

CITY OF EMILY

PLANNING COMMISSION/BOARD OF ADJUSTMENT

AGENDA

Tuesday, October 3, 2023, 6:00 pm

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Additions or Deletions to Agenda
5. Open Forum
6. Public Hearings
 - a. Modification to an existing previously approved Final Plat (application number 09-3327) from 2009. The request is to modify the approved conditions placed on the approval to construct and operate a common interest community subdivision. Original approval was issued in November, 2009. Owner/Applicant: Northern Lights over Roosevelt Lake Homeowners Association
 - b. Ordinance Amendment Application Ord-23-03 to consider amending section "Appendix A: Table of Uses". Recommended changes are from the Land Use Ordinance Review Subcommittee
Owner/Applicant: City of Emily
7. Approval of Minutes
 - a. August 1, 2023, Regular Meeting
 - b. September 15, 2023, Special Meeting
8. New Business
 - a. Ordinance Review Request to consider amending section 152.003 "Rules of Construction; Definitions" as it relates to the definition of Bluff. Review was requested by Carilyn Gallagher.
 - b. Kelly Hodge Permit Extension Expiration of September 1, 2023, Consideration for Enforcement Actions
9. Old Business
10. Subcommittee Discussion Update (Notes in Packet)
11. P&Z Administrator's Report
12. Adjourn

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



39811 State Highway 6
PO Box 68
Emily, MN 56447
218-763-2480
zoning@emily.net

CITY OF EMILY
NOTICE OF PUBLIC HEARINGS

TO WHOM IT MAY CONCERN: The following will be the subject of a public hearing at the City of Emily Planning Commission/Board of Adjustment meeting on Tuesday, October 3, 2023, beginning at 6:00 P.M at Emily City Hall.

Modification to an existing Final Plat (application number 09-3327) from 2009. The request is to modify the approved conditions to construct and operate a conservation subdivision. Original approval was issued in November, 2009.
Owner/Applicant: Northern Lights over Roosevelt Lake Homeowners Association

Ordinance Amendment Application Ord-23-03 to consider amending section "Appendix A: Table of Uses". Recommended changes are from the Land Use Ordinance Review Subcommittee
Owner/Applicant: City of Emily

The meeting packets will be available online approximately one week prior to the meeting or upon request. Packets can be accessed on the City of Emily Website by hovering over the "Departments and Services" tab>click the "Planning and Zoning" tab>scroll down to "Planning Commission Meetings" on the right of the page. If you wish to provide written comments, please email to zoning@emily.net or mail to PO Box 68, Emily, MN 56447. A staff report will be available at city hall typically one week before the scheduled meeting.

