

**MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL  
OF EAST GULL LAKE, COUNTY OF CASS, STATE OF MINNESOTA  
REGULAR SESSION  
April 6, 2021  
6:30 PM**

Mayor Kavanaugh called the April 6, 2021 regular Council meeting to order at 6:30 PM.  
The pledge of allegiance was recited.

**ROLL CALL**

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

Absent: None

Audience: Eric Peterson, Chris Sonmor, Matt McKinnon

**ADOPTION OF AGENDA**

4a. Additions:

4b. Deletions:

**Councilor Hoffmann moved and Councilor Bergin 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. March 2, 2021 City Council Meeting Minutes

5b. Financial Report

- ◆ February, 2021 bank statement information
  - Checking Account:
    - Total Additions: \$83,238.72
    - Total Subtractions: \$112,667.59
    - Ending Balance: \$162,133.88
    - Interest Earned to date: \$3.62
  - Money Market Account:
    - Interest Earned: \$7.73
    - Ending Balance: \$504,074.17
    - Interest Earned to date: \$17.44
- ◆ Approve March, 2021 Check Register
  - Claims 20974 to 21012 for total amount of \$54,618.35
- ◆ Approve March, 2021 payroll EFT payments
  - EFT Payroll: \$19,877.10; EFT Transmittals: \$17,606.70
- ◆ Monthly Budget Report, Delinquent WW Customers Report

5c. City to not waive the monetary limits on municipal tort liability coverage through League of Minnesota Cities Insurance Trust.

**OPEN FORUM\*\***

None

**PLANNING & ZONING**

- 7a. Re-Zone for Plat for Legacy South Housing Development (LEGACY VILLAGE FIRST ADDITION) – 2021-12

Chair Buxton noted the parcels needed to be re-zoned first to allow housing to be developed on the property as the Rec zone does not allow it.

**Councilor Ruttger moved and Councilor Hoffmann seconded to approve the rezoning of nine (8) existing parcels of OAK HILL ESTATES owned by Cragun’s, Parcel 87-033-1102 and a portion of Gov’t Lot 1 (87-028-4400) from Recreation to Residential – Medium Density (R2) to be included in the LEGACY VILLAGE FIRST ADDITION subject to the findings and conditions as presented by the Planning Commission. All present voted in favor thereof. Motion carried.**

- 7a. Plat for Legacy South Housing Development (LEGACY VILLAGE FIRST ADDITION) – 2021-12

Chair Buxton noted there was no controversial items. He read the findings and conditions.

**Findings of Fact**

- 1. Oak Hill Estates was previously a housing development created by Cabin Pak Inc. out of Sartell MN. for building small cabins. This was established in 1983 and was planned for up to eight (8) lots. It was zoned R2 and in 2002 Cragun’s purchased mutiple properties that were unsold within the development to create the Legacy Golf Courses. At the time of the CUP for golf course development, a zoning change was made to make it a recreation zone specifically for golf course use.
- 2. The 10 lots proposed in East Gull Lake are a part of the larger development for Cragun’s Legacy Village South in Crow Wing County that consist of 68 homes sites total with around one (1) acre in each parcel.
- 3. A subdivision and rezoning application has been submitted to change various parcels included in the development from a recreation zone back to a R2 residential zone
- 4. A previous CUP for an additional four (4) golf holes to be added in 2017 in the same area of land that was recorded at Cass County on October 16,2017 with a document # A000635410 will be replaced by this CUP and adopting the new plan in 2021 to be recorded with Cass County. This should be a condition of the CUP as discussed with the Cass County Recorder on Thursday March 11,2021.
- 5. Crow Wing County is conducting the required EAW hearings and determination as part of this application.
- 6. Roads that are being created for this development will meet the City and County standards of 66 foot right of ways and will be built to both our standards. The developer prefers to leave the roads private and will be maintained by the HOA that will be created.
- 7. A stormwater report has been submitted with this application and it contains a 10-year, 24-hour storm event, drainage structures for 5-year, 24-hour storm event and plans for natural drainageways for a 100-year storm event. All feaqtures meet the MPCA standards.
- 8. Draft Covenants and Easements have been provided by the developer for owner protection and City access to adjoining property for utilities.
- 9. A park dedication fee will be required for replating of these 10 home sites. The fee is equal to 10% of the current taxable market value for the land involved in the plat. Current lot numbers are as follows:

<u>Parcels being used</u>	<u>Taxable Market Value</u>	<u>Land Value included in EGL Development</u>	
87-028-4400	\$62,000	(1/3 of land being used)	\$20,666
87-428-0220	\$20,000		\$20,000
87-428-0130	\$3,000		\$3,000

