

**MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL  
OF EAST GULL LAKE, COUNTY OF CASS, STATE OF MINNESOTA  
REGULAR SESSION  
August 1, 2017  
6:30 PM**

Mayor Kavanaugh called the August 1, 2017 regular Council meeting to order at 6:30 PM. The pledge of allegiance was recited.

**ROLL CALL**

Present: Mayor Kavanaugh, Councilors Lang, Demgen and Hoffmann, City Administrator Mason, Wastewater Superintendent Jasmer, Administrative Assistant Schack

Absent: Councilor Ruttger

Audience: Marty Harstad, David Mernin, Patience Barnes, Jerry Stromberg, Tom Pearson

**ADOPTION OF AGENDA**

4a. Additions: Sylvan Beach stormwater runoff

4b. Deletions: None

**M/S/P, all ayes, Lang, Hoffmann, to approve the agenda as presented**

**ADOPTION OF CONSENT AGENDA**

**M/S/P, all ayes, Councilors Demgen, Lang; to approve the following Consent Agenda items:**

5a. July 6, 2017 City Council Meeting Minutes

5b. Financial Report

- June, 2017 bank statement
- July, 2017 Check Register
  - Approved July, 2017 claims 19546 to 19597 for total amount of \$67,303.09
- Monthly Budget Report, Delinquent WW Customers Report

**OPEN FORUM\*\***

None

**PLANNING & ZONING**

7a. 2017-39 Variance, Randy & Cinthia Narlock, 11616 Pine Beach Drive

Administrator Mason opened the discussion by stating that the Narlock's would like to place a 10 x 12 garden shed on their property. The issue is that the placement of the shed, if following the required set back from the road right-of-way, would be in a depression in the property that consistently fills with stormwater. Therefore, they would like to place the shed 10 feet closer to the road than allowed by ordinance. It would be placed right behind the existing garden.

Administrator Mason showed the Planning Commission some photos of the property.

**Findings:**

1. Home is built on a lot with 27,949 square feet and is developed currently with 5,594 Square feet of impervious or 20.01%
2. Lot is flat other than a large depression on the northwest corner of the golf course side
3. In March of 2017 the depression flooded to nearly 5 feet of water during a 3-inch rain event with frozen ground and nearly reached their home.
4. In order to meet the ordinance requirement of a 30-foot setback from the ROW which is 66 feet. The 10 x 12 shed would be in the flood plain area of the depression
5. Homeowners are requesting a variance to be 20 feet from the ROW to place their garden shed on blocks and accommodate their mower and snow blower
6. Impervious coverage would be 20.44% with the additional 120 square feet added.

7. A stormwater plan would not be needed as all water from lot goes towards the depression

**Conditions:**

1. The pre-built garden shed is to be placed on blocks with a 10-foot setback from the northern property line and a set back from the road ROW at 17 feet rather than 30 to be in a high and dry location.
2. The shed shall be painted to match the home.
3. The shed shall have a shingled roof to match the home.

**M/S/P, ayes, Councilors Hoffmann, Demgen, absent Councilor Ruttger, to approve Variance 2017-39 subject to findings and conditions recommended by the Planning Commission.**

7b. 2017-02D Final Plat, THE HARBOR, Marty Harstad

Administrator Mason opened the discussion regarding the Final Plat of THE HARBOR. He showed photos and discussed the progress of the construction of the project. It was noted that the channel is regenerating itself nicely. He noted the 30-page Developer's Agreement has been completed. Attorney Pearson stated that in summary the agreement is to ensure that the infrastructure that has not yet be completed will be completed and there will be a financial security for that assurance. Mayor Kavanaugh asked that Exhibit A be read:

**Exhibit A:**

The Municipal Improvements

1. All landscaping within the plat, as set forth on the attached **Exhibit A-1**
2. All roads within the plat, as set forth on the attached **Exhibit A-2**
3. Installation of water and sanitary sewer service, as set forth on the attached **Exhibit A-2**
4. Erosion control measures for platted road rights-of-way, as set forth on the attached **Exhibit A-2**
5. Erosion control measures within the plat, as set forth on the attached **Exhibit A-2**
6. Construction of the pool house, as set forth on the attached **Exhibit A-3**

