The applicant has also requested approval of a wetland buffer waiver of 25 feet from the Manage B wetland on-site and 70 feet from the Manage A wetland on-site.
- 1.03 The property is located at 1555 Century Avenue North and is legally described as:

Real property in the City of Maplewood, County of Ramsey, State of Minnesota, described as follows:

That part of the Southeast Quarter of the Northeast Quarter of Section 24, Township 29 North, Range 22 West, described as follows, to wit:

Commencing at the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 24; thence West along the North line of said Southeast Quarter of the Northeast Quarter, a distance of 33 feet to a point in the West line of East County Line Road as now located and established, said point being the point of beginning of the land herein described; thence Southerly along said West line of East County Line Road a distance of 287.52 feet, more or less, to a point distant 94 feet Northwesterly, measured at right angles from the center line of the most Northerly main track; thence Southwesterly parallel with said center line of said most Northerly main track a distance of 1043.58 feet; thence Northerly along a line forming an angle of 115 degrees 54 minutes with an extension of the last described course, a distance of 649.8 feet, more or less, to the said North line of the Southeast Quarter of the Northeast Quarter; thence East along the North line of said Southeast Quarter of the Northeast Quarter a distance of 970.20 feet to the point of beginning. (Abstract Property)

The Southeast quarter of the Northeast quarter of the Northeast quarter of Section 24, Township 29, Range 22 except the East 49.5 feet.  
(Torrens Property, Certificate of Title No. 517771)

(PIN 24-29-22-11-0005)

## Section 2. Standards.

- 2.01 City Ordinance Section 44-1092(1) requires public and private utilities have a conditional use permit.
- 2.02 City Ordinance Section 18-221(e)(2)(J) allows the city council to waive wetland buffer requirements for public or semi-public utilities.
- 2.03 General Conditional Use Permit Standards. City Ordinance Section 44-1097(a) states that the City Council must base approval of a Conditional Use Permit on the following nine standards.
  - 1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.
  - 2. The use would not change the existing or planned character of the surrounding area.
  - 3. The use would not depreciate property values.
  - 4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
  - 5. The use would not exceed the design standards of any affected street.

6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause minimal adverse environmental effects.

2.04

Wetland Buffer Waiver Standards. City Ordinance Section 18-221(e)(2)(J) states that the City Council must base approval of a Waiver on the following nine standards.

1. The city may only allow the construction of public utilities through buffers where there is no other practical alternative.
2. Before the City Council acts on the waiver, the Environmental and Natural Resources Commission and the Planning Commission shall make a recommendation to the City Council. The city shall hold a public hearing for the waiver. The city shall notify the property owners within 500 feet of the property for which the waiver is being requested at least ten days before the hearing.
3. Utility corridors shall not be allowed near endangered or threatened species.
4. Utility corridors, including any allowed maintenance roads, shall be as far from the wetland as possible.
5. Utility corridor construction and maintenance shall protect the wetland and buffer and avoid large trees as much as possible.
6. The city shall not allow the use of pesticides or other hazardous or toxic substances in buffers or wetlands; however, in some situations the use of herbicides may be used if prior approval is obtained from the administrator.
7. The owner or contractor shall replant utility corridors with appropriate native vegetation, except trees, at preconstruction densities or greater after construction ends. Trees shall be replaced as required by city ordinance.
8. Any additional corridor access for maintenance shall be provided as much as possible at specific points rather than to the road which is parallel to the wetland edge. If parallel roads are necessary they shall be no greater than 15 feet wide.

9. The City Council, upon recommendation of the administrator, may require additional mitigation actions as a condition of granting the waiver.

### Section 3. Findings.

3.01 The proposal meets the specific conditional use permit standards.

3.02 The proposal meets the specific wetland buffer waiver standards.

### Section 4. City Review Process

4.01 The City conducted the following review when considering this conditional use permit and wetland buffer waiver requests.

1. On August 15, 2022, and September 19, 2022, the environmental and natural resources commission reviewed this project and the wetland buffer waiver request. The environmental and natural resources commission recommended that the city council approve this resolution.
2. On August 16, 2022, the planning commission held a public hearing. The city staff published a hearing notice in the Pioneer Press and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission recommended that the city council approve this resolution.
3. On September 26, 2022, the city council discussed this resolution. They considered reports and recommendations from the planning commission and city staff.

### Section 5. City Council

5.01 The city council hereby approves the resolution. Approval is based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

1. All construction shall follow the site plan approved by the City.
2. The proposed construction must be substantially started within one year of Council approval or the permit shall become null and void. The Council may extend this deadline for one year.
3. The City Council shall review this permit in one year.
4. Any fence over six feet tall requires a building permit issued by the city.
5. Meet all requirements of Jon Jarosch's Engineering Plan Review, dated August 8, 2022.
6. Meet all requirements of Shann Finwall and Carole Gernes'

Environmental Review, dated September 20, 2022.

7. Receive approval from the City's Minor Construction 15-Day Review process for the design of the project.

Seconded by Councilmember Villavicencio

Ayes – Mayor Abrams  
Councilmember Cave  
Councilmember  
Juenemann  
Councilmember  
Villavicencio  
Absent – Councilmember Knutson

The motion passed.

Councilmember Cave moved to approve the resolution for the public vacation of an easement located within the site at 1555 Century Avenue North.

Resolution 22-09-2125

PUBLIC VACATION OF AN EASEMENT RESOLUTION

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

1.01 Xcel Energy has petitioned the Maplewood City Council to vacate an unused public easement that crosses the site at 1555 Century Avenue North.

1.02 The easement with a recording document number of 2087450 is legally described as:

*A permanent easement for public purposes, over, across and through the South thirty three (33) feet of the Northeast 1/4 of the Northeast 1/4 of Section 24, Township 29, Range 22, Ramsey County, Minnesota.*

1.03 A hearing notice on said petition was published in the City of Maplewood's official newspaper and written notice was mailed to the property owners within 500 feet of this unplatted property.

1.04 On September 12, 2022, the City Council held a hearing on such petition, at which time all persons for and against the granting of said petition were heard.

Section 2. Standards

2.01 Minnesota state statute requires that no vacation shall be made unless it appears in the interest of the public to do so.

Section 3. Findings.

3.01 The Maplewood City Council makes the following findings:

1. There is no anticipated public need for the described unused public easement.

2. The vacation is not counter to the public interest.

4.01 Therefore, the city council is in favor of the vacation of the above-described unused public easement.

Seconded by Councilmember Juenemann

Ayes – Mayor Abrams  
Councilmember Cave  
Councilmember  
Juenemann  
Councilmember  
Villavicencio  
Absent – Councilmember Knutson

The motion passed.