

**MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL  
OF EAST GULL LAKE, COUNTY OF CASS, STATE OF MINNESOTA  
REGULAR SESSION  
November 1, 2016  
6:30 PM**

Acting Mayor Ruttger called the November 1, 2016 regular Council meeting to order at 6:30 PM. The pledge of allegiance was recited.

**ROLL CALL**

Present: Acting Mayor Ruttger, Councilors Lang and Demgen, City Administrator Mason, Planning Commission Chair Bruce Buxton, Wastewater Superintendent Jasmer, Administrative Assistant Schack

Absent: Mayor Kavanaugh, Councilor Hoffmann

Audience: Ron & Shari Kuhn, Attorney Tom Pearson

**ADOPTION OF AGENDA**

4a. Additions: None

4b. Deletions: None

**M/S/P, all ayes, Demgen, Lang, 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. October 31, 2016 City Council Meeting Minutes

5b. Financial Report

- September, 2016 bank statement
- October, 2016 Check Register
  - Approved October, 2016 claims 19241 to 19288 for total amount of \$35,949.07
- Monthly Budget Report

**OPEN FORUM\*\***

6a. Councilor Lang – Sexual predators within City limits. He noted that the City needs an ordinance to address the issue. Attorney Pearson noted that an ordinance to limit places they can be near, but the ability to live within the City limits cannot be prohibited. More information will be investigated.

**PLANNING & ZONING**

7a. Variance 2016-44: Kuhn, remove two seasonal cabins and replace with one two-story home  
Chair Buxton addressed the Council regarding the Kuhn variance and presented the findings and conditions approved by the Planning Commission.

**Findings:**

1. Current cabins are 1950 era seasonal cabins and are located on a smaller non conforming lot measuring 6,397 sq ft of gross area and 5,476 sq. ft.net of roadway.
2. Current square footage of cabins, sidewalks, pump house and parking area are surveyed at 1,657 sq ft of total impervious coverage.
3. Proposed square footage of a 1,170 footprint and proposed parking area of 405 sq ft for a total of 1,575 sq ft, not including porches, steps, sidewalks, etc.
4. Shoreline area has been badly damaged by high water and needs to be restored; similar restoration has been done on neighboring property to the North.

5. Previous remodeled cabins in area have been allowed to be restored with a footprint not to exceed the square footage of what the current units were before the restoration process began.
6. A variance is required due to non conformity of the lot and desire to increase height of structure to accommodate a second floor.
7. The Shoreline for Kuhn's is 92 feet of lakefront frontage and the depth is around 68 feet on the west boundary and 76 foot on the East Boundary for a total of 5,476 sq ft based on the current survey without the road included and 6,397 sq ft based on Cass County estimates including the roadway. Of the 4 lots on the south side of the point the sq footage based on the Cass County Tax Assessor estimates including the roadway varies from 5,236 sq ft for Murphy / Hirth with a 74 foot lakefront frontage, 5,728 sq ft for Don Barker with 75 foot of lakefront frontage, 6,864 sq ft for Dave Willis on 75 foot of lakefront frontage.
8. The conceptual design includes a maximum roof height of 25 ft 9 inches tall to the peak of the roof.
9. Dormer and gable type roof design concepts are planned for the second floor has been submitted to reduce the profile and provide a more attractive design on the lakeside and landside of the cabin.

**Conditions:**

1. The structure shall not exceed ~~1,080~~ 1,092 sq. ft. for a year around cabin in accordance with the size shown on the plans submitted with the application.
2. The structure shall be built with a first floor level no more than 2 feet above the existing natural ground level. Fill to raise the site above existing natural ground is not approved because the additional fill will cause storm water runoff into the street.
3. The height of the building shall be measured off the point the soil meets the foundation and it shall not exceed 25 feet 9 inches based on the plan submitted.
4. The distance of the building from the road shall be a minimum of 10 feet and the side yard setbacks shall also be a minimum of 10 foot.
5. An architectural design meeting the above specifications for the structure shall be submitted for review and approved by the Planning and Zoning Commission and the City Council prior to permitting.
6. Inasmuch as no porches, steps or sidewalks were shown on the plan, no more than ~~82~~ 70 sq. ft. of porches, steps, and sidewalks shall be constructed at any time into the future.
7. A pervious surface parking area, capable of providing parking space for 2 vehicles, totaling 400 sq. ft., shall be constructed and shall be considered a part of the storm water management plan. The parking material surface should be constructed in accordance with manufacturer's recommendations, of an approved pervious product such as pervious asphalt, Grass Pave or pervious pavers. The pervious surface shall be maintained in perpetuity so the absorption qualities remain the same from the time of installation.
8. Any additional parking for guests shall be between the building and the side property lines on the grassed surfaces. There shall be no parking between the home and the road in the setback area. Enforceable no parking signs or appropriate landscaping shall be installed to prevent parking in the area.
9. Based on the Pervious product being used for the parking and incorporating into the Storm water management Plan, any garage addition will be prohibited in the future.
10. The homes roof eaves shall have gutters installed with gutters to be directed to the storm water management areas on the property. If underground containers are used, they shall be manufactured for that specific purpose and sized to accommodate the roof runoff.

