

CITY OF EAST GULL LAKE
MINUTES
PLANNING AND ZONING COMMISSION
AUGUST 30, 2005 – 6:30 PM

1. Call to Order – 6:30 PM

2. Roll Call

Planning Commission: Ken Anakkala, Rob Mason (Chairman), Kevin Lee, Peter Dunphy

Absent: Dennis Lang

Staff: James Lehnhoff (Zoning Administrator)

3. Public Hearings

Variance for a Metes and Bounds Subdivision (Continuation)
Application 04-38
Brent Gunsbury Gunsbury on behalf of Ronald and Patricia Mangelsdorf

Chairman Mason asks if the attorney's would like to update the Planning Commission and audience on the background of the project and where we are today.

Administrator Lehnhoff explains where we are in the process with the Mangelsdorf. Reviewing the vacation request and providing a recommendation to the City Council. This is not a public hearing, but public comment can be taken. They have submitted a stormwater management plan, which is in the staff report. Reviews the concerns of the City Council. City Attorney Tom Fitzpatrick is with us tonight to help answer legal questions and guide the process.

Attorney Jim Gammello – Here on behalf of the applicant. My understanding is that this is a fact finding meeting for the City Council on the proposed vacation. When in front of the City Council, they had questions related to stormwater management, trails, bluff protection, and utility easement. Procedurally, we are here for that not the variance. We were here in May of 04, and multiple trips back and forth. This matter was brought to the City Council for the road vacation, which was requested by the Planning Commission. Here we are here to address the vacation, not the final decision, but what concerns would the City have and what guidance does the Planning Commission have for the City Council.

City Attorney Tom Fitzpatrick – Attorney Jim Gammello and I have met a number of times and along with James Lehnhoff, Chuck Marohn, and Brent Gunsbury over the time this has been talked about. The focus tonight is on the road vacation on whether the road should be vacated and under what circumstances. The legal authority on whether the city can vacate is based on whether it serves the public currently and whether the public is served by the vacation. Beyond that, it a question of how the circumstances fit within that framework.

Chairman Mason asks if there are people in the audience that would like to speak.

Administrator Lehnhoff reads a letter from Brian Thuringer regarding the vacation. Mr. Thuringer is against the vacation.

Ed Dirkswager, 1840 Sylvan View Drive –, I oppose the vacation of the road because there is an immense amount of stormwater from the road. The previous request was to leave the most difficult part of the road to the City. The request was to vacate the upper portion of the road. My concern is that splitting the road up would increase the probability that the runoff would not be taken care of appropriately. You are going to increase the impervious surface and it will flow down the road. A tremendous amount of stormwater

already flows down the road. Even if the vacation were from the whole road, then we would be relying on the applicant to deal with the negative impacts. I prefer to deal with the City instead of a private party. That way we do not have to resort to taking action against one of our neighbors. I oppose the initial concept because I think it would increase the problem. I oppose any vacation because no matter how good the engineering study, we will still have problems. The existing structure is an example. My wife and I opposes the vacation in whole and part.

Chairman Mason states that it now might be a good time to discuss the stormwater. If you could explain what you have in mind.

Tim Ramerth – Westwood Professional Services – We did the initial stormwater management system for the Mangelsdorf property. We thought about doing an underground system, but went with an above ground system for maintenance, longevity, and it is easier to fix if needed. It looks better. We have gone above and beyond the city regulations. The same would be true with this particular plan. The City only requires a five year analysis; however, we are going to a ten year standard. There is currently no stormwater management system in place because the area with the problem is maintained by the City. We would propose to contain the stormwater on the hill for the ten year event. We would put some measures in place to deal with water on the road to stop it from flowing down the road. The stormwater management would improve with the plan.

Chairman Mason asks for the plan to be described in layman’s terms. Can you explain it as you are coming down the road. It is about a sixty foot elevation change?

Tim Ramerth says that it is. That is if you look at the entire stretch of road.

Chairman Mason asks Mr. Ramerth to describe what you are going to do in the stormwater management plan.

Tim Ramerth states that we talked about several issues, one would be to curb and gutter to down the hill. But we don’t control the property, so that idea is out. Also talked about trying to maintain the water where it falls. The water at the flat top part, we can deal with. So we just have to deal with the top to the part where the road starts in about 100 foot segments. We are looking to put in a little catch basin with an outlet pipe with a “stormceptor.” It looks like a dome that has rock that stores water. In the ten year event, the water would fill those capsules.

