

**MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF EAST GULL LAKE, COUNTY OF CASS, STATE OF MINNESOTA
REGULAR SESSION
May 4, 2021
6:30 PM**

Mayor Kavanaugh called the May 4, 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, Administrative Assistant Schack

Absent: None

Audience:

ADOPTION OF AGENDA

4a. Additions: None

4b. Deletions: None

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

5a. April 6, 2021 City Council Meeting Minutes

5b. Financial Report

- ◆ March, 2021 bank statement information:

- Checking Account:

- Total Additions: \$60,388.66

- Total Subtractions: \$71,416.10

- Ending Balance: \$151,106.44

- Interest Earned to date: \$4.71

- Money Market Account:

- Interest Earned: \$8.51

- Ending Balance: \$454,082.68

- Interest Earned to date: \$25.95

- ◆ Approve April, 2021 Check Register

- Claims 21013 to 21041 for total amount of \$33,862.93

- ◆ Approve April, 2021 Payroll Checks and EFT Transmittal payments

- ◆ Monthly Budget Report, Delinquent WW Customers Report, Financial Statement

5c. Firework permit – Flashing Thunder Fireworks at Madden's Resort on July 4, 2021

5d. Liquor Licenses:

Ernie's On Gull Lake	Off Sale Liquor License\$100.00
	On Sale Liquor License\$1250.00
	Sunday On Sale Liquor License.....\$200.00
The Classic (Madden's)	On Sale Liquor License\$1250.00
	Sunday On Sale Liquor License.....\$200.00
Madden's On Gull Lake	Off Sale Liquor License\$100.00

	On Sale Liquor License	\$1250.00
	Sunday On Sale Liquor License.....	\$200.00
Cragun’s Lodge/Conference Center	Off Sale Liquor License	\$100.00
	On Sale Liquor License	\$1250.00
	Sunday On Sale Liquor License.....	\$200.00
Legacy Courses at Cragun’s	On Sale Liquor License	\$1250.00
	Sunday On Sale Liquor License.....	\$200.00

5e. Fireworks Permit - Flashing Thunder Fireworks is requesting a firework permit for Madden's Resort for July 4, 2021 at Madden's Resort

OPEN FORUM**

6a. Cass County EDC Report – Mike Paulus, Executive Director
Mr. Paulus addressed the Council regarding the work that the EDC

PLANNING & ZONING

Chair Buxton stated that Jeremy Velasco spoke to the Commission regarding a request for a CUP to address the equipment and materials on his property. It was noted that the intent of Mr. Velasco is to stay in the area. It was also noted that the materials would only be for his use and not retail. Discussion ensued regarding the roads that should be used.

7a. 2021-08: Rezone, Variance & Preliminary Plat – Denis Villella
Chair Buxton reviewed the application

Councilor Hoffmann moved and Councilor Bergin seconded to approve rezoning of the Denis Villella property, PID 87-017-2408 from Commercial Waterfront to Shoreline Residential – Medium Density (R3) as presented by the Planning Commission. All present voted in favor thereof. Motion carried.

Councilor Ruttger moved and Councilor Demgen seconded to approve Variance 2021-08 for Denis Villella to allow a PUD on this property which is less than 10 acres as presented by the Planning Commission. All present voted in favor thereof. Motion carried.

Findings of Fact:

1. Original Building was built by Tuomi construction with a partnership between Fred Wickman and Ron Nieman in June of 1985 as a 4-plex resort unit
2. 4 plex building is currently zoned CW (Commercial Waterfront) for resort use
3. Since Dennis Villella has owned the 4-plex, it has mainly been long term rentals
4. A 1,280 SQ. FT. 4-plex Garage units was added by Variance in October of 2005. Variance was approved but not recorded by the City.
5. It would be in the best interest of the City and the neighborhood to eliminate the commercial waterfront zone so multiple short-term rentals are not allowed in the summer due to very little parking and the small size of the lot.
6. Having a strong HOA (Homeowners Owners Association) will improve the ability to maintain the building and the grounds.
7. Parking and storage are very limited and conditions must be established for vehicles and recreational equipment storage on property.
8. Docking and storage of watercraft has 123 foot of frontage on the lakeside, currently one dock exists with one boat lift.
9. Current impervious coverage is near the maximum limit at 24.7% and a stormwater management is currently in place on the west side of the garage for 884.7 cubic feet of water in a ponding area.

