

CITY OF EAST GULL LAKE  
AGENDA  
PLANNING AND ZONING COMMISSION  
Tuesday, August 25, 2020 – 6:30 PM

---

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Additions or Deletions to the Agenda /Adoption of Agenda
5. Approval of Minutes
  - a) July 28, 2020 Regular Meeting
6. Public Hearing  
None
7. Open Forum\*
8. Old Business
  - a) Helipad Discussion
  - b) Deck Violation
  - c) House Moving Using Existing Variance
9. New Business  
None
10. Adjournment

*This agenda is not exclusive. Other business may be discussed as deemed necessary.*

**\*OPEN FORUM** allows the public to speak to the Committee regarding issues that are not on the agenda.

Prepared by East Gull Lake Administrative Assistant  
Kathy Schack

**City of East Gull Lake  
Planning and Zoning  
Regular Meeting & Special Council Meeting**

Tuesday, July 28, 2020 – 6:30 PM

**I. Call to order**

Chairman Bruce Buxton called to order the regular meeting of the City of East Gull Lake Planning and Zoning Commission and Special Council meeting at 6:30 PM on Tuesday, July 28, 2020 at Cragun's Legacy Clubhouse.

**II. Pledge of Allegiance**

**III. Roll Call**

Present: Bruce Buxton (Chair), Commission: Marty Halvorson, Nate Tuomi, Eunice Wiebolt, Rocky Waldin

Absent: Paul Tollefson

Council: Mayor Kavanaugh, Councilors Bergin, Ruttger, Demgen and Hoffmann

Staff Present: City Administrator Mason, Administrative Assistant Schack

City Attorney: Tom Pearson

Audience: Doug Schieffer, Dominic Magne Acebo, David Turnberg, Mary Ann Anderson, Paul W. Anderson, Emily Bauernfeind, Randy Bauernfeind, Mathew Loven, Lisa Gudajtes, Jay Gudajtes, Rex Alexander, Kyla Hunt, Chad Harmer, Tim Bergin, Ann Bergin, Carol Demgen, Joey Halvorson, Bernie & Ramona Benson, Mary Grimstad-Ben Ari, Eylon Ben Ari, Ben Grimstad, Joe Grimstad, Tom Ward, Laura Lyon, Don Rodningen, Scott Hoffmann, Steve Collette, Theresa Bourke, Jim English, Patience Barnes, Jeff Barnes, Pat Birznieks, Uldis Birznieks, Barb Allan, Bernie McDonough, Tom Pearson, Dominic Magne, Christina Hart, Lynn Shimota, Marie Sparkman, Don Gylling, Nealna Gylling, Jerry Stromberg, Eric Peterson, George Hart, Debbie Winslow, Jerry Pattison, John Lauer, Nancy Lauer, Cynthia Narlock, Randy Narlock, Jim Ward, Jennie Ward, Pat Yurek, Kathy Palmer, Vicki & Kevin Smith, LeAne & Leigh Finlay, David McCarthy, Janelle Riley, Roy Lorenz, John & Bonnie Hunter, Brett Anderson, Joshua Nuckols, Carole Paulson, Jim Erickson, Barb & Paul Maki, Carolyn Carter, Teddy & Tom Sedgwick, Don & Beth Bentz, Allyson & Peter Knudsen, Bob & Lesli Rauch, Deb & Brian Thuringer, Chip & Jo Foster, Nancy & Jim Freeman, Tom & Judy Fletcher, Jim Schaffhausen, Barb & Steven Best, Jack Cooper, Ashley Slotterdyk, Dave Schultz, Richard Gregory, Charles Klecatsky, Geoff Barnes, Mina Carlson, Rick Braunig, Sheila Ayers, Jamie Wellik, John Funk, Kathy Buxton, Joe Brenny, Tom & Tammy Malat, Noelle Wallace

**IV. Adoption of Agenda/Additions or Deletions to the Agenda**

**Motion by Commissioner Halvorson and seconded by Commissioner Wiebolt to approve the agenda as presented. All present voted in favor thereof. Motion carried.**

**V. Approval of Minutes**

**Motion by Commissioner Waldin, second by Commissioner Tuomi to approve the minutes of the Tuesday, June 30, 2020 meeting. All present voted in favor thereof. Motion carried.**

**VI. Public Hearings**

**A. Helipad Usage within the City of East Gull Lake**

Chair Buxton opened the public hearing by having the public notice read. He noted that this has become a contentious topic, therefore he stated the format will be stricter than the usual planning commission meetings. He noted there will be no questions asked during the presentations or resident comments. He also noted this hearing is not for a specific site or person just a general usage within city limits. He asked that no booing or clapping be made and wishes all to be polite. He noted the Commission is a volunteer body. He noted the City Council is in attendance and the sheriff and city attorney are also here. He requested that residents and property owners within the City have opportunity to speak first. There are professionals on both sides of the issue that will be speaking first. Each team will have 45 minutes and there will be five minutes allowed to rebut. The meeting will be opened up to the audience and each person will have three minutes to speak. Speakers will only be allowed to speak again if they have new information to add. Administrator Mason was asked to read the proposed ordinance and the staff report. Chair Buxton noted all letters are uploaded to the City Website and are part of the public record. He noted there were around 300 submitted.

Heliport expert, former military pilot Rex Alexander, Mr. Schieffer's representative, addressed the Commission. Chair Buxton asked for the electronic version of his presentation. He introduced himself explaining his credentials. He began with a power point presentation. He discussed the regulations being upheld during the design of heliports. He noted the Minnesota has statutes controlling heliports. Cass County points back to the State and FAA. He showed the Basic Elements of a heliport. He reviewed the approach and landing requirements, noting obstructions need to be identified. He then started discussing the risk and safety of heliports. He noted the probability of accident is very low. Impact to community is very low. He addressed the issue of noise control. MPCA has regulations to follow where excess noise can be enforced. He discussed environmental impact. He noted the low amount of emissions and also noted the unlikeliness of gas and oil leakage. He also noted the extremely low number of bird strikes by helicopters, as they can more easily avoid hitting them. He noted sea plane usage within East Gull Lake. He discussed the proposed ordinance amendment, noting it was well written. He brought out several points that are beneficial for the safety of the area.

Kyle Hart, attorney for Doug Schieffer, addressed the Commission. He noted the ordinance would only determine if a helicopter could land within the City limits. He discussed the safety, noise, wildlife/environmental, community and property values, stating that there is no adverse effect on any of those. He stated that persons should be able to use their own property for personal enjoyment within the law.

Matthew Loven, representing a group of people opposing the ordinance amendment addressed the Planning Commission. He reviewed the current City Ordinance stating that although it could be amended, it shouldn't be amended. He reiterated the timeline previously discussed during the reading of the report. He noted the purpose of the zoning code and the requirements of Minnesota state law. He reviewed the land use criteria within the city code. He noted that there are alternative sites available. He noted that this amendment results in spot zoning, stating this would only benefit a few residents. He discussed Conditional Use standards and requirements. He noted enforcement would be an issue. He stated that the opposers submitted an alternative amendment excluding the use of heliports within City limits.

Tom Ward addressed the Commissioners regarding his opposition to the amendment allowing heliports within the City of East Gull Lake. Safety is the first concern he has with the issue.

Mr. Hart noted that Mr. Loven was incorrect in stating a building can be built at the City Airport and can be used to house a helicopter.

Rex Alexander noted there is no security for the aircraft at the City Airport. He noted that the Fire Marshall could have jurisdiction over the heliport providing enforcement.

Mr. Loven noted he had brought out what was already within the city code.

Jeff Barnes addressed the Commissioners stating that if only 15 properties in the area would benefit from this amendment it is certainly spot zoning to benefit the few rather than the general welfare. He noted that noise should not be increased.

Emily Bauernfeind addressed the Commission stating that the majority of the community opposes the proposed amendment. She noted the main reason for opposition is safety.

Herm Schley addressed the Commission stating that the proposed ordinance was brought about by one property owner. He noted that only about 15 parcels would meet the criteria. He stated that means there technically could be 15 helicopters landing within city limits. He stated that properties could be combined making it more than 15 potentially.

Dave Schultz, who has been an aviator for several years, addressed the Commission stating that the proposed ordinance amendment is reasonable, well thought out, well-engineered and is in favor of it.

Janelle Riley addressed the Commission stating safety is her main concern, noting that debris can be thrown from a crash 600 feet away. She noted that if the amendment is passed there should be a condition that the landing should be required to be 1000 feet from residential structures.

Christina Hart addressed the Commission stating she is in opposition of the amendment. She stated the quality of life will be diminished and property values depressed. She stated that loons and eagles would be affected.

Uldis Birznieks addressed the Commission on behalf of GCOLA members. He stated the members are opposed to the proposed amendment. He noted that an additional condition stating the building of a helipad should be at least 1000 feet from the OHW of lakes to be added should the amendment be passed.

Jennie Ward addressed the Commission stating city code should benefit the community not one individual. She stated noise, safety with debris being an issue.

Jerry Pattison addressed the Commission stating noise is his issue.

Mary Anderson addressed the Commission stating they enjoy the serenity of the area. She noted the number of letters in opposition.

Doug Schieffer addressed the Commission stating the ordinance will provide equality. He noted currently sea planes are permitted to land on Gull Lake. He noted that the question is not whether helicopters can fly in the area as that is not the case, they are already allowed to fly over the area. He noted that all the seaplanes, jet skis, pontoons and motor boats that are allowed do their part in changing the serene nature of the area more than the occasional landing and taking off of a helicopter. He stated his case noting that using the helicopter for his travel would be a safer way for him to commute from his other property. He noted that zero bystanders ever have been injured due to the close location of a heliport.

Steve Collette addressed the Commission clarifying the acreage issue, noting the 15 properties meeting the five-acre minimum are only those located on the lakes. He noted there are many more properties larger than five acres. He noted it was presumptuous to say all properties would have to comply to those with less acreage that are in opposition.

Ben Grimstad addressed the Commission stating his family is opposes the amendment.

Jay Gudajtes addressed the Commission stating the safety is his biggest issue.

Nealna Gylling addressed the Commission stating they were against the amendment at first but are now in support. She also noted that all GCOLA members are not in opposition, as they are members, correcting the earlier statement made.

Noelle Wallace addressed the Commission stating she wants a chicken coop, goats, and a garage and if this amendment passes, she will be back.

Tom Malat addressed the Commission stating his concern for emergency response. He asked who is going to police the ordinance.

Doug Schieffer showed a video of the affects already happening by seaplanes, jet skis, pontoons and motor boats.

Christina Hart added the point that more noise is not needed.

Bob Rausch addressed the Commission questioned if the DNR has been consulted.

Jennie Ward stated that the DNR has no jurisdiction on this issue.

Chair Buxton closed the public hearing stating the Commission will review what was addressed and may ask questions of the presenters.

**Motion by Commissioner Halvorson and seconded by Commissioner Wiebolt to close the public hearing. All present voted in favor thereof. Motion carried.**

Commissioner Halvorson asked for some clarification noting there are two landing strips already in place in East Gull Lake, one of them being a private airstrip. Referring to the alternative amendment submitted, noting that construction of a helipad would not be allowed within city limits. He was noting that one of the things the Commission tries to do is be fair, and would it be fair to the remaining community to prohibit construction of technically a landing strip when they are currently allowed. He stated that in fairness they have to be treated similarly. He did acknowledge that the current airstrip would be "grandfathered in" no matter the outcome of this hearing. Chair Buxton noted that the decision here has nothing to do with the existing airstrip. Attorney Pearson noted that is why the public hearing is being held and why it is before the Commission for discussion and determination.

Commissioner Tuomi stated this ordinance would not just apply to 15 lots that would be available for helipad usage noting that the condition states all lots over five acres in size meeting other conditions.

Chair Buxton noted there were no more questions. He noted there are three options: decide to recommend rejection of the proposed ordinance amendment, leaving private helipads as an excluded use in East Gull Lake in those zones, citing findings of fact; decide to recommend approval of the proposed ordinance amendment, with or without changes to make it more palatable to both sides of the question, allowing helipads in the City of East Gull Lake, subject to the findings of fact and conditions; decide to table the proposed ordinance amendment for review, to digest the information presented, and develop the findings of fact for the Commission to meet at a future date to determine a recommendation. He stated a request that the City Attorney prepare a list of findings of fact for support a decision either way for review by the Commission. He noted the Commission should review the input, the findings of fact, and the implications on the Comprehensive Plan. He also stated that if there is an amendment recommended to the Council, the City Attorney should be directed to write the amendment, the findings of fact supporting the decision, and the resolution recommending same to the Council for approval.

Chair Buxton asked if any of the Commissioners had an additional condition they would like to see added to the proposed amendment, should it be considered. Commissioner Tuomi noted he would like to see it only allowed in Zone R1, not in R2 or R3.