Chairman Mason asks how does that filters through?

Tim Ramerth states it would be similar to a drainfield.

Chairman Mason asks if that would that stop it from being blacktopped? How do you do that?

Tim Ramerth states that we would put a curb and gutter system with asphalt or concrete, that directs the stormwater to the catch basin. The water would leave the gutter into the basin. What we do is in that catch basin to catch larger particulate matter, because that would impact the trench system. It treats the water.

Chairman Mason states that he read about a sump station, that is not an electrical pump?

Tim Ramerth states that basically that means a structure that is about five feet into the ground. The water has to build a column before it flows into the system. You can maintain it with a wetvac.

Chairman Mason asks how often does it need maintenance?

Tim Ramerth states that it is proportional to how much groundcover there is stopping the sand. With the curb and gutter system you avoid the channel system that carries sand.

Commissioner Anakkala asks how would you address those issues during construction?

Tim Ramerth states that during construction, the road would not change. Right now the water is uncontrolled.

Commissioner Anakkala states there is existing vegetation there.

Tim Ramerth states it seemed to me it was fairly exposed above that.

Brent Gunsbury says that during any construction project, you have to get some things in place. The new system is working perfectly, the only part that is not working is the road that is not controlled by the City.

Commissioner Anakkala states that as I recall from our on-site system, those systems failed.

Brent Gunsbury says that the silt comes from the road not owned by Mangelsdorf.

Chairman Mason states that what happens is that the silt runs along Mangelsdorf property. Have you fixed the system?

Tim Ramerth says that the system retained the sand. One thing to consider is how much rain there was and having ultimate groundcover established. Depending on what happening, this system is functioning. You try to get these things functioning first. You try to maintain what you can on site.

Chairman Mason asks if there are examples of the proposed system anywhere in the area?

Tim Ramerth states that he doesn't have an exact example. We did the Kohl's in Baxter, which is a similar system. It is flat, but the same principle. For this system, there is a local representative to see if there is anything locally.

Chairman Mason asks if there is a system with the similar grade?

Tim Ramerth states that is why the catch basins are there. That forces the water off the road to deal with the grade.

Commissioner Dunphy asks what happens when spring arrives and there is still frozen ground?

Tim Ramerth states that snowmelt is one issue, rain is another. The first one or two rain events cause the ground to thaw. Probably a little more runoff in the spring. The system is designed for summer conditions. That is typical for stormwater systems.

Commissioner Dunphy states just trying to picture all conditions.

Tim Ramerth states that if you notice around town, the basins thaw first because the water sits there.

Chairman Mason asks if there any other questions? From the audience?

Tom Carlson - 1864 Sylvan View Drive – We are very concerned with runoff because we are right adjacent to this property. Earlier in the spring we were getting a lot of water in the backyard. One of the problems, well now that the grass has come up and so on, it has gotten better. There is one cement spill way, that when we get a lot of rain and runoff, that is not holding all of the water. There is no ledge there to hold the water coming from over the boulder wall.

Tim Ramerth states that the function of the wall wasn't to infiltrate water. It is suppose to convey it around the corner. If you see it overtopping during a rain event, we do need to address that.

Tom Carlson states I couldn't get in my truck because the water would have been up to my ankles. The water is still coming off of that hill. We want to be good neighbors, and I think we are, but we are

concerned. Ed said it all about the top of the hill and so forth. We are concerned with how this will affect our property and the lake quality. It was discolored going into the lake.

Tim Ramerth states that we would like to get a system all the way down the hill to direct water to the wetland as opposed to the lake. We are still providing treatment to the best we can before getting into that wetland. We would like to work with the City.

Commissioner Anakkala questions if you fill that wetland, isn't that going to go to the property owners? There is a culvert there.

Tim Ramerth states that is a big wetland and would require a large volume of water to raise it an inch.

Ed Dirkswager – All of the wetland in the area, the one to the north, and the wetland behind our dwelling and the millers dwelling are tied in by culvert. There is standing water there periodically. It may be a big area, but we have a problem today and this will add more water. It is not a solution to put the water on the hill into my backyard. You have heard that we have all noticed problems. We haven't had to shovel sand, but others have had to do that. To say it is working, is not what we observe. If the standard for the new thing is the same standard, then that is not the right standard. Is a ten year standard right and should it only be for summer? There was rain last winter and ice up the hill. We are concerned with the whole year. Whatever the standard being used to date, it doesn't work.