Administrator Mason went on to address the improvements that are completed already and those that need completion. He noted that Mr. Harstad agreed to the City holding the Mylars (recordable documents) until the required infrastructure is completed and that within 90 days those items would be complete, with the exception of the second course of black top, which needs to be completed next year after settling of the ground is complete. The financial security will be determined upon how much of the infrastructure remains to be completed.

Discussion ensued regarding the way the new road for the development is constructed. It was asked why the curb is only on one side. It was noted that the road is sloped for water to run off the un-curbed side into the stormwater retention areas.

Discussion ensued regarding the financial assurance and the 90-day completion requirement. Attorney Pearson stated that at the end of the 90-day period, the Council should realize which items are complete and determine the monetary requirement to be applied to an escrow account for the financial obligation to finish those items not completed. Mr. Harstad noted that he would rather be able to proceed without having to come back to Council. Mayor Kavanaugh noted that the authority to release the Mylars should be given to the City Administrator. It was noted that the monies to complete the second course of the road would be put into escrow to ensure completion of the project.

Mr. Harstad noted that he wasn't sure if the surveyor/engineer submitted the plat to Cass County and a second surveyor for preliminary plat check. He stated that the County may take more than the 90 days stated in the required time for completion.

Councilor Demgen asked if there was adequate parking for visitors. Mr. Harstad noted that the storage area is designed for that and that the covenants state that the driveway cannot be used as permanent parking for the owners. They are required to park in their garage as opposed to storing items in the garage and parking in the driveway. It was noted that visitors could also park on the street.

**Findings:**

1. The property is properly zoned for residential PUD use.
2. As a PUD, lot size dimensions are not factored in. Instead, overall density and density by tier is considered. This proposal meets the required density, which was approved under the PUD application.
3. All properties are connected to the City sewer system.
4. There are 27 non-riparian lots included within the PUD.
5. The proposed subdivision includes one extension of "The Harbor Place Road" and will be engineered according to City Specifications and turned over to the public when complete.
6. The lot lines are at standard angles where possible and contain no unwarranted jogs or bends.
7. Because it is a PUD subdivision, 33 feet of public access for each lot is provided for.
8. Easements for public utilities and drainage are provided for in the Final Plat.
9. No lots will require a variance for development based on the conditions of the PUD approval.
10. The proposal includes a small increase in City road maintenance costs, yet will increase city tax revenue. A cost-benefit analysis indicates no excessive long-term cost for the East Gull Lake taxpayer from this development.
11. The development includes a 100-year, 24-hour stormwater management system. A professionally prepared stormwater management plan has been submitted and will be maintained in the future.
12. Wetland mitigation credits have been to be purchased and are recorded with Cass County
13. The applicant has submitted:
  - a. Covenants for the Home Owners' Association
  - b. Articles of Incorporation
  - c. Bylaws for The Harbor at East Gull Lake
  - d. Landscape plan
  - e. Storm water pollution prevention plan
  - f. Sanitary sewer and water main plans
  - g. Drainage Reports
  - h. Survey Plans and Elevations
  - i. Final Soil Reports
  - j. Wetland delineation data
  - k. Archeological report for historic activity
  - l. Possible floor plans and design criteria
  - m. Design and landscape plan for Storage Unit site
  - n. MN DNR public waters works permit number 1960 - 0398 for additional excavation for the Boat Harbor
14. Work has been completed in the expansion of the marina to 376-foot-long and 30-foot-wide addition to the channel and dredging to a depth of 5 feet with a retaining wall and 27 slips is based on the Amended Public Water Work Permit number 1960-0398 issued by the Minnesota Department of Natural Resources expires on 12-31-2019.