Conditions:

1. Zoning should be changed from Commercial Waterfront to Residential Lakeshore
2. Rental ordinance of a limit of four (4) per year should be added to the covenants so future owners are aware of City Ordinance
3. No additional Impervious coverage can be added of any type unless other existing impervious is removed since it is very near the 25% limit
4. Parking allowed on the asphalt pavement surface only and not on any green space. This is mentioned in the covenants provided. See 2.11 under covenants
5. Dock space and boat lifts will be maintained with a 10-foot setback from the property lines per City Ordinance. There will also be a limit of 4 lifts of any type per City Ordinance
6. CIC plat will be recorded at Cass County prior to any sales of property.
7. Bylaws and Covenants must be updated and reviewed by Villella's attorney and provided to the City Attorney for review prior to final plat approval
8. All professional fees for City Attorney will be paid before completion of the final plat process in May.

Councilor Demgen moved and Councilor Bergin seconded to approve Preliminary CIC Plat to divide the property into four (4) individual units with the remaining property being shared subject to the findings and conditions as presented by the Planning Commission. All present voted in favor thereof. Motion carried.

7b. 2021-13: CUP – Todd Russell

Chair Buxton reviewed the application for the CUP for the Russell property. He noted the property is about two acres. He reviewed the stormwater plan noting that no water run off will get to the lake or the neighbor's property.

Findings of Fact:

1. Considering the value and the amount of shoreline for this property, no garage space exists as it was a seasonal property for many years and the buildings were not insulated for year around use. A garage is a necessity in this environment for year around use and storage of typical lake equipment.
2. The existing boathouse/ guesthouse was built in the 1960's the boathouse was added on to in 1980's with additional guest quarters attached to the boathouse. The main house building was severely damaged in the storm of 2015 and took a long time to negotiate an insurance settlement to rebuild. Because no garage existed before, that amenity was not a consideration by the insurance company or the Carr family in the new construction.
3. The Russel property contains 520 lineal feet of shoreline and 84,627 square feet of property. One of the largest lots on the Pine Beach Peninsula.
4. The New garage site is located more than 200 feet away from the OHW of Gull Lake based on the scale of drawing to the garage deck. The foundation is also 11 feet from the adjoining property line and meets the setback required of 10 feet.
5. Impervious coverage is not an issue as it is proposed to be 16.9% total of the entire lot when the garage is complete.
6. The number of separate buildings on the parcel and the amount of accessory structure square footage becomes a problem and thus it requires the CUP to build the garage.

Conditions:

1. The wastewater system for the garage/guest house is required to be designed for year-round usage.
2. A stormwater retention area should be designed and shown to avoid overflow on the neighboring property as the property slopes that direction.

Councilor Demgen moved and Councilor Hoffmann seconded to approve CUP 2021-13 subject to the findings and conditions as presented by the Planning Commission. All present voted in favor thereof. Motion carried.

7c. 2021-27: CUP – Craig Campbell

Chair Buxton reviewed the application for the Campbell CUP. It was noted that the property has an exiting garage that will be moved to the neighbor's property. It was noted that once the building is completed, they will live there and raze and rebuild the lakeside existing home. It was noted the riparian and non-riparian parcels will be split into two PIDs. It was noted that the plan was changed slightly, moving the overhead door to the end of the garage. Because of the move, the driveway will go around the side of the garage making it necessary to add more trees for a buffer at that end of the building.

Findings of Fact:

1. The Campbell's have two parcels of land on each side of Green Gables Road- Lakeside is around 23,000 Square feet and roadside is around 53,202 Square feet. This allows both to be legal sized lots
2. The Lakeside home is 3,232 Square feet of impervious, a guest house of 660 Square feet on the lakeside.
3. The Landside lot has an existing 1,116 double garage and driveway that will be moved off property.
4. The Lakeside home and guest house will be removed in the future for a new home to be built after the landside living quarters and garage are built.
5. Existing impervious on the Lakeside lot is 6,299 SQ. FT. or 25.7% impervious from road to lake. Review survey
6. Existing impervious on the landside is 3,595 SQ. FT. or 6.67% impervious from road to rear of the lot. Review Survey.
7. The proposed new living quarters 1,400 SQ. FT., shop area 1,600 SQ. FT. and storage area 2,960 SQ. Ft. along with proposed pavement 3,280 SQ. FT. will be 9,240 SQ. Ft. or 17.1% impervious coverage
8. All planned construction meets the current lot setbacks and building was moved further away from the road in this design to shield it from view of the road.