Attorney Jim Gammello states there is a misconception about the problem that we have. The City has done nothing regarding the road. The City's hands are tied like Mangelsdorf. This is a driving surface that was dedicated and left alone. He would like to improve his property, and Ron Mangelsdorf is proposing to take responsibility for this runoff if the City vacates the road to them. Ron Mangelsdorf can't control the runoff without the authority to do so. The City should put together a comprehensive stormwater plan for the neighborhood. It is a valid concern that you should present to the City Council. But it is all very expensive. Ron Mangelsdorf has hired an engineer to solve the problem. The system is doing as much as he can do under the current authority that he has. He wants to be a good neighbor. Who is going to take responsibility for this road? Having heard these complaints, I hope the City takes responsibility for the road if Ron Mangelsdorf cannot. The reason we are here is to talk about the practical issues, and I don't think those have all been addressed. That can come through a developers agreement. Tonight we are trying to address the factual concerns to make a recommendation to the City Council. There is a misconception on this. The City has not maintained the road. People need to understand once Ron Mangelsdorf has the authority to do so, he will address the problem.

Commissioner Dunphy states that I don't think the contention is that the runoff is coming from the new impervious coverage and not from the City property. Is that accurate that the runoff is coming down the road?

Tim Ramerth states that at one point there was substantial water in that area. I had been out there after a big rain event. This was after the vegetation had taken and I was surprised at how little there was. I would like to know when the biggest problem was, earlier or later?

Commissioner Dunphy states that he needs to know if it is coming down the impervious coverage or the road?

Brent Gunsbury states I have been out there and there is a part of the road. Ron Mangelsdorf owns the land to just where the top of the driveway is. From that point forward, the water is coming by the retaining wall and down the driveway, but we can't extend the boulder wall into the road since it is not ours. During the construction process, we talked to the neighbors to fix the water problem on the neighboring property. The water now is coming from that section. During construction, there are things that need to happen in terms of vegetation. Once that vegetation takes, then we get to where we are today.

Commissioner Anakkala asks if there was a significant problem before construction? Was there a berm prior to construction? Did construction caused the problem?

Brent Gunsbury states I think it would also be good to look at the rainfall we have had. I know we have had runoff before, but we have had more intensive rains this summer. That gets to the different kind of rain events.

Ron Mangelsdorf states I have owned that property for thirty some years. I have been watching the water fill those roads, and I have watched them rebuild the road during all those years. I recall three times when they redid the road surface. You were saying there was a berm that was at the bottom of the road?

Ed Derkswager states that the berm was at the bottom.

Ron Mangelsdorf asks what right do you have to berm the road? When it overflowed it went to everyone else's property. We haven't changed that waterflow. The hill is still there and the water has to come off of it. I haven't seen that, and we haven't changed that. We are trying to keep the water on the property and put it into rain gardens. We are going to do that with the property up above. I have paid taxes for 35 years, and you are saying I can't do anything when the rainwater has always come down. I don't understand why I am now responsible for the rainwater. It is not even my land, it is the City's. It has always come down the hill.

Tom Carlson states we have never had water in our driveway or sand on the driveway.

Discussion on history of stormwater in the Sylvan View area.

Ed Dirkswager states that I don't have that many years experience, and I have probably paid more taxes, and there was a berm. There was no water coming down and no sand. In fairness, before a permit was issued, the stormwater concern was raised. The permit was issued without addressing the water on the road. The water was addressed with the water on the property. The current road is the responsibility of the City, and we just want to make sure that someone takes responsibility, and my preference is that the City does it. There is a serious problem. The City is at terrible risk of not having its own experts look at it and its own engineers. We have a competent engineer and developer, but it is in there self-interest to give a positive viewpoint. The City does need to have it sown judgment made about this.

Chairman Mason asks for other comments?

Earl Wholley asks if you have calculated the percent of water that would be reduced from going down the hill. That might be a smart thing to do.

Attorney Jim Gammello states I would just suggest that this is good discussion to give the City guidance on the issue. I think the applicant would go with a developer's agreement to deal with the problem. The runoff could be contained to a level we can agree to. I would ask the engineer if a plan can be designed to accommodate to minimize or manage the runoff that is adequate.

Chairman Mason asks if there is another city that has a similar problem where this type of system has been used?

Tim Ramerth states we are trying to deal with the water on our property. There are dealers who might be able to provide examples.