15. Since approval of the Preliminary plat the developer has donated 23 acres located on the south and east side of the existing channel to the City of East Gull Lake for public use in the future. The Final Plat also includes additional acreage of parkland that affectively separates the development from the shoreline of Gull Lake and prevents any encroachment on the lakeshore by the homeowner's association in the future.
16. The Final Plat technically includes the land under the Channel, so the City shall not be responsible for future maintenance and dredging of the channel.
17. The Planning Commission has reviewed the reports of the City Attorney, Engineer and Zoning Administrator and is making the recommendation for approval.
  - a. The applicant has complied with all conditions and requirements upon which the preliminary approval is expressly conditioned through performance or by means of the Developers agreement. (Ordinance 02-2010, 07/06/20101)
  - b. The Final Plat agrees with the Preliminary Plat
  - c. The City Attorney agrees that all parties with an interest in the property are shown as signers of the document.
  - d. The City Engineer agrees that all improvements required are satisfactorily completed or are guaranteed by the developer's agreement or the letter of credit. (Ord 02-2010,07/06/20101)
  - e. An independent Professional Land Surveyor has reviewed the Final Plat and agrees the final document meets the statutory requirements.
  - f. A developer's agreement and a letter of credit agreement has been prepared and is awaiting signatures.

**Conditions:**

1. Acceptance of City Attorneys review comments:
  - a. Covenants for the Home Owners' Association,
  - b. The review shall be used to determine that the documents meet the requirements of the City's subdivision ordinances.
2. Acceptance of City Engineer review comments regarding the sewer connections and Water Wells to meet City and State Department of Health standards.
3. Upon completion of the extension of "The Harbor Place Road" to City Specifications and the completion of the Waste Water Collection system being completed according to the City Engineers Specifications, these public facilities will be turned over to the City of East Gull Lake for future maintenance.
4. Developers Agreement must have the list of things yet to be completed as part of the projects preliminary and final plat requirements to ensure compliance with the relevant ordinances and statutes.
5. Any future significant changes to the Property Owners Association Covenants shall be submitted to the City for approval as a modification to the Conditional Use Permit. Significant changes will be submitted to the City Planning and Zoning Administrator.
6. Developer will grant easements on Squaw Point Road
7. Developer shall pay costs incurred by the City Attorney, Engineer and staff required to verify improvements are installed as required by approvals.
8. Developer must comply with Applicable Statutes and Ordinances: The subdivision requirements are listed in Sections 7.1 and Section 8 of the Land Use Ordinance. Section 8, Planned Unit Developments, controls the lot size and density requirements.
9. Compliance with sections 8.5, 8.6, 8.7, and 8.8 describe survey standards, street improvement standards, sanitary provision standards, and water supply standards respectively. Those provisions are not listed here but can be found in the Ordinance.
10. A landscape berm where possible to be maintained or established along the boundary of the PUD and a public road. The buffer shall be included as open space, minus areas used as accesses.