Brittney Cotner, Zoning Administrator
City of Emily

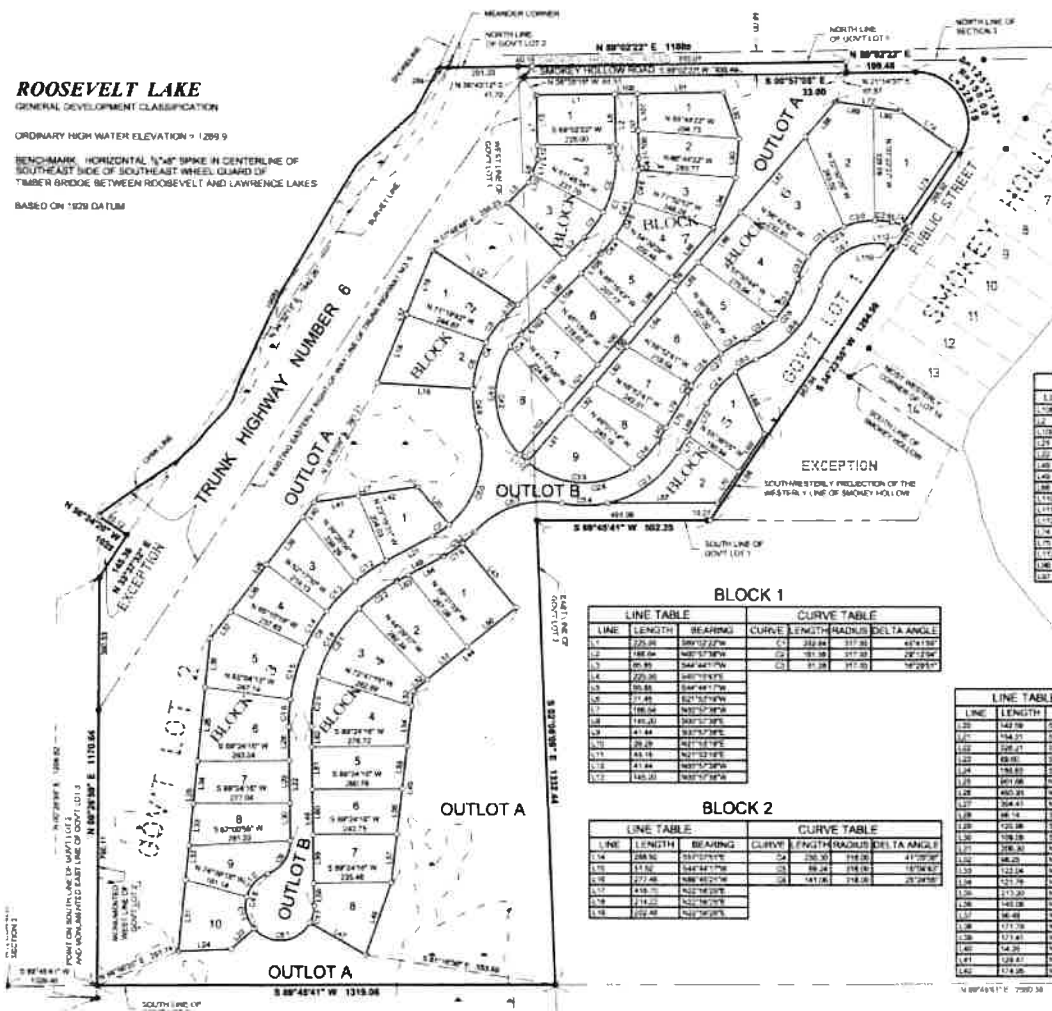
STAFF REPORT

Application: Modification to the conditions of a Final Plat initially approved in 2009

Applicant: Northern Lights Over Roosevelt Lake Homeowner's Association

Background Information: The applicant is requesting to modify the conditions of an existing final plat approved in 2009 (application 09-3327). The request is to change the conditions to allow for parking within the "drop off" area. Based on the existing conditions that "drop off" area was not allowed to exist by condition number 21A of the letter dated 9/21/09 in your packet. They are also requesting to allow their docking to be stored on the shoreline which is not allowed by condition number 16.

The subject property is a 42 unit common interest community approved in 2009 under permit application number 09-3327.



August 21, 2023

City of Emily
39811 State Highway 6
Emily, MN 56447

Re: Issues to Discuss Before City Council

To Whom It May Concern:

First and foremost, allow me to introduce myself. My name is Mike Gates. I am the President of the Northern Lakes Over Roosevelt Association (homeowner). I, along with the rest of our board, represent approximately 35 homeowners in our development. Our current board was formed about a year and a half ago. The developer, Jake Miesen and the originating developer, Chris Scott are no longer involved with our association or its day-to-day operations.

Roughly 13 years ago, the original developer, Chris Scott worked with the City of Emily to establish our Association and to comply with city regulations. Unfortunately, concerns and hardships have arisen since then that greatly impact our development.

The City of Emily currently requires our community docking system to be stored east of Highway 6 in the common area of our development rather than on the shoreline of Roosevelt Lake. This has caused a hardship for our small association because our docking contractor charges us double the fee for the extra labor involved in transporting the docking system to our development. We feel we are being treated unfairly because every other homeowner on Roosevelt Lake is allowed to store docking equipment on their lot. We would like to request permission to store docking equipment in an open area within our easement/land. See attached photos.

Secondly, we were told we were not allowed to park in the lot above our community dock. We are only allowed to use it as a drop off area although we have never been given any documentation from the City to this effect. If this is the case, we are forced to drop off our family members and all of our boating gear in this area and are expected to either park in the lot of the public boat launch, which is over a quarter mile away, the driver must then return to the boat dock by walking down HWY 6, or, we are to cross HWY 6 on foot and again walk down the edge of the roadside. This is VERY dangerous, as the traffic on HWY 6 has increased exponentially in the past 13 years. We are requesting the no parking signs be removed and temporary parking be allowed while using the lake or dock facilities. Our primary concern is the safety of our residents.

We would like to be added to the agenda of a future city council meeting to discuss these issues. Thank you for your consideration.

Respectfully,
Mike Gates, President
Northern Lights Over Roosevelt Association
Cc: Lynn Kosloske, Treasