

**MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF EAST GULL LAKE, COUNTY OF CASS, STATE OF MINNESOTA
REGULAR SESSION
October 1, 2019
6:30 PM**

Mayor Kavanaugh called the October 1, 2019 regular Council meeting to order at 6:30 PM.
The pledge of allegiance was recited.

ROLL CALL

Present: Mayor Kavanaugh, Councilors Bergin, Demgen and Hoffmann, City Administrator Mason,
Planning Commission Chair Bruce Buxton, Public Works Director Jasmer, Administrative
Assistant Schack

Absent: Councilor Ruttger

Audience: Dallas Capesius, Joan Peterson, Joel Jasmer, Rosemary Susens, Bruce Buxton, Kathy Buxton,
Jerry Stromberg

ADOPTION OF AGENDA

4a. Additions: 14d. Resolution 10:03-19 Town Line Road Maintenance Agreement (120th)

4b. Deletions: None

Councilor Hoffmann moved and Councilor Demgen seconded the motion to approve the agenda as presented. All present voted in favor thereof. Motion carried.

ADOPTION OF CONSENT AGENDA

Councilor Demgen moved and Councilor Bergin seconded the motion to approve the following Consent Agenda items. All present voted in favor thereof. Motion carried.

5a. September 3, 2019 City Council Meeting Minutes

5b. Financial Report

- ◆ August, 2019 bank statement information
 - Checking Account
 - Total Additions: \$276,774.49
 - Total Subtractions: \$504,854.75
 - Ending Balance: \$84,696.90
 - Interest Earned to date: \$10.21
 - Money Market Account
 - Interest Earned: \$1,130.24
 - Transfer to Checking: \$250,000.00
 - Ending Balance: \$599,290.98
 - Interest Earned to date: \$6,203.75
- ◆ Approve September, 2019 Check Register
 - Claims 20425 to 20449 for total amount of \$27,416.52
- ◆ Approve September, 2019 payroll EFT payments
 - EFT Payroll: \$14,801.34; EFT Transmittals: \$14,706.66
- ◆ Monthly Budget Report, Delinquent WW Customers Report

OPEN FORUM**

None

PLANNING & ZONING

7a. Variance 2019-50 – Scott Johnson

Chair Buxton reviewed the request for the Johnson variance. He noted that the Planning Commission approved the recommendation subject to the findings and conditions noted below. It was noted that the city attorney recommended removal of Condition #3. Discussion ensued regarding the condition and it was decided to omit Condition #3 in reference to repair of the private driveway if damaged during construction.

Recommendation from city attorney Tom Pearson:

Specific to Condition for approval number 3, I advise the CC not to adopt that condition if it decides to grant the variance, as recommended by the BoA, for the following reasons:

1. There appears to be no connection between this condition and any factors of the variance itself that would need to be mitigated. For example, in a variance request to exceed impervious limits, conditions might be placed in allowing it such as pervious surface driveways, rain gardens, guttering, etc., to counteract possible negative effects of granting that variance. In this fact pattern, the restoration of the road would not appear to have any connection to possible ongoing negative impacts of the variance, itself.
2. Even if the above were not true, the enforcement of such a condition would be practically impossible for the City.
3. As important as the above two reasons, this appears to be solely a private matter between the applicant private road user, the owner of the land over which the road crosses, and maybe other users. The City should not be involved in governing this private matter and the parties to that situation should find other avenues to address whatever disputes they have now or may have in the future over the use and maintenance of that private road.

Staff Findings of Fact:

1. Based on the 4.1 acres and the 191 foot of frontage they are allowed a total of 2,389.6 SF of accessory structures. This includes 1,280 for 2.5 acres, 409.6 for extra 1.6 acres, 700 SF for guest quarters based on frontage. They are asking for 3,098 SF for total of buildings and that is 708 SF more than allowed.
2. They wish to claim a practical difficulty of applying for a variance rather than doing a lot split and creating a separate lot that could be built on with a regular permit.
3. The historical nature of the original parcel was very large and has been split numerous times to avoid variances as the Simon and Johnson families have gotten larger in each generation.
4. They could tear down a building and add on to the original home, but they don't wish to make it bigger and they want to preserve the historical look as the original cabin is in very good shape since it was repaired after the 2015 storm.
5. The height requested for this building is 26 feet based on the design submitted. All other buildings on the property are less than 24 feet and are one story.
6. The site they intend to build the garage/guest quarter on is around 230 feet from the OHW

Conditions:

1. The building site should be moved to 20 feet from the property line to comply with twice the normal setback rule in the ordinance for a CUP.
2. The DNR condition that the lot cannot be split unless one of the cabins be removed.
3. ~~If there is damage to the private road, repair needs to be completed to bring back to existing condition~~
4. The height of the building remains at the 24' maximum standard in the City Ordinance.
5. Wastewater connection needs to be verified to meet City standards and approved by City Staff

Councilor Demgen moved and Councilor Hoffmann seconded the motion to approve Variance 2019-50 omitting Condition #3 in reference to repair of private driveway. All present voted in favor thereof. Motion carried.

Chair Buxton noted that the zoning ordinance revisions were passed out to the Commission for review and stated there will be further discussion at the next meeting regarding the changes.

WASTEWATER & ROAD REPORT

No Report

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. Administrator's Report

- Health Insurance and the Personnel Policy
Administrator Mason reviewed the information provided regarding neighboring communities health insurance policies. He also reviewed the new PEIP policy costs. Discussion ensued regarding the ambiguity of the health insurance benefit in the Personnel Policy. It was noted that the Personnel Committee should meet to discuss adding a more defined policy for health insurance benefits in the Personnel Policy.
- Bond Interest and Insurance Costs
Administrator Mason reviewed the information provided regarding the bond costs.

14b. Resolution 10:01-19 – Gambling Permit:

Raffle to be held by Nisswa's Women's Club at Madden's Resort on May 26, 2020

Councilor Bergin moved and Councilor Hoffmann seconded, the motion to adopt Resolution 10: 01-19 – a raffle to be held by Nisswa's Women's Club at Madden's Resort on May 26, 2020; absent: Councilor Ruttger. All present voted in favor thereof. Motion carried by 4/5 roll call vote.

14c. Resolution 10:02-19 Gambling Permit:

Raffle at Cragun's Legacy, Lakes Area Habitat for Humanity, February 21, 2020

Councilor Bergin moved and Councilor Hoffmann seconded, the motion to adopt Resolution 10: 02-19 – a raffle to be held by Lakes Area Habitat for Humanity at Cragun's Legacy on February 21, 2020; absent: Councilor Ruttger. All present voted in favor thereof. Motion carried by 4/5 roll call vote.

14d. Resolution 10: 03-19 – Town Line Road Maintenance Agreement with Sylvan Township
Sylvan Township and East Gull Lake will share maintenance of the portion of 120th street SW
running between CR#18 and Bass Lake Rd/13th Ave SW.

Councilor Bergin moved and Councilor Demgen seconded, the motion to adopt Resolution 10: 03-19 – the Town Line Road Maintenance Agreement with Sylvan Township; absent: Councilor Ruttger. All present voted in favor thereof. Motion carried by 4/5 roll call vote.

OLD BUSINESS

None

NEW BUSINESS

None

NEXT REGULAR SESSIONS OF CITY COUNCIL/OTHER MEETINGS

Planning and Zoning Meeting Tuesday, October 29, 2019 at 6:30pm
City Council Meeting Thursday, November 07, 2019 at 6:30pm

Councilor Demgen moved and Councilor Bergin seconded the motion to adjourn the meeting. All present voted in favor thereof. Motion carried.

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.