11. The sub-divider shall plan for the retention of natural stormwater/snowmelt drainage patterns in the design of the proposed subdivision. The sub-divider shall be responsible to provide adequate drainage facilities for his development and upstream properties.
  - a. All natural drainage-ways draining properties upstream from the subject property shall be preserved, and no structures shall be less than one foot above the water level in the drainage way created by a storm of a 100-year, 24-hour rain event. No filling of areas inundated by the 100-year ,24-hour rain event should be allowed except by Conditional Use Permit.
  - b. All streets, building sites and subsurface sanitary sites shall be drained to a natural drainage way. The sub-divider shall provide adequate grading or drainage structured so no inundation or ponding will occur from a storm of a 5-year, 24-hour rain event.
  - c. Natural or manmade storage areas shall be utilized where needed and shall be designated by drainage and utility easement by the sub-divider. No storage area shall be considered part of the minimum lot area requirement. All storage areas shall be vegetated and designed to lower naturally after a storm.
  - d. All drainage structures provided shall be sufficient in size to pass a 5-year, 24-hour storm to a natural drainage way and to pass a 100-year, 24-hour storm along a drainage way.
  - e. All area disturbed by grading, street construction or structure installation shall be covered with a three-inch natural topsoil and seeded. Drainage ways over two percent tin gradient shall, at a minimum, be sodded.
  - f. All parking areas, heavy use areas, storage areas and impervious area shall be diverted to a basin designed to allow entrapment of silt and nutrient prior to discharge to natural drainage way or public water.
  - g. Erosion control measures shall be provided where necessary in the opinion of the City Engineer and in accordance of the MPCA requirements.
12. Minor issues with ROW involving the Squaw Point Road Corner potential realignment will be discussed and worked out with the developer at no cost to the City.
13. All infrastructure and general association improvements must be installed prior to obtaining a certificate of occupancy for any of the residential units. This would include the pool area, pool house, tot lot, screening along Squaw Point Road and Poplar Drive, landscaping to the channel, channel and docking improvements.
14. All mail delivery shall be done to a centralized location on Green Gables Road as approved by the US Postal Service.
15. All exterior lighting shall be directed downward and shall not illuminate adjacent parcels are directly or indirectly.
16. All PUD's shall meet the following building standards:
  - a. Parking and driving areas must be paved
  - b. All buildings shall be earth tone in color and shall be designed, constructed and positioned to be compatible, in color, character and mass, with the surrounding land use.
17. Impervious surface requirements of the ordinance are waived as a result of the stormwater management plan and approval of the PUD.
18. As developer agrees, after the plat is recorded and before a sale is made, Lot #48 that provides a link to the storage building parcel will be donated to the City to allow for potential road improvements and trail construction in the future.

**M/S/P, ayes, Councilors Demgen, Lang, absent Councilor Ruttger, to approve Final Plat 2017-02D – THE HARBOR subject to 17 findings and 18 conditions recommended by the Planning Commission.**

**WASTEWATER & ROAD REPORT**

No Report

**PUBLIC SAFETY**

No Report

**PARK & TRAILS**

No Report

**PERSONNEL COMMITTEE**

No Report

**BUDGET COMMITTEE**

2018 Budget Discussion; Resolution for General Levy – subsidizing wastewater treatment plant

**MAYOR’S REPORT**

13a. Sylvan Beach association stormwater issue

Mayor Kavanaugh noted that the beach area for the association has an issue with stormwater coming from a public road that is not being maintained. There is some runoff and erosion that needs to be addressed. He noted that the association approached him regarding some monetary remuneration from the City to help alleviate the issue.

**CITY ADMINISTRATOR REPORT**

14a. Resolution 08:01-17 – Gambling Permit, St Francis of the Lakes Catholic School Foundation; Madden's Resort

**Ayes by roll call vote: Councilors Lang, Hoffmann, Demgen, Mayor Kavanaugh, approval to adopt Resolution 08: 01-17; absent: Councilor Ruttger**

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**NEXT REGULAR SESSIONS OF CITY COUNCIL/OTHER MEETINGS**

Comprehensive Plan Public Hearing ..... Tuesday, August 08, 2017 at 6:30pm  
Park & Trails Committee Meeting..... Tuesday, August 22, 2017 at 3:00pm  
Planning and Zoning Meeting ..... Tuesday, August 29, 2017 at 6:30pm  
City Council Meeting ..... Tuesday, September 05, 2017 at 6:30pm

**M/S/P, all ayes, Hoffmann, Demgen, to adjourn the meeting**

Transcribed by East Gull Lake Administrative Assistant  
Kathy Schack

These minutes are paraphrased and are not written word for word.

**\*CONSENT AGENDA ITEMS** are considered to be routine and noncontroversial by the Council and will be approved by one motion. There will be no separate discussion for decision of these items unless a Councilmember, staff member, or citizen so requests due to a speculative controversy, in which case the item will be removed from the consent agenda and considered under the regular agenda.

**\*\*OPEN FORUM** allows the public to speak to the Council regarding issues that are not on the agenda.