87-428-0120	\$20,000	\$20,000
87-428-0110	\$20,000	\$20,000
87-033-1102	\$3,600	\$3,600
87-428-0210	8,000	\$8,000
Total Market Value		\$95,266
10% of market value for Park and Trail Dedication Fee – Due from Cragun’s		\$9,526

**Conditions:**

1. A previous CUP for an additional 4 golf holes to be added in 2017 in the same area of land that was recorded at Cass County on October 16,2017 with document # A000635410 will be replaced by this CUP and adopt the new plan in 2021 to be recorded with Cass County. This should be a condition of the CUP as discussed with the Cass County Recorder on Thursday March 11,2021.
2. A Payment of \$9,526 made to the City of East Gull Lake for Park and Trail dedication fees
3. Developers shall install and maintain erosion control by MPCA rules throughout construction activities. All ground shall be restored or stabilized as soon as possible after being disturbed.
4. Any future changes to the Property Owners Association Covenants shall be submitted to the City for approval as a modification to the Conditional Use Permit. All changes will be submitted to the City Planning and Zoning Administrator. The declaration shall include a provision to this effect.
5. All structures shall conform to the City’s minimum building standards for a PUD and to the state building code.
6. All mail delivery shall be done as approved by the US Postal Service.
7. All planned exterior lighting shall be directed downward and shall not illuminate adjacent parcels that are directly or indirectly affected.
8. Developer is allowed to proceed with construction provided final plat is recorded prior to Certificate of Occupancy.
9. A new road entrances on Crow Wing County 77 will be added with access to East Gull Lake lots as approved by Crow Wing County.
10. Easements for public utilities and drainage for East Gull Lake will be provided.
11. With the popularity of multiuse trails in the East Gull Lake area, and 68 new homeowners that will want to access them, Cragun’s will work with the City to create a type of multi-use trail system for walkers, bikers, golf carts, etc. rather than using the edge of County Road 77. Cragun’s will contribute financially as well as provide easements and labor to help build the trail. Once completed, the trail system will be turned over to the City for future maintenance. Cragun’s has recently contributed over \$30,000 to the park and trail fund via park dedication fees for two developments.
12. Signs will be required to be placed at the entrance to County Road 77 to deter golf carts from using the highway to access area around the development.

**Councilor Hoffmann moved and Councilor Bergin seconded to approve of the re-plat of the East Gull Lake property included in the LEGACY VILLAGE FIRST ADDITION subject to the nine (9) findings and the 12 conditions as presented by the Planning Commission. All present voted in favor thereof. Motion carried.**

- 7b. Amended CUP for Legacy Golf Course Extension – 2021-14  
 Chair Buxton noted the CUP is amended to compliment the original CUP by moving current holes around and adding an additional nine (9) holes to the current 36 holes. He reviewed and explained the findings and conditions.

**Findings of Fact:**

1. A previous Conditional Use permit was granted in 1997 to build the original Legacy golf courses and clubhouse.

2. A great deal of study was done at that time regarding environmental conditions before and during when the golf course was originally built. All is well documented as is available for public viewing
3. The Legacy courses have been operated and maintained very successfully for over 20 years now by much of the same team. They have proven to be environmentally responsible over that period of time and they will continue to do so as that is what makes their golf courses popular and successful.
4. A new golf course design and routing plan has been presented to the city by the Tom Lehman design group. This new plan involves shifting holes and renumbering holes in order to have three nine hole layouts and one eighteen hole layout.
5. This plan will be implemented over the next three years by closing 9 existing holes at a time for the remodeling.
6. This new layout plan will bring starting and finishing holes closer to the clubhouse for better flow as well.
7. The new layout will offer multiple methods of tee-times and flexibility for tournament play by groups and individuals.
8. Specific Wetland information will be determined later in the spring as plants emerge. Refer to condition #1
9. Documentation will be provided by the Lehman Design group with general information of soil movement

**Conditions:**

1. It is being proposed that the project will include wetland impacts with the revisions to the existing golf course as noted in the published EAW. Currently, the wetlands in this area have not been delineated in the field and will require delineation in the spring when conditions are suitable. The applicant will need to complete a pre-application meeting and permit process with Cass County as the Local Government Unit administering the Minnesota Wetland Conservation Act. The applicant will not be allowed to impact wetlands without required permits.
2. Any Substantial changes that occur over the proposed three-year construction period will be presented and reviewed by the Planning and Zoning administrator to determine if further changes in the permitting process should occur.
3. Any future land that is purchased for additional changes to the golf course will require review for rezoning and additional permitting as required.

