

**City of East Gull Lake
Planning and Zoning and City Council
Comprehensive Plan Public Hearing**

Tuesday, August 08, 2017 – 6:30 PM

Call to order

Chairman Bruce Buxton called to order the Comprehensive Plan Public Hearing of the City of East Gull Lake Planning and Zoning Commission and City Council at 6:30 PM on Tuesday, August 08, 2017 at St Thomas of the Pines Catholic Church.

Pledge of Allegiance

Roll Call

Commissioners Present: Bruce Buxton (Chair), Commission: Nate Tuomi, Eunice Wiebolt, Rocky Waldin
Staff Present: City Administrator/Planning and Zoning Administrator Mason, Administrative Assistant Schack
Council Members Present: Mayor Kavanaugh, Dennis Lang, Carol Demgen, Scott Hoffmann,
Audience: There were 40 residents in attendance

Public Hearing for the updating of the Comprehensive Plan for the City of East Gull Lake

The public hearing was opened by Chair Buxton. The pledge of allegiance to the USA was recited.

The Council and Planning Commissioners introduced themselves to the audience.

Chair Buxton addressed the audience by stating that the Commissioners and City Staff have been working on the Comprehensive Plan over the last two years. He noted the last version is very wordy and difficult to read. It is also old and outdated. Administrator Mason, Rocky Waldin, Carol Demgen and Chair Buxton went to a comprehensive planning training seminar and the informational slides came from that meeting for this presentation.

- Community Planning Process: Community planning is a systematic, ongoing, forward-looking process of analysis of opportunities and constraints, for the purpose of formulating a plan to accomplish the community's goals and objectives.

He noted that generally planning should be updated every ten years. The current Comprehensive Plan is over ten years old.

- Comprehensive Plan Steps:
 - Vision
 - Inventory & Analysis
 - Goals & Objectives
 - Alternatives, Draft and Final Plan
 - Implementation

He stated that the Commissioners, Council and City Staff have reviewed the vision, inventory & analysis, goals & objectives and have developed a draft plan. He noted that the public hearing was the next step in the process to complete the plan. He noted that it is a continual process of reevaluating and implementation.

- Question of Balance

Common Good	Individual Rights
Police Power	Constitution

He noted that it is important to balance the individual rights with the Comprehensive Plan and City Zoning Ordinances. The intent of the update of the plan is to keep that balance.

Administrator Mason introduced himself and discussed the storm of 2015 showing photos of the damage and how it affected the City. He brought up the fact that some people ask if the City can force someone to clean up their property. The City has no ordinance regarding the clean-up of individual properties. He stated that he wanted to acknowledge Donnie Berg was very helpful during the clean-up and the City had a dump site

opened for the debris. He also noted that Mike's Tree Service was very helpful in taking the debris at no expense, which he is still doing.

Chair Buxton addressed the audience regarding the vision the Planning Commission discussed.

- Vision

- Maintain Natural Amenities and Community Character

As development continues to occur, perpetuate the "Northwoods" character, and maintain the natural qualities of our area that make our community a special place.

Chair Buxton stated the natural amenities and character of the area is important to the Commission and Council as well as the residents.

- Support the Hospitality Industry

Adapt to the everchanging market of the hospitality industry that provides facilities which are also available to the public and residents.

He stated that the hospitality industry is the only industry in the City. He noted that it has been a part of the community for 80 to 100 years. The City would like to continue to work with them as the industry changes.

- Provide flexible controls

Ensure ordinances and policies are in place to respond to development issues while protecting our environment and our healthy amenities.

He noted that governments are not good at projecting future growth and needs. That indicates the need for flexibility in planning what is good overall. He stated that controls need to be put in place that are reasonable and understandable but continue to allow flexibility.

- Minimize the growth of local government

Recognize the importance of our role, a peaceful, relaxing, enjoyable place away from the normal commercial/industrial areas in the Brainerd Lakes area.

He stated that there are requests to make people do certain things. In order to enforce more rules, the City would need to add to City Staff. The vision that is being portrayed would not require any additional staff.

Chair Buxton then opened the floor to the audience for comments. He noted that comments can also be sent to City Hall. Patience Barnes took the floor and stated that she does this type of work in Indiana and wanted to say that the plan is excellent, making a wonderful balance. She wanted to compliment the effort put into the plan. Chair Buxton stated that the Planning Commission and City Staff are trying to make the planning process, as difficult as it is to those that are not familiar, a reasonably positive experience.

Administrator Mason discussed his view on government control stating that he does his best to listen to each situation, understanding that each property is unique. He stated that the City does not enforce the MN State building code. One of the reasons for that is that the staff would need to be increased to do the inspections. He also noted the cost difference for permits if the building code was in effect. He went on to show photos of the area. He noted areas around the existing PUD/Developments and resort areas, stating how popular they are.

Chair Buxton discussed the population projection that was created in 2005. He noted that the growth was projected to be around 1800 for the year 2030. 2017 was supposed to be around 1500 people. He stated that this was a government projection. He stated that we all know what caused the growth and what caused it to stop – the economy. He stated that the projection for the future does not look like much growth, but change. Dennis Lang stated that most of the growth in the past was due to the availability of lakeshore properties. He stated that now, most of the changes will be "re-development": those with existing cabins tearing down and rebuilding larger lake homes. Chair Buxton stated that part of the planning process is to decide what type of development do the residents want and how to manage them to fit in the culture, community and environment.