11. Storm water runoff shall not flow onto Squaw Point Rd and shall be maintained within the storm water management system designed to accommodate a 5 year 24 hour storm event.
12. The Shoreline shall be restored based upon the MN DNR plan submitted by Heather Baird 10-25-2016 and included as part of this variance; the shoreline shall also be maintained in the future to meet the MN DNR specifications if future damage should occur both winter and summer. Upon completion of the restoration, Mr. Kuhn is required to have the MN DNR inspect the restoration to ensure compliance with their requirements.
13. All areas of the property shall be restored to grass or landscaping that is considered pervious and shall be maintained into the future. No portion of the property shall be left as dirt, gravel or other impervious surface.
14. Storm water plan must be prepared by a licensed engineer prior to permitting.

Discussion ensued regarding the Variance. Administrator Mason read a letter from Mr. Malat.

**M/S/P, ayes, Demgen, Lang, absent Mayor Kavanaugh, Councilor Hoffmann to approve the 2016-44 Kuhn Variance subject to the nine findings and 14 conditions approved by the Planning Commission, making changes in condition numbers one and six as noted above.**

- 7b. CUP 2016-49: Carney, perform extensive landscaping to alleviate water issues  
Chair Buxton addressed the Council regarding the Carney CUP and presented the findings and conditions approved by the Planning Commission.

**Findings:**

1. Pictures taken during recent significant storm events clearly show the problem areas that need to be corrected.
2. Recent history of the family contacting the city in regard to the problem resulted in a berm being created by permit in 2013.
3. Property was in the heart of the area that lost thousands of trees that were removed over the last year.
4. Current Impervious coverage for the 140,137 sq ft (3.2Acre) parcel is 6.7%
5. Property has 300 feet of prime low elevation lakeshore.
6. Recent damage to a neighboring lot resulted in a CUP for over 700 Cu Ft of soil being added to make up for lost soil when tree stumps were removed.

**Conditions:**

1. Property owners and the contractors follow the recommendations of the engineer prepared stormwater plan.
2. Silt fencing is to be installed on all lakeshore and adjoining properties for soil protection.
3. Keep fill and silt fence at least 4 feet from the adjoining property owner's lot lines as surveyed.
4. Keeping the roads clean should be a priority of the contractor and required by the owner in any contracts that they be brushed regularly.
5. Maintain the existing ridge that no fill extend the height above the berm to insure no water running into the lake.

**M/S/P, ayes, Lang, Demgen, absent Mayor Kavanaugh, Councilor Hoffmann to approve the 2016-49, Carney Variance subject to the findings and conditions approved by the Planning Commission.**

Chair Buxton addressed the Council regarding the remaining of the meeting. The Pearson property was discussed. It was noted that the Comprehensive Plan will be addressed at a later date and the public hearing for approval next spring when the seasonal residents are in town.

## **WASTEWATER & ROAD REPORT**

### 8a. Superintendent's Report

Superintendent Jasmer and Administrator Mason discussed the update on the facility plan. Administrator Mason read a letter regarding the breakdown of Squaw Point road. It was noted that the road is not breaking down, but there have been times when it is covered with mud as the equipment comes out of the development property. It was noted that they have been sweeping the mud on an ongoing basis.

Administrator Mason gave an update on the Harstad project. He noted that they will be working until 10pm to get the work done before freeze-up.

### 8b. Resolution 11:01-16 – Addition of Penalty on Delinquent Wastewater billing

Discussion ensued regarding adding a penalty onto the delinquent billing submitted to Cass County for Special Assessments to cover the cost the County charges for each tax certification.

**Ayes by roll call vote: Councilors Demgen and Lang, Acting Mayor Ruttger, approval to adopt Resolution 11:01-16; absent: Mayor Kavanaugh, Councilor Hoffmann**

### 8c. Resolution 11:02-16 – Tax Certification for Delinquent Wastewater billing for Special Assessments

**Ayes by roll call vote: Councilors Demgen and Lang, Acting Mayor Ruttger, approval to adopt Resolution 11:02-16; absent: Mayor Kavanaugh, Councilor Hoffmann**

### 8d. Resolution 11:03-16 – Special Assessment for costs of Legacy Sewer Extension being transferred to Cragun's taxes

**Ayes by roll call vote: Councilors Lang and Demgen, Acting Mayor Ruttger, approval to adopt Resolution 11:03-16; absent: Mayor Kavanaugh, Councilor Hoffmann**

## **PUBLIC SAFETY**

No Report

## **PARK & TRAILS**

No Report

## **PERSONNEL COMMITTEE**

No Report

## **BUDGET COMMITTEE**

No Report

## **MAYOR'S REPORT**

No Report

## **CITY ADMINISTRATOR REPORT**

### 14a. Discuss Fall Newsletter

It was noted that potential topics will be brought up at the December meeting and it will be decided at that time whether to publish a fall newsletter or to just wait until the spring.

14b. Resolution 11:04-16 – Raffle for Nisswa’s Women Club at Madden’s on May 30, 2017

**Ayes by roll call vote: Councilors Demgen and Lang, Acting Mayor Ruttger, approval to adopt Resolution 11:04-16; absent: Mayor Kavanaugh, Councilor Hoffmann**

**OLD BUSINESS**

None

**NEW BUSINESS**

None

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

Planning and Zoning Meeting ..... Tuesday, November 29, 2016 at 6:30pm  
City Council Meeting ..... Tuesday, December 06, 2016 at 6:30pm  
Wastewater & Road Committee Meeting..... Wednesday, November 16, 2016 at 3:00pm

Attorney Pearson addressed the Council regarding the lawsuit brought against the City. The cause of action against the City speaks to a road and bridge that has not been in existence should be reinstated by the City. He noted that the City cannot do anything more as the Sachs have not brought it to the point of going to court.

**M/S/P, all ayes, Lang, 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.