Conditions:

1. In order to have three different living accommodations, a lot split will have to occur so we don't have three living accommodations on one parcel ID. This will be split and recorded with the CUP approval and before construction begins.
2. The new living quarters/shop/garage building should have similar design and finish standards that will match the new home to be built in the future.
3. A stormwater management plan will be designed and installed around the new building
4. Landscaping to be done on the road side to shield building from the road view planting a minimum of 13 six-foot pine trees.

Councilor Ruttger moved and Councilor Bergin seconded to approve CUP 2021-27 subject to the findings and conditions as amended by the Planning Commission. All present voted in favor thereof. Motion carried.

Chair Buxton addressed the Council regarding the after-the-fact permit. He noted the Planning Commission requested that Administrator Mason write letters to the offending party and their contractor stating that this was not acceptable and the next time fines will be stiffer and the structure will be required to be torn down.

WASTEWATER & ROAD REPORT

8a. Discussion with Camp Confidence Board of Directors April 20,2021

Administrator Mason noted Camp Confidence gave the ok to look into moving ahead with engineering for the connection to the City Wastewater system. It was noted that the stimulus money can be used for this project. Discussion ensued regarding running wastewater into the area noting there is a potential of a housing development on a 30+ acre parcel where the wastewater can be connected.

Chris Sonmor addressed the progress on the Ruth Lake Outlet. He noted the survey work is now complete and sent to the Mill's attorney. It was noted the easement has been defined.

He noted that there are some bridges that may become available for the trail.

PUBLIC SAFETY

No Report

PARK & TRAILS

10a. Report from Cass County Board meeting for \$100,000 Fund 73 request
Administrator Mason noted the City was granted \$100,000 to improve the trails. It was noted these funds can be used as matching funds.

PERSONNEL COMMITTEE

11a. Discussion ensued regarding the posting of the job. It was noted the budget committee will need to discuss the additional salary.

BUDGET COMMITTEE

No Report

MAYOR’S REPORT

13a. Mayor Kavanaugh discussed using zoom meetings continually. He noted he doesn’t want to add that to the meeting.

CITY ADMINISTRATOR REPORT

14a. Resolution 05:01-21: MN Trail Assistance Program

Councilor Demgen moved and Councilor Ruttger seconded, the motion to adopt Resolution 05: 01-21: application for grant-in-aid cross country ski trails, known as the Pine Beach Ski Trail for 2021-2022, where the City will act as a sponsoring agent. Roll call vote with all present voting in favor thereof, with Mayor Kavanaugh abstaining. Motion carried.

14b. Resolution 05:02-21: Gambling Permit – Raffle at Madden's on Gull June 1-13, 2021

Councilor Bergin moved and Councilor Hoffmann seconded, the motion to adopt Resolution 05: 02-21 – a raffle to be held by Saint Francis Catholic School at Madden's on Gull on June 1, 2021 - June 13, 2021; absent: none. All present voted in favor thereof. Motion carried by 5/5 roll call vote.

14c. Resolution 05:03-21: Gambling Permit – Raffle at Madden's on Gull July 22, 2021

Councilor Hoffmann moved and Councilor Bergin seconded, the motion to adopt Resolution 05: 02-21 – a raffle to be held by Saint Francis Catholic School at Madden's on Gull on June 1, 2021 - June 13, 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

Planning and Zoning Meeting Tuesday, May 25, 2021 at 6:30pm
City Council Meeting Tuesday, June 01, 2021 at 6:30pm
Wastewater & Road Committee Meeting..... Wednesday, May 19, 2021 at 3:00pm
Parks and Trails Committee Meeting.....Thursday, May 20, 2021 at 10:00am

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.