

**MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF EAST GULL LAKE, COUNTY OF CASS, STATE OF MINNESOTA
REGULAR SESSION
November 9, 2021
6:30 PM**

Mayor Kavanaugh called the November 9, 2021 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, Public Works Director Jasmer, Administrative Assistant Schack

Absent: Councilor Ruttger

Audience: Kevin Yeager, Peter Gansen, Cheryl Funk, John Funk, Gary Scheeler

ADOPTION OF AGENDA

4a. Additions: 14c. Resolution 11:02-21 – Delinquent WW Tax Certification

4b. Deletions: None

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. October 5, 2021 City Council Meeting Minutes

5b. Financial Report

- ◆ September, 2021 bank statement information
 - Checking Account
 - Total Additions: \$16,804.70
 - Total Subtractions: \$105,044.29
 - Ending Balance: \$114,818.91
 - Interest Earned to date: \$17.02
 - Money Market Account
 - Interest Earned: \$10.75
 - Ending Balance: \$654,143.11
 - Interest Earned to date: \$86.38
- ◆ Approve October, 2021 Check Register
 - Claims 21199 to 21233 for total amount of \$81,996.20
- ◆ Approve October, 2021 payroll EFT payments
 - EFT Payroll: \$25,524.33; EFT Transmittals: \$15,494.47
- ◆ Monthly Budget Report, Delinquent WW Customers Report

OPEN FORUM**

PLANNING & ZONING

7a. CUP 2021-79 – Jon Villella

Administrator Mason reported the findings from the Commission, showing the survey drawings of the existing and proposed plan. Mr. Funk addressed the Council noted that there is litigation for adverse possession of a portion of the property between the Villella's and the Funks with

the possibility of the Villellas losing square footage. It was noted that the CUP being decided at this time is not based on what might happen in the future but what is indicated on the survey at this time. It was also noted that even if the line changes, the Villella's plans would not need to change. It was noted that all the properties on Pike Bay Road are non-conforming and need to go through the hearing process to make any changes. The Council ultimately decided to approve the CUP noting that the rental issue in the Conditions needs to be strictly adhered to.

Findings of Fact:

1. The neighboring house on the East encroaches within Villella property up to 4.7 feet onto their lot at an angle. The Villella's are aware of this encroachment and are willing to continue allowing this non conformity.
2. The Villella new home design also is angled to match the encroachment and maintain a side yard set back distance of 14 feet 8 Inches from both south and north property boundaries at its closest point and a building distance of 10 feet 1 inch from the neighboring encroachment.
3. The previous home was about 5 feet from the west property line.
4. The new homes lakeside patio is 3 feet farther from the OHW
5. The additional 410.3 Sq. Ft. of impervious surface that is being added on the home is a driveway in front of the garage area to provide parking for two vehicles. All parking previously was off the road only. This 410 Sq. Ft. driveway will also be made of a pervious product to help with the stormwater management plan.
6. The new height of the home will be a maximum of 24 feet 2 ½ inches which is less than the allowed 30 feet to the peak of the roof.
7. A small berm will be added lakeside to prevent direct run off into the lake as part of the stormwater management plan.
8. A stormwater plan will be submitted to control a 5-year 24-hour storm event of 3.27 inches of rain on the lakeside portion of Pike Bay Road.
9. Additional parking for vehicles will be on the south side of Pike Bay Road

Conditions:

1. Previously an RV was kept on site all summer for additional housing and with the larger new home on site, RV storage will be prohibited for long term use
2. Previously this home was listed on short term rental sites such as VRBO. As part of this Conditional Use Permit, the owners would agree to not list their home and abide by the City ordinance of any combination of four (4) rentals per year maximum.
3. During construction, great care will be taken to maintain a road right of way for other residents and maintain the road surface quality.
4. Driveway and patio to be constructed of a form of pervious surface
5. Approval of a stormwater management plan with gutters directed to the pervious retention areas away from the lake

Councilor Demgen moved and Councilor Hoffmann seconded to approve CUP 2021-79 subject to the findings and conditions as presented by the Planning Commission. All present voted in favor thereof. Motion carried.