Chairman Mason asks if is this a Minnesota company that put together some of these things?

Tim Ramerth states it is a national company.

Chairman Mason state I would like to see a similar example with success of the system. So that it is not an experimental design.

Tim Ramerth states that this is only one system. I have a system with more than a 100 feet of relief. But we had control over more area. If we could do a joint effort with the City.

Brent Gunsbury states that with this plat, our goal is to contain as much water on top as possible.

Chairman Mason states regardless of the road vacation, we are going to have a problem to fix. It is in limbo because of the vacation. Other discussion on the vacation?

Annette Carlson asks where does the snow get plowed too on the road?

Brent Gunsbury states you could plow it to the top, but it depends on who owns it. The City maintains the asphalt portion, but from that part up, no one is maintaining it. Preferably you leave the snow at the bottom. That said, we try to have space for whoever the homeowners would be at the top of the hill.

Commissioner Anakkala asks even if the City did take over that, could we build a road that could be plowed? You have to meet certain standards. How are they going to do that with two hours when they won't plow elsewhere due to the standard road.

Chairman Mason asks if they will bring in a subcontractor with a pickup truck.

Brent Gunsbury states there are steeper roads that are maintained.

Chairman Mason asks if there is any other discussion, if not, we will close the public hearing.

Attorney Jim Gammello states we still need to discuss easements.

Chairman Mason states I happen to be a neighbor to the property, and I have driven across the Mangesldorf property for twenty years. The snowmobile trail use to be right up there. I used the trail not knowing that it was City or private property. Now I use it for a path to work. I use it, and I am in the public. There are members of the public that use that road. There is a public use as a trail. We have talked in the comprehensive plan about trails and right-of-ways. I know how difficult it is to get an easement to go through. Once you have property and the right to use it and the only corridor up there, it is the only connection for a trail. I would like to envision bikes and golfcarts going back and forth. There are a lot of people with golf carts up there. I think there is a potential for multi-use trails. That is my personal feeling.

Tim Ramerth states the Council addressed that and if the trail went down the middle of the right-of-way, it would be a very expensive trails.

Chairman Mason states I believe we are talking about the 66 feet of right-of-way that is currently there. I agree, if you separate it down the middle, it falls down the high range of that hill and would require a lot of work to get a trail. Maybe that is one more reason to leave it. It is the City's road now.

Attorney Jim Gammello states that those are debatable matters, is there a connectable trail corridor in place? What is the viability of the trail system going up here? I believe that it would be difficult. Is it likely to happen?

Chairman Mason states that I believe it is. There needs to be a vision for it. It is very difficult to get these trails. There was a lot of hard feelings when the trail plan came out due to going over private property. It should be on public property. If we vacate, we take away that possibility.

Attorney Jim Gammello states it makes sense to reserve right-of-way for trails, but given the topography, is it likely?

Commissioner Anakkala points out that a number of neighborhood developers have trails in that area. It wouldn't be difficult to hook up. Then we would have continuous trails.

Attorney Jim Gammello states that if that is the consensus, that is what we need to know. We are trying to make sense of this.

Commissioner Anakkala states those other trails are groomed.

Chairman Mason states there is still access for atv's and snowmobiles.

Commissioner Dunphy states that the trail by the dam is heavily used. I personally would have some difficulty of seeing a benefit to the public from the vacation. Right now it is publicly used and it is in the public benefit to keep that.

Tim Ramerth states it is not currently maintained. Does the City have the funds to maintain it for longevity?

Commissioner Dunphy states it goes back to before construction, there was no problem then.

Chairman Mason states it goes back to if there is a house or two at the top of the hill, then having a driveway is going to be difficult let alone a trail. Having a driveway and trail access, perhaps they could be engineered together. Doing the stormwater management, access to you, and the trail in one plan.

Tim Ramerth says that would be a question for Ron Mangelsdorf.

Ron Mangelsdorf states he has been working to solve these issues.

Chairman Mason states I am glad we are talking about this. If it is City owned property, then the City has the right to do what they wish. It is in the best interest of the neighborhoods to keep a connection. It may not be a vision now, but it will be.

Ron Mangelsdorf asks why couldn't I have access from the cul-de-sac at the top of the hill.

Chairman Mason states there is a private property at the top. I have allowed people to go over my property for years.

Ron Mangelsdorf states I have never disallowed anybody.

Chairman Mason states that for years I have driven across 20 feet of your property not knowing it was private property.

Commissioner Dunphy states that for me it comes down to would the public benefit from a vacation? I don't see it.

Brent Gunsbury states we requested the vacation from the request of the Planning Commission.

City Attorney Tom Fitzpatrick states one comment I might make about Commissioner Dunphy's comment, is that if Mr. Mangelsdorf is permitted to take control of that strip of ground, he will take it upon myself to fix the situation. If the City chose to vacate the road with a condition to fix the stormwater problem, then those within the vicinity may benefit from it. It might be possible to be done in a combination between vacation and condition with a stormwater management and a dedication for a trail access. Maybe not in the exact location, there might be a public benefit. You might wind up with a private property owner that is willing to control stormwater and the City doesn't have to pay for it and keep a trail for future access.

Chairman Mason states if the trail could be meandered up the hill, there may be some ways to screen it from a home up there so that we don't have to get into excavation. There might be some ways to put something together with some engineering.

Tim Ramerth states right now there is private property at the end of the Mangelsdorf right-of-way. That would require condemnation of private properties.

Chairman Mason states I am up there and I wouldn't have a problem with it.

Ron Mangelsdorf states I am trying to take on the responsibility of the road.

City Attorney Tom Fitzpatrick states what they are looking for is a directive. If their engineer and City staff continue to work on a plan that might be mutually beneficial with a private stormwater management and some type of realistic trail corridor, which is all he can do, then there may be a public benefit. Then perhaps spend the resources with a more defined plan. It would still leave the City with a problem of getting across the private land, but at least you have the corridor if you decide it is valuable enough to the City to retain an easement for a trail. What they are looking for is to refine a concept to send to the City Council. But if you think that won't work, then say that, so that the money isn't spent.

Chairman Mason states I think we will end it at that. Asks if the Council was looking for a motion.

Administrator Lehnhoff states that the City council didn't ask for a specific motion.

City Attorney Tom Fitzpatrick states that no motion is needed, but to give a consensus. I don't think they are expecting an answer from this meeting, then make a recommendation to the Council.

Chairman Mason asks Commissioner Lee, what do you think?

Commissioner Lee states I think if you look at it from a stormwater management, I think they would benefit from the vacation. However, I don't know if we can have the best of both worlds. I would like to retain an easement for a trail. It is easier for the future. But a lot of people are concerned about the runoff and vacating it would probably lose trail access. Is it possible to have both?

Commissioner Dunphy states I have appreciated the discussion, but I am uncomfortable with the vacation.

Commissioner Anakkala states I am uneasy with the vacation too for some of the same reasons, but I like City Attorney Tom Fitzpatrick's concept. My big concern is with the runoff control on the first part of the development and I don't like permitting for something more. And to not have any clear concept on how to control the runoff and erosion during construction, but I am open to City Attorney Tom Fitzpatrick's concept. It might be in the best interest of the City to do something with that. I wouldn't totally vacate at this point, but I would like to see something engineered for during construction and for the future. Possibly from Chuck. I am on the fence.

Chairman Mason states my issues are stormwater management and public access for maintaining a trail. If we give up the ROW, we will never get it back. I plan to keep the easement across my property, but I don't have any immediate plans to leave.

Tim Ramerth states I agree with City Attorney Tom Fitzpatrick, but if the Planning Commission is in general consensus to something different, then ask the Council to direct us to additional work to get this forward. I hate to see us do more work in vain. I will do the work, but I would feel better if you went to the City Council to do a joint effort.

Chairman Mason states the next issue is looking at one or two homes. Then to talk to the City Council.

Attorney Jim Gammello states what I am looking for is direction. Unless you have very specific factual actions, I just hope that these minutes are transcribed for what your feelings and thoughts are. I will go there unless you need something more before you can take any action.

Chairman Mason states if you can figure out public utilities, public access, and stormwater, then that is in everyone's best interest.

Attorney Jim Gammello states the City referred it back to you, but now it is going back to the City Council. If there is anything else you have to offer with your directions. Otherwise I will go back to the City Council.

Councilmember Gaalsyck states I believe at the City Council on whether the vacation would allow for an additional setback from the lake. Is that the reason for the vacation?

Brent Gunsbury states that is exactly why we are here. It was a recommendation to move the homes back from the bluff. The recommendation was to vacate the road to push the development back. They are going to be the bluff setback no matter what.

Chairman Mason states that is if you did two homes, but probably not one home. That is discussion yet to be had.

Neal Gaalswyck states that that is the driving reason for the request for the vacation?

Attorney Jim Gammello states yes, but also to control waterflow since no one is taking responsibility for it now.

Tim Ramerth states the staff report says it is to increase density. That is not the case, they are looking to minimize the bluff impact.

Attorney Jim Gammello states the minutes in previous meetings show that vacating the road would increase the buildable area.

Chairman Mason asks do you wish to continue the discussion on the homes?

Attorney Jim Gammello says no. If the roadway is vacated, that provides additional room to put the setbacks back.

Commissioner Anakkala states you have already proposed to cut 16 feet into the hill and put the one house in there with the current plan.

Tim Ramerth states no, it is about 12 feet. This is just an envelope. This is assuming a road vacation. Without that, it would be farther into the lot.

Chairman Mason states right now it is assuming the vacation.

Brent Gunsbury states no matter what, you end up being the bluff because of the bluff and that is how it was platted. By the ordinances today, a variance is needed.

Chairman Mason states there is an awful lot of lots that have been platted fifty years ago, and the variance is to lessen the impact of the bluff. The bluff setback was created in 1989 to protect that and since all of the lots are owned by one person that allows us to negotiate. Asks if the City council has enough direction?

Administrator Lehnhoff states I will put the Planning Commissioner's statements into the Council report.

**Conditional Use Application to Exceed the 20 Percent
Impervious Coverage Limit in the R3 Zone. (Continuation)
Application 05-33
Vern Winslow & Gull Sands Association**

Chairman Mason asks if Mr. Winslow in the audience?

Administrator Lehnhoff explains the background of the application. Has not received any new information. Recommends tabling until next month. A decision will have to be made next month unless the applicant requests an extension.

Commissioner Dunphy motions to table, Commissioner Lee seconds the motion. The motion passed unanimously.

Conditional Use Application for Grading in Excess of 10 Cubic Yards in the Shore Impact Zone and 50 Cubic Yards Outside the Shore Impact Zone
Application 05-45
Robert M. Allan

Administrator Lehnhoff reads the public hearing notice.

Administrator Lehnhoff explains the staff report and points out the maps in the staff report. Describes the application. Mr. Allan is present to explain more about the grading. We don't look at just excavating, removing, or bring dirt in, but total grading. Moving more than ten yards of earth in the shore impact zone requires a conditional use permit.

Bob Allan – I don't have much to add, but I would like to terrace my lot with four terraces. Describes what he plans to do. The width of the project is generally fifty feet. The hill is completely grass right now and unstable. If we get a real heavy rain it would show some erosion. I have not fertilized it, otherwise it would run right into the lake. The terracing is behind the 25 foot mark. I would like to comment on some of the staff recommendations. The first recommendation was to remove excavated material, some of that fill, and that will level it out. That impacts the runoff of water. In talking with the planning director, one suggestion was a runoff to the side with a rain garden. If I thought that is what you want, then fine. Within the terrace, I prefer to slope to the side. The only other item is that the beach area extends 44 feet wide and I would like to extend it 50 feet wide. The DNR does not require a permit for a sand blanket. In general, what is left there, except for the terracing.

Administrator Lehnhoff explains the reason for the conditions. Removing material from the City is only for excess material. If it is being used on the lot, that is fine.

Earl Woolley states everything that they have done has been in a professional and timeline manner. We are in favor of this project.

Chairman Mason asks if there are any other questions or comments?

Commissioner Lee asks do we still have an issue with condition #3?

Administrator Lehnhoff we do need to alter number 3 to allow up to 50 feet of shoreline alteration.

Commissioner Anakkala motion to approve the application with the amendments to the conditions. Commissioner Dunphy seconds the motion. The motion passed unanimously.

Conditional Use Application to Exceed the 20 Percent
Impervious Coverage Limit in the R3 Zone.
Application 05-48
David R. Mathisen

Administrator Lehnhoff reads the public hearing notice. Explains the staff report. They have uses the stormwater management worksheet and submitted a basic stormwater management plan. They have a relatively level lot, and stormwater management on the lot is possible.

Chairman Mason asks if there is anything additional.

Dave Mathisen states I know a few people here. We did these blueprints about five years ago, and then the ordinance changed. So what we are doing is bringing the home back from the lake, but we still needed a little more coverage.

Chairman Mason states I know you have worked with Staff on the new stormwater management worksheet.

