

**MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF EAST GULL LAKE, COUNTY OF CASS, STATE OF MINNESOTA
REGULAR SESSION
November 7, 2019
6:30 PM**

Acting Mayor Ruttger called the November 7, 2019 regular Council meeting to order at 6:30 PM. The pledge of allegiance was recited.

ROLL CALL

Present: Acting Mayor Ruttger, Councilors Bergin, Demgen and Hoffmann, City Administrator Mason
Absent: Mayor Kavanaugh, Public Works Director Jasmer, and Administrative Assistant Schack
Audience: Matt Schmidt, David Turnberg

ADOPTION OF AGENDA

- 4a. Additions: None
- 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. October 1, 2019 City Council Meeting Minutes
- 5b. Financial Report
 - ◆ September, 2019 bank statement information
 - Checking Account:
 - Total Additions: \$74,793.03
 - Total Subtractions: \$63,914.89
 - Ending Balance: \$95,575.04
 - Interest Earned to date: \$10.84
 - Money Market Account:
 - Transfer to Checking: \$50,000.00
 - Interest Earned: \$908.60
 - Ending Balance: \$550,199.58
 - Interest Earned to date: \$7,112.35
 - ◆ Approve October, 2019 Check Register
 - Claims 20450 to 20491 for total amount of \$37,702.63
 - ◆ Approve October, 2019 payroll EFT payments
 - EFT Payroll: \$16,835.23; EFT Transmittals: \$10,986.12
 - ◆ Monthly Budget Report, Delinquent WW Customers Report

OPEN FORUM**

None

PLANNING & ZONING

- 7a. Conditional Use Permit (CUP) 2019-58 – Doug Schieffer
Administrator Mason reviewed the CUP for the Council. It was noted that a CUP is needed because of the over-6000 square foot construction, more than 50 cubic yards of dirt for a berm

to be constructed, and the attached garage larger than the 1280 square feet. It was noted that wastewater billing will be set up for each parcel (split into two parcels.). The conditions were reviewed Condition #12 was discussed. A note from Mayor Kavanaugh was read indicating his approval of the CUP with the exception of requiring Condition #12. Administrator Mason noted he requested an opinion from the City Attorney regarding the issue. He advised the City Council not to include Condition #12 for the following reasons:

1. Because this plan is for a continuous house/attached garage structure, I question how the ZO definition of “accessory structure” applies. I think this is more likely an attached garage, rather than an accessory structure, based on the ZO definitions of each of those.
2. As I recall, the impervious calculation was well under the ZO limit and so banning future accessory structures would seem to be unnecessary, since there is additional impervious percentage available between what’s currently going to be there and the maximum.

Administrator Mason then opened the discussion to questions. Acting Mayor asked for a vote on the CUP, noting that condition 12 needed to be discussed. It was noted that the condition is not needed and therefore should be deleted from the conditions.

Findings of Fact:

1. The lot for the new home is 7.4 acres in size.
2. A lot line adjustment has been made between the two existing lots to allow enough square footage to allow impervious figures to be less than 20% on both lots by calculating from the roadways to the lake.
3. Impervious coverage for the lot with the new home and attached garage based on the land between Scenic Drive and the OHW is planned to be 18%
4. The Schieffer’s also own the lot immediately to the north which is 75,799 SQ Ft and 13% impervious coverage to Scenic Drive with an existing 1201 SQ FT house, driveway and attached garage.
5. Existing Stormwater Calculations and a SWPPP have been prepared by a licensed engineer and a proposed Stormwater Management Plan has been prepared for a 10-year 24-hour rain event of 3.86 inches. (our EGL ordinance requires a 5-year 24-hour rain event of 3.27 inches)
6. Two new driveways are being constructed to enter both properties, one from Floan Point Road and the other from Scenic Drive. The existing driveway that is attached to Sunset View Road, which is a private drive with an easement, will be abandoned.
7. There will be a 4-foot berm constructed along Sunset View Road with trees to be planted to provide privacy for neighbors and the Schieffer’s
8. Based on the grading summary submitted, there will be an additional 1,680 CY of fill required to build the 4-foot privacy berm after excavation of the stormwater retention areas.
9. Documentation has been approved and is filed for filling up to 400 SQ FT (Actually around 280 SQ FT will be filled in) of wetland for the new driveway from the Mn Board of Water and Soil Resources
10. Our ordinance allows for an attached garage of up to 1,280 SQ. FT. The plans submitted show a workshop of 1,349 SQ. FT and a proposed garage of 2,068 feet. All this is attached to the house and there are no other accessory structures proposed at this time on the 7.4 acres. There are other living features incorporated above and within both proposed areas that are yet to be determined specifically.
11. With 7.4 Acres, our ordinance allows up to 2,534 SQ. FT. for additional accessory structures on this property. Our definition of a garage in the City Code is “A part of the principle structure which shall not exceed 1,280 square feet that is designed and used by the occupants of the principle structure for the storage of not more than four (4) motor vehicles”. The code does not address workshops or hobby shops that are a part of the principal structure

Conditions:

1. Contractor shall provide silt fencing around entire project and stake off and mark infiltration areas to avoid compaction.
2. New water wells will be drilled on each property and existing sewage grinder station will be relocated and a new sewage grinder will be purchased from the City at the \$8,750 rate for equipment and a sewer connection fee.