7b. Variance 2021-80 – Cynthia Janes

Administrator Mason reported the findings from the Commission, showing the survey drawing noting the proximity of Dade and Sylvan lakes. The Council discussed the issues of the existing structures and decided to approve the variance subject to the findings and conditions presented by the Planning Commission.

Findings of Fact:

1. A practical difficulty exists as the home was built years before City Codes existed or Dade Lake was declared a Natural Environmental Lake.

2. More than half the home is within the typical 50 foot set back on a lot with sanitary sewer service. In addition, a 968 Sq. Ft. garage and attached garden shed are also within 6 feet of Dade Lake.
3. The lot contains a portion of the abandoned Cass County 18 bituminous surface that is contributing to impervious on the lot.
4. A pre-existing fuel oil tank that is not being used is located just outside the 50-foot setback.
5. Two existing sanitary sewer systems on site will be relocated with a new grinder service.
6. Current structures meet the 10-foot side yard setbacks.
7. The proposed garage addition with guest quarters above is 26 x 24 = 624 Sq. FT. and will be attached beyond the setback on the NW corner of the existing structure.
8. A new garden shed 18.6 x 16.5 = 306.9 Sq. Ft. will be built beyond the 50-foot OHW setback and 15 feet from the side yard setback.
9. With impervious coverage currently at 20.3%, removal of multiple items proposed will reduce impervious to 14.8% and reduce the non-conformities.

Conditions:

1. Removal of the 968 Sq. Ft. garage and garden shed currently 6 feet from Dade Lake
2. Removal of 2,183 SQ. FT. of old County Road 18 bituminous on the site.
3. Removal of heating oil tank and retaining wall
4. Purchase of a \$5,500.00 new grinder and control panel with installation by homeowner of newly relocated City sewer service.

Councilor Hoffmann moved and Councilor Bergin seconded to approve CUP 2021-80 subject to the findings and conditions as presented by the Planning Commission. All present voted in favor thereof. Motion carried.

WASTEWATER & ROAD REPORT

- 8a. Resolution 11:01-21 – Speed Limit change on Green Gables Road and Hillview Forest Road
Council decided to change of the speed limit on Green Gables Road and Hillview Forest Road from 30mph to 25mph.

Councilor Bergin moved and Councilor Demgen seconded, the motion to adopt Resolution 11: 01-21 – for Speed limit on Green Gables Road and Hillview Forest Road change from 30mph to 25mph; absent: Councilor Ruttger. All present voted in favor thereof. Motion carried by 4/5 roll call vote.

- 8b. Update 2023 Wastewater, Roads, and Trails Project
WSB Chris Sonmor submitted a memo regarding the update for the 2023 project. Administrator Mason read the report.
- 8c. Submittal to Senator Gazelka for funding request
Administrator Mason read the report from WSB regarding the process for requesting funding.

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. Interviews for Replacement on November 16, 2021

Administrator Mason reminded the Council the interview process begins at 9:00am and the city will be providing lunch. The closed council meeting will begin at 4:30.

14b. Census results for 2020

Administrator Mason noted the census went down for the city, which he stated is curious due to the fact that over 50 new homes have been constructed over the last 18 months. It was stated that a full count may have not been completed and there is the fact that some of the population of the city is vacation/second home and not homestead.

14c. Resolution 11:02-21 – Delinquent WW Tax Certification

Councilor Demgen moved and Councilor Hoffmann seconded, the motion to adopt Resolution 11: 02-21 – Delinquent wastewater tax certification to be sent to Cass County. 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

Special Council Meeting.....Tuesday, November 16, 2021 at 9:00am; 4:30pm
Planning and Zoning Meeting Tuesday, November 30, 2021 at 6:30pm
Budget Committee Meeting.....Wednesday, December 01, 2021 at 3:00pm
City Council Meeting Tuesday, December 07, 2021 at 6:30pm

Councilor Bergin moved and Councilor Demgen 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.