Administrator Lehnhoff explains that we are comfortable, but we will need to design with them.

Councilmember Demgen asks if they have a guest house.

Dave Mathisen states that the shed will be removed, and the garage is also a workshop.

Chairman Mason states the home has an attached garage. And the woodshop will remain a woodshop.

Dave Mathisen states that it will.

Councilmember Demgen asks about revegetation.

Dave Mathisen states we do want to bring in more vegetation.

Commissioner Lee states that there is no condition for revegetation. Should we have one?

Commissioner Anakkala asks about the garage?

Administrator Lehnhoff states the garage is not an issue because they are not increasing the size.

Commissioner Dunphy states we should include a vegetation condition.

Administrator Lehnhoff states we can easily add it.

Commissioner Dunphy approves the application with the additional revegetation condition. Commissioner Anakkala seconds the motion. The motion passed unanimously.

**Conditional Use for a One Time Addition to a
Non-Conforming Structure
Application 05-50
David A. Boser**

Administrator Lehnhoff reads the public hearing notice.

Chairman Mason asks for additional comments.

Administrator Lehnhoff explains the report and that the stormwater management plan has been submitted.

Dave Boser describes what he wants to do.

Chairman Mason asks about the garage. Does it need a cup?

Administrator Lehnhoff states that it does not as long as it is outside of the setback.

Dave Boser asks about possibly reconfiguring the driveway.

Administrator Lehnhoff explains we prefer a package deal and like to see all changes on one application.

Commissioner Anakkala points out the math problem of the addition.

Commissioner Lee asks about the stairs.

Commissioner Lee motions to approve the permit with the amended condition. Commissioner Dunphy seconds the motion. The motion passed unanimously.

Metes and Bounds Lot Split
Application 05-46
Roxanne M. Toumi
No Public Hearing

Administrator Lehnhoff explains the staff report. Ms. Toumi is looking to split part of her property and transfer it to the Rivers. It is very similar to the Schmutzer lot split from the last meeting. It is not creating a new buildable lot.

Chairman Mason. Roxanne I see you are here. Can you give us the reason for the lot split?

Gary Rivers – 1366 Pike Bay Road – she wants to sell the property and we want to buy it. It is where you put your garage.

Chairman Mason asks how big is the garage?

Gary Rivers states that is 1280 sq ft.

Chairman Mason states you are allowed only so many structures space on the lot. You would have two accessory structures.

Joanne Rivers states we have a home and a guest house. The garage is tuckunder and not big enough.

Chairman Mason states the issue is that we have a number of people coming in that want to add additional structures, which is not allowed. A resident wants to do that now because he can only have one accessory structure. By allowing you to purchase this, you cannot create a non-conforming lot. The arrangement you have now, allows you to use the garage. That is kind of the situation we discussed when we built that garage. We warned you about the accessory structure limits.

Gary Rivers explains his situation. He just wants to buy property.

Chairman Mason states we have people in line for that. Although it is existing, the order in which it all came about, it is buying the property first then asking to build the garage. It still comes back to building an accessory structure.

Ms. Rivers states that ironically we have done the stormwater plan and Chuck was in favor of the lot split before. We also removed garbage to make it better all the way around.

Chairman Mason asks if Chuck come up with the plan?.

Administrator Lehnhoff asks was the property there before the garage? Explains why Chuck may have been for it before. With the original lot split, there was no garage therefore no problem with accessory structures.

Commissioner Dunphy states I think the land was before the garage.

Chairman Mason states I think rather than acting on this now. Get the order of progression, the garage isn't going to go away. You have done a great job with the security light.

Gary Rivers states there is no water in those driveways.

Chairman Mason states lets have them do their homework

Commissioner Anakkala motions to table. Commissioner Dunphy seconds the motion. The motion passed unanimously.

Metes and Bounds Lot Split

Application 05-47

Janet Ritsche

No Public Hearing

Administrator Lehnhoff reviews the staff report. Ms. Ritsche is looking to split the lot as described on the survey. It is creating a new buildable lot, but one of the neighbor's is looking to consolidate it with his lot. Bernard Williams is present.

Chairman Mason asks Mr. Williams tell us what you want us to know.

Bernard Williams explains what he would like to do.

Chairman Mason asks where is your property located?

Bernard Williams states that it is lot 4 on the survey.

Administrator Lehnhoff explains that it could be a lot by itself.

Bernard explains what he would like to do with the new lot. Remove the detached garage and build an accessory structure.

Chairman Mason cites the ordinances.

Bernard Williams states that part of this would be to build a better structure on the lake side.

Chairman Mason requests other questions or comments?

Commissioner Dunphy motions to approve the application. Commissioner Anakkala seconds the motion. The motion passed unanimously.

4. Additions or Deletions to the Agenda

Administrator Lehnhoff requests that the Koztiza lot split be added to new business. Requests that the private boat ramp ordinance be removed. There was not enough time to address the issue this month with all of the applications and hearings.

- 5. Approval of Minutes
 - a. July 2005 Regular Meeting

Commissioner Anakkala excuses himself from the remainder of the meeting.

Commissioner Dunphy motion to approve the minutes as written. Commissioner Lee seconds the motion. The motion passed unanimously.

- 6. P&Z Administrators Report
 - a. Permits

- b. Correspondences
- c. Potential Violations/Enforcement Action

Reedy Violation

Chairman Mason states that I ran into a source about the situation and he felt strongly that we shouldn't allow them to have an additional stall. The Reedy's brought the property from the Adams with the agreement in the purchase agreement. I don't think it is responsible for anyone to sign a variance with certain conditions knowing that a condition is being violated.

Administrator Lehnhoff states the original variance was approved three years ago.

Chairman Mason states I think it is reasonable to set a timeframe for removing the garage.

Administrator Lehnhoff states we should run this by the City Council due to the threat of legal action.

Nadine Whitcomb states the reason I voted in favor when I was on the Council was that the garage would be removed. They have seven garage stalls on squaw point. I think that is crazy. They are over their impervious coverage. The runoff is hard to control. I am in support of going forward with having that removed. It is kind of demoralizing for people that agree to the conditions.

Commissioner Dunphy states I agree.

Chairman Mason states the fact that they knew about it, then we could have adjusted the plan at the time.

Nadine Whitcomb states they were clearly thinking that the end stall would be for the neighbor's. They kind of changed their mind after they house was built.

Commissioner Dunphy moves for the removal within sixty days. Commissioner Lee seconds the motion. The motion passed unanimously.

Chairman Mason asks if there are other actions for open forum?

Administrator Lehnhoff reviews variance/cup follow up. Mangelsdorf has met the conditions on the lot itself.

Commissioner Dunphy states there was no problem before construction, it wasn't the City's problem. The neighbor's pointed out. Can we wait until spring before issuing compliance?

Councilmember Demgen states we haven't had a real heavy rain to prove that it does work.

Chairman Mason states that we haven't had much rain lately. We should hold off on discussion on that.

Administrator Lehnhoff – we don't need to make a motion, nothing forces a motion if we don't feel they are in compliance. Reviews other issues.

- d. Council Action
 - e. Applicant Feedback Survey
 - f. Variance/CUP Follow-up
7. Open Forum
8. Old Business
- a. Discussion of Waterslides
 - b. Stormwater Management Plans with Directions
 - c. Comprehensive Plan Update

9. New Business
 - a. Private Boat Ramp Ordinance - removed
 - b. Kavanaugh PUD Conditions

Administrator Lehnhoff explains that there is some difficulty complying with one of the conditions that requires the lots to be rented. They have submitted revised language for a suggested amendment to the condition. Mr. Fitzpatrick has reviewed the request and is comfortable with the change.

John Kavanaugh explains the request. The attorneys have been working on the wording.

Chairman Mason reads the wording from the Kavanaugh Attorney.

Dave Kavanaugh states that the City Attorney Tom Fitzpatrick felt that with the requirement to file every year, the City would need someone to review the report. The way it is worded now, the City can request the document at any time. It is not a hardship to produce that permit.

Chairman Mason asks if there any other questions on this? The Attorney gave his blessing.

Dave Kavanaugh states that this was the only condition we had an issue with it. We have met all other conditions.

Motion to accept amendment as dated August 19th, 2005, by Commissioner Dunphy. Commissioner Lee seconds the motion.

- c. Rezoning for Commercial Waterfront

Administrator Lehnhoff explains that because there are no major applications on the agenda so far for next month, staff recommends that we start fixing the zoning for Ernie's and the neighboring resort. Perhaps Camp Confidence as well.

Chairman Mason discusses the commercial waterfront.

10. Adjourn – 9:10

Commissioner Lee motions to adjourn. Commissioner Dunphy seconds the motion. The motion passed unanimously.