Chair Buxton discussed the population age demographic. He noted there is a shift from the 20-50 age range to the 45-60 age range, which is typical to the area and the United States. He stated that the City needs to decide if they want to be able to accommodate the aging population.

Chair Buxton asked if the residents are satisfied with the roads within City limits. He stated how the roads are kept narrow to keep the speed down. Administrator Mason addressed the snow plowing issue and how it is difficult to plow on some of the narrower roads. He stated that the sprinkler systems should be kept out of the right-of-way. Tom Malat stated that Squaw Point Road is extremely difficult for emergency vehicles to drive on. He noted that the setbacks need to be enforced. Administrator Mason stated that pre-existing conditions are not applicable to the ordinance. Chair Buxton noted that Squaw Point is one of those roads where a decision could be made that parking on the road will not be allowed only parking in a driveway, parking lot, or in a garage. He stated that this type of situation is where the balance between the common good and the individual rights comes into play. Deb Thuringer asked if the City could contract out for plowing on the narrow streets. It was noted that the City already does contract out small and large plow trucks for most of the plowing and that the City truck with the plow only does a small amount for drifting and such.

Chair Buxton discussed the new advisory speed signs on County Road 77. He noted that City Staff and Council worked with Cass County to place these signs to slow traffic around the resort areas. He stated that Council discussed purchasing a smart sign to show drivers how fast they are traveling, noting that again, it is a balancing act, deciding if it is an advantageous endeavor. A resident noted that he would suggest using signs where the trails cross 70 and 77. One resident stated that where East Pointe residents pull out on to 77, it is very dangerous because drivers are speeding. Administrator Mason noted that, again, it is a County road and would need to be addressed by the County. He stated that letters to the County from residents would be helpful to address the situation. Commissioner Tuomi asked about the one-lane road over the Gull Lake Dam. He was asking if there should be changes made with that situation. The consensus was that most drivers are very courteous and there really does not need to be any change there. It was noted that there is signage warning drivers of the one lane road and 15 mph speed limit.

Administrator Mason addressed the audience regarding the trail system. He gave a history of the beginning and discussed where it is now and where residents would like it to go. He showed photos of the existing trail and noted that there is available funding out there for trails. He stated that the Park & Trail Committee is meeting on Tuesday, August 22, 2017 at 3:00pm. (corrected date) Discussion continued as to where the trails are and where they are being currently built as well as future plans for the surrounding areas. Discussion ensued regarding bike riders and walkers on the Pine Beach Peninsula Road.

Administrator Mason discussed the history of the wastewater system. It was noted that the system was first implemented in 1991. In 2004 there was an extension started that is still being paid for by the City. He noted that the budget needs to be adjusted to pay off that loan without significantly increasing the user rates. He noted that the City has three full-time technicians for the wastewater system and commended them on doing a great job. He stated that they are on call 24/7 and will be at a call-out within 30 minutes. He noted that new connections are required to pay a \$3200.00 connection fee (a \$5500.00 grinder fee is also required, if they need one). With a new development, it is the developer's responsibility to construct the infrastructure to collect the wastewater in the development and pump it into the City wastewater lines. Each new home within the development is required to pay the \$3200.00 connection fee prior to construction. Chair Buxton noted that both the [current] Wastewater and Zoning Ordinances state that if it is "reasonable" to connect to City Wastewater, then it is required. He questioned "reasonable" and how to define that term.

Administrator Mason reviewed the history of developments within the City over the last 90 years. He noted that the City of East Gull Lake was incorporated as the Village of East Gull Lake in 1924. He showed a shoreline tract map done by T.W. Harrison in 1927 of the East Gull Lake and Fairview Township areas that John Simons donated to the City. He noted that there are 99 parcels of land of 10 acres or more owned by 49 landowners. Chair Buxton noted that there were concerns and anxiety when THE HARBOR was going through the platting process. He noted that the Planning Commission answered questions and concerns to the best of their ability. He stated that there is potential for more development and asked for input as to how to handle the questions and concerns that come with development. He stated that the rules are quite simple; someone puts in a request and the Commission has to act within 60 days, to approve or deny.