**Motion by Commissioner Wiebolt and seconded by Commissioner Waldin to recommend tabling of the ordinance amendment until the next regularly scheduled meeting of the Planning Commission to review the findings of fact in support or against, prepared by the City Attorney, and conditions and also to include a work session before the next meeting. All present voted in favor thereof. Motion carried.**

Commissioner Waldin asked if there will be time to review the findings before the next meeting.

Commissioner Wiebolt expressed the need for time to review the information that was given at this hearing. Attorney Pearson noted he have findings prepared within a week. A work session was set for August 24, 2020 6:00PM at City Hall.

**Motion by Commissioner Halvorson and seconded by Commissioner Tuomi to continue this meeting to a work session of the Planning Commission to be held on August 24, 2020 at 6:00PM at City Hall.**

Transcribed by East Gull Lake Administrative Assistant, Kathy Schack. Full audio of the entire meeting is available at City Hall and on the East Gull Lake website.

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

To: City of EGL

From: Jim and Jennie Ward

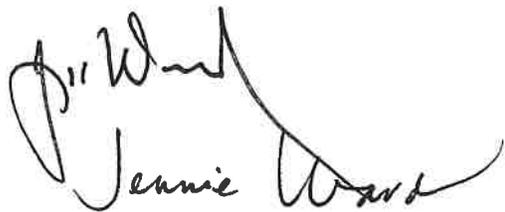
Re: McDonough Elevated Deck

Date: 7/11/20

Hello to Rob at the City of EGL!

We are writing a short note of support for Bernie McDonough. We regularly pass by his residence on our walks. He is always a pleasure to chat with. We watched his steady progress as he carefully erected his clever elevated deck this summer. What an ingenious way to utilize the rather unusable land "on the other side of the road". It is built to blend with the splendor of the woods while not obstructing the view nor removing the beautiful trees. His use of clear panels makes the platform look almost like its free standing. The structure blends with the landscape. Almost Frank Lloyd Wright-ish. We find Bernie to be a good steward of the land and a careful observer of what would fit in appropriately in the landscape. We hope you allow him to retain his elevated deck.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennie Ward". The signature is written in black ink and is positioned below the word "Sincerely,".

Jennie and Jim Ward

1426 Pike Bay Rd.  
EGL 56401  
July 14, 2020

To whom it may concern,

We are next-door neighbors to  
Bernie McDonough on Pike Bay Rd, EGL.

We have no objection to the elevated  
deck that Bernie constructed at the  
center of his property. It is a  
well-crafted structure, which is  
attractive and provides an enhanced  
view of Gull Lake.

Sincerely,

Thomas F. Fletcher  
Thomas F. Fletcher

Judy Fletcher  
Judith A. Fletcher

July 12, 2020

3

1404 Pike Bay Road  
East Gull Lake, MN 56401

To Whom it May Concern/ City of East Gull Lake;

We are writing this letter in support of Bernie McDonough's lofted deck, located on his land. This is not a problem for us as his next door neighbors. We are open to improvements on our neighboring cabins, homes, and land, and this deck does not cause any harm to our environment. In fact, Bernie used materials that were recycled and repurposed; materials that did not restrict the view of the wooded areas; and materials that look natural in this setting.

Please feel free to reach out via cell phone, text or email.

Best regards,

Brett Christofferson



BRETT@WEISBUILDERS.COM

612-910-8570

Theresa Christofferson



THERESAC@MPLS.K12.MN.US

612-770-3864

To: City of East Gull Lake

From: Mollie & Jon Villella @1398 Pike Bay Road, EGL

Regarding: Bernie McDonough's Elevated Deck

Date: 07.16.20

To Whom it May Concern:

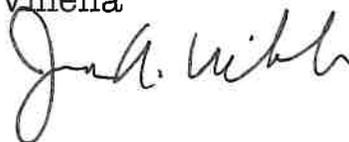
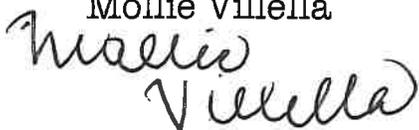
We are writing this note as a show of support for Bernie McDonough and his wonderful elevated deck. For as long as we've been coming up to Gull Lake and have known Bernie, he has always found ways to make Pike Bay a beautiful place, not only in his friendship, but also in his creativity with construction. Not only has he improved the McDonough cabins (where my husband and I met 30 years ago), but all of the surrounding area. He has also done quite a bit of work for us to improve our own cabin. These kinds of things make having this as our second home so special. He is very creative, shows an awesome appreciation of the land and finds ways to add to the surroundings without taking away from the natural beauty. His new elevated deck is an example of using the 'unusable' part of his land and creating a structure which enhances the beauty of the hillside while also enjoying the beauty of Pike Bay. We are hoping that he is allowed to keep this structure as we have no opposition to our neighbors beautifying our favorite place to be. Please let us know if you have any questions of us as we'd be happy to answer them.