**Councilor Bergin moved and Councilor Ruttger seconded to approve CUP 2021-14 subject to the findings and conditions as presented by the Planning Commission. All present voted in favor thereof. Motion carried.**

7b. Planning Commission Report

Chair Buxton noted that the Commission heard the proposal from Craig Campbell on a garage/house project he would like to submit on Green Gables Rd. Mr. Campbell took the P & Z commission's recommendations in mind and has reduced the size and made changes to make a future CUP application in April.

**WASTEWATER & ROAD REPORT**

8a. WSB 2023 project update – Chris Sonmor

Stimulus money was discussed for possible use on both wastewater projects and trail projects. It was noted there is the possibility to purchase a used bridge for the trail over the channel from Rochester, MN.

8b. Potential funding – Stimulus package

Discussion ensued regarding the options that can be included in the monies distributed in the stimulus package. Administrator Mason has contacted Crow Wing County, Cass County and officials at the Greater Minnesota Regional Park and Trails Commission for possible participation in projects being considered.

8c. Cass County Request form for 2023 project

The agreement concerning participation between Cass County and the City of East Gull Lake for the new County 70 Road, Trail and Bridge Project in 2023 was read and discussed. It was noted that the City needs more detailed costs regarding trails before signing the agreement.

**PUBLIC SAFETY, BUDGET COMMITTEE, MAYOR’S REPORT**

No Reports

**PERSONNEL COMMITTEE**

Councilor Hoffmann addressed the Council regarding the replacement of the Administrator due to the retirement of Administrator Mason in May of 2022. He noted they reviewed the job descriptions of the Administrator and Administrative Assistant. Further discussion concerning timing of applications, budget. It was noted that other details will be forthcoming in future months.

**PARK & TRAILS**

Administrator Mason noted that additional funding has been provided to Fairview Township, Lake Shore and Nisswa to continue building the Gull Lake Trail from East Gull Lake to Nisswa Park. 4.1 miles of construction should begin soon in Fairview Township.

**CITY ADMINISTRATOR REPORT**

14a. GovOffice Website Upgrade

The Responsive Website Design for the City website was discussed. It was noted that the enhancements are to increase mobile-friendly experience, create a customized new fresh professional graphic community theme, implement re-architecture of navigation menu for enhanced usability with a rebuilt homepage, addition of “Meetings” and other new content types in the future, addition of interactive online forms, and the ability to implement online epayments for wastewater, permit and other fees. It was noted that the current annual cost for the website is \$1410.00. The cost for the 3-year agreements is \$4230.00 with a cost of \$3400.00 for the design package for a total charge for the upgrade of \$7630.00. With the 3-year Agreement the yearly charge will be \$2543.00 per year. After the three years, the costs will return to the normal annual charges.

**Councilor Bergin moved and Councilor Demgen seconded the motion to approve the upgrade the City website using the 3-year budget plan for the cost of \$7630.00 (three annual payments of \$2543.00). All present voted in favor thereof. Motion carried.**

14b. Squaw Point Road name issue

Administrator Mason reviewed the catalyst for the request to change the name of Squaw Point Road. It was noted that the point on the lake was changed to Gull Point approximately 20 years ago. It was requested to get more information on the process the City would have to follow to implement the change. It was noted that residents would have to make changes for utility bills, driver’s licenses, passports, etc.

**Councilor Bergin moved and Councilor Demgen seconded the motion to approve the name of Squaw Point Road to Gull Point Road and Indian Trail to Gull Point Trail following a recommended procedure suggested by Cass County and the post office. All present voted in favor thereof. Motion carried.**

14c. 2021 Newsletter topics

Administrator Mason reviewed the newsletter topics looking for ideas.

14c. Resolution 04:01-21 – Gambling Raffle: TEAM Foundation at Cragun's Legacy on July 15, 2021

**Councilor Ruttger moved and Councilor Bergin seconded, the motion to adopt Resolution 04: 01-21 – a raffle to be held by TEAM Foundation at Cragun's Legacy on July 15, 2021; absent: none. All present voted in favor thereof. Motion carried by 5/5 roll call vote.**

**OLD BUSINESS**

None

**NEW BUSINESS**

None

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

BOAE Meeting (Truth in Taxation) .....Tuesday, April 27, 2021 at 10:00am  
Planning and Zoning Meeting ..... Tuesday, April 27, 2021 at 6:30pm  
City Council Meeting ..... Tuesday, May 04, 2021 at 6:30pm  
Wastewater Meeting ..... Wednesday, May 19, 2021 at 3:00pm  
Park and Trails Meeting ..... Thursday, May 20, 2021 at 3:00pm

**Councilor Ruttger 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.