Administrator Mason noted that he asked some residents from East Pointe and Green Hill Townhomes to speak as to the advantages of living within a PUD. Tim Bergin addressed the audience regarding living in the East Pointe Development. He noted that there are 36 units within the PUD. He stated that there is a transition from 1.1 year-round resident to 12 year-round residents. There is 1400 feet of lakeshore. He noted that it is community that is like family. He stated that the rules of incorporation are relatively strict, focusing on shoreline management and green space. He noted that there were 14 properties that changed hands within the last four years. He noted that with the change from seasonal to year-round residents comes different concerns. He noted for the most part, living in a PUD is a positive experience. One of the other residents noted that East Pointe is a residential community and do not have short-term/transient rentals, which is the type of community they are looking for. He noted the bylaws have restrictions against short-term rentals. Chair Buxton then brought up the question regarding rentals. Discussion ensued regarding Air B&B's and VRBO's. He noted that the City Ordinance states only four rentals per year are allowed. He stated that the attorney said that ordinance is unenforceable. He stated that the Planning Commission needs to look into licensing as the attorney at the seminar stated that would be the best way to handle this changing environment. PUDs have the option to place rental rules into their bylaws, but the City needs to address the situation. He noted that the resorts may be willing to manage properties or possibly a management company would develop in the area due to the demand if these types of rentals are allowed. John Kavanaugh stated that it would be good to require licensing and inspections/management of the properties. Chair Buxton noted that this brings into question the balancing again between government control and adding more staff to enforce that control. Having proper insurance for renters was another aspect of the situation that was discussed.

John Guild addressed the audience regarding the Green Hill Townhomes residents. He stated that Green Hill Association also has a no rental requirement. He noted that Green Hill is about 40 years old. There are four buildings with 20 owners which are mostly retired or nearing retirement. One owner is year-round, the others are either snow birds or use their homes as vacation/weekend second homes. He noted that people buy in PUDs because of minimal care-taking. He noted the comradery among the neighboring properties. He noted that there are 15 homes on Green Hill Road that are not included in the PUD, but are part of the neighborhood. He noted that they have created a directory for the owners within Green Hill Townhome Association. He mentioned two rules in particular that are in the bylaws. One being that they do not allow rentals. The other is that a townhome is not allowed to be used by friends unless the owner or a member of the family of the owner is there. He noted that the community also supports the local businesses. He stated that the association works to protect the environment. There is 2500 feet of shoreline and 10 years ago the association worked with Cass County to restore 150 feet of shoreline that was eroding, also improving the buffer zone on that portion of the property. He noted that of the 2500 feet of shoreline only 60 feet because of the property being in a PUD, stating that if the property was individual properties it would be disrupting many more feet of the shoreline. He ended his presentation by stating that a PUD can have a very positive impact on the neighboring community.

Administrator Mason went on to discuss the re-development from small cabins to larger homes.

Chair Buxton discussed storm water management, stating more than 20% impervious requires an engineered storm water plan to protect the lake and neighboring properties. He asked if a 5-year storm water enough. He noted that a 5-year storm is 1-inch to 1.5 inches of rain over a 24-hour period. Pervious pavers usage was discussed. At this time, pervious pavers are not a credit for green space. He noted that George Carney did major retention improvements to protect the lake and neighbors from run-off. He asked Eric from Cragun's how it worked out there.

Administrator Mason noted that shoreline restoration is another issue that should be addressed. He noted that rip-rap is not really a good choice as the ice ridges move all the boulders and it has to be re-done each year at great expense. He noted that the City is working with DNR to use a more natural planting approach using bio-logs, also.

Chair Buxton started to close the session down by explaining that after the Comprehensive Plan is completed and approved, the Planning Commission would then revise the Zoning Ordinance to conform to the new Comprehensive Plan. The flexible controls at the Comprehensive Plan level would then be implemented in the Zoning and Subdivision Ordinances. Once the Ordinances are restructured, the City would have another public hearing to approve the changes in the Ordinances. He also addressed the Zoning Map and changes that can be

made at this point in time. He noted that once the Ordinance and Zoning Map changes are approved, a zoning amendment application will be required to change zoning on a particular parcel.

Chair Buxton addressed the issue of commercial enterprises. He reiterated that the City supports the hospitality industry. He also stated that there are associated service industries for landowners such as lawn mowing and snow plowing. He stated that the Planning Commission has written the draft Comprehensive Plan with the intent that the City will never become a commercial environment similar to a Brainerd or a Baxter. He noted that technology is changing; cell towers have gotten to the point that they can be added to the top of light poles. He noted that the Commission needs the input of the residents for this portion of the planning and how the residents would like to see this portion of the planning to change or grow. He stated that if the ordinances stay as they are, home occupation is the only allowed industry other than hospitality and it is fine to leave it like that.

Tom Malat asked how the Variance process is followed with the issue of impervious coverage. Administrator Mason stated that when someone has a request to increase the impervious over the 25% allowable, the answer is no, it cannot be done. When the impervious is already over the 25% due to properties being built up in the past before the ordinance was changed, they are allowed to stay at the percentage they currently have or make it lower. Chair Buxton stated that the definition and the requirements for a variance have been changed by state law. The City can no longer say a variance is impossible. It was stated that variance is enforced by inspections by the City Administrator/Planning and Zoning Administrator. Mr. Malat also asked about dismissing a fine that was imposed for not completing a project within the time limit required. He stated that because the City discovered that it is not able to impose a monetary fine without going to court, how does the City plan to enforce the Ordinance. Chair Buxton stated that the attitude of the Planning Commission is not to be a police force, but the intent is to have a project completed as required.

Chair Buxton encouraged the residents to be active participants and come to the meetings to give their input.

Transcribed by East Gull Lake Administrative Assistant
Kathy Schack

These minutes are paraphrased and are not written word for word.