Have a wonderful day.

Mollie Villella

&

Jon Villella



July 12, 2020

To: East Gull Lake Staff

Re: Bernie Mc Donough's Loft Deck

I support the use of Bernie's back area for his Lofted Deck. The design is very attractive and does not affect any other property owners, on the use of the Road. Bernie should be able to keep this up since it is totally on his property and is a creative way to use the back half of his lot. I have been a property owner on Pike Bay Road for over 40 years and all of that time we the owners <sup>have been</sup> ~~are~~ the care takers of the Road both in winter + summer. This deck will not affect snow plowing especially since the big plow cannot make it through anyway. Also this is a private Road.

Thank you,

John Funk 

1392 + 1388 Pike Bay Road

612-819-5168

John Funk @ comcast.net

TO CITY OF EAST BULL LA

TO WHOM IT MAY  
CONCERN IN REFERENCE  
TO BERNE M. ON PIKE BAY RD.  
HAS APPLIED FOR A  
BAILMENT PERMIT I SAY  
GIVE IT TO HIM,

Agony RIVERS

1366 PIKE BAY RD

July 15<sup>th</sup>, 2020

Bret Hedican  
1332 Pike Bay Road  
East Gull Lake, MN 56401

To whom it may concern – City of East Gull Lake

I am writing this letter in regards to a new deck that was built by Bernie McDonough, at 1414 Pike Bay Road, who did not get permission by the city to build prior to construction. I want the City of East Gull Lake to know that I fully approve this new deck built by Bernie who has done a magnificent job of constructing this new deck, but also how it improves the overall landscape of the neighborhood. I have a lot of pride in our beautiful Pike Bay of Gull Lake, and when homeowners improve their properties without taking away the beauty of the natural surroundings, I'm in full support.

My hopes are that you allow him to keep the deck and permit it to be a platform to see more of the beauty of Pike Bay.

Warmest Regards,



Bret Hedican

July 22, 2020

8 \*

To whom it may concern.

I am writing this letter in support of the beautiful deck built by Bernice McDonough @ 1414 Pike Bay Road. It is my hope that the city will allow Bernice to keep the structure and our look any additional fees.

While Bernice's deck does not hinder travel down Pike Bay Road it is adding to the character of our community on Pike Bay. When ever we have visitors, a walk down the road is a staple and the character brought by the uniqueness of the different homes makes this spot a special place.

Thank you for your consideration

D. Jason McAthre

763-226-8050 1446 Pike Bay RD

To: City of EGL

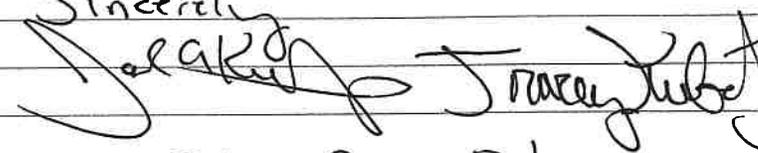
From: Jack & Tracey Kubitz

DATE: 7/31/2020

A Short note to show  
are support for Bernie  
McDonough. Bernie has  
built a scenic lookout  
deck on his property.  
It is well built and  
very attractive. It  
definitely adds to the  
neighborhood. We love it!

Please let him keep it  
on his property !!!

Sincerely



Address

1436 Pike Bay Rd



**WIDSETH SMITH NOLTING**  
Engineering | Architecture | Surveying | Environmental

Brett Anderson

1382 Pike Bay Rd

I am in Favor

of Keeping the

new overlook deck

just as it was

constructed,

Brett Anderson

[WidethSmithNolting.com](http://WidethSmithNolting.com)

Alexandria | Bemidji | Brainerd/Baxter | Crookston  
East Grand Forks | Forest Lake | Grand Forks | Rochester