3. Firepit and patio should be moved to 50 feet from the OHW (Shoreline) as some plans show different setbacks.
4. Maximum height of the roof of the home will match the documentation submitted by the architect.
5. With the building plans to be approved showing the potential for "Chopper Storage" the approval of this CUP does not indicate any pre-approval of this use.
6. Plans submitted do not show removal of the existing garage on Parcel A and this removal shall be a condition of approval of the CUP.
7. Legal Easements of 66 feet as described in the East Gull Lake City code should be written into the deeds of both parcels for Floan Point Road and Sunset View Road should they not currently exist.
8. Move entry gate for parcel B driveway to beyond the legal right of way of 33 feet from the centerline of Scenic Drive.
9. Equipment and material delivery should be planned to avoid 5 ton per axle road restriction dates typically from Mid-March to Mid-May.
10. Add gutters to address stormwater run-off from lakeside of the house
11. Extend stormwater basin due to the firepit being moved back to 50 feet from OHW
- ~~12. No additional accessory structures shall be allowed on Parcel B~~

Councilor Demgen moved and Councilor Bergin seconded the motion to approve CUP 2019-58 subject to the findings and conditions as presented by the Planning Commission, with the exception and deletion of Condition 12: No additional accessory structures shall be allowed on Parcel B. All present voted in favor thereof. Motion carried.

7b. Entertain revision of the zoning ordinance to address the use of a helipad within city limits

Councilor Hoffmann moved and Councilor Bergin seconded the motion to instruct the Planning Commission to organize a public hearing for January 2020 to discuss the conditional use of a helipad within City Limits. All present voted in favor thereof. Motion carried.

7c. Signs on all roads entering the City indicating that East Gull Lake requires Land Use Permits for any construction on property within city limits

Councilor Hoffmann moved and Councilor Demgen seconded the motion to approve purchase of road signs indicating the City requires land use permits. All present voted in favor thereof. Motion carried.

WASTEWATER & ROAD REPORT

8a. Resolution 11:01-19 – Delinquent Wastewater Tax Certification

City staff is recommending adoption of Resolution 11:01-19 to certify to Cass County the following to delinquent special assessments:

Customer Number	Customer Name	Property Address	Tax Parcel	Service Balance	Certification Penalty	Amount
1-00094316-00	CHALUPSKY	945 GREEN GABLES RD	87-009-4316	\$630.66	\$10.00	\$640.66
1-00162103-00	HANSON	10472 SHADY LN	87-016-2103	\$630.66	\$10.00	\$640.66
1-03510240-00	RAKOW	827 BIRCH LN	87-351-0240	\$599.34	\$10.00	\$609.34
			Totals:	\$1,860.66	\$30.00	\$1,890.66

Councilor Bergin moved and Councilor Demgen seconded, the motion to adopt Resolution 11: 01-19 – for Special Assessment for Delinquent Wastewater Billings; absent: Mayor Kavanaugh. All present voted in favor thereof. Motion carried by 4/4 roll call vote.

8b. Update on Lift Station #5 Reconstruction

No discussion

8c. Transfer from WW to WW Debt Funds

- Wastewater funds to be transferred to Debt Service fund in the amount of \$130,000.00 for the year 2020.

Councilor Bergin moved and Councilor Demgen seconded the motion to approve transfer \$130,000.00 from Wastewater Fund to Wastewater Debt Service 301 Fund for MN PFA Bond. All present voted in favor thereof. Motion carried.

- Wastewater funds to be transferred to Debt Service fund in the amount of \$22,552.53 for the year 2020.

Councilor Bergin moved and Councilor Hoffmann seconded the motion to approve transfer \$22,552.53 from Wastewater Fund to Wastewater Debt Service 304 Fund for GO Disposal System Note 2019A Series (Lift Station #5 Reconstruction). All present voted in favor thereof. Motion carried.

PUBLIC SAFETY, PARK & TRAILS, PERSONNEL COMMITTEE, BUDGET COMMITTEE, MAYOR’S REPORT

No Report

CITY ADMINISTRATOR REPORT

14a. Administrator’s Report

Administrator Mason noted that in 2004 and extra \$1M was added to the City’s umbrella insurance policy. He noted that the standard umbrella policy is \$2M, stating that the City pays \$1500.00 extra annually to carry that extra coverage. He stated that it may be something the city may not need.

OLD BUSINESS, NEW BUSINESS

None

NEXT REGULAR SESSIONS OF CITY COUNCIL/OTHER MEETINGS

Budget Committee Meeting..... Wednesday, November 20, 2019 at 3:00pm
 Planning and Zoning Meeting Tuesday, November 26, 2019 at 6:30pm
 City Council Meeting Tuesday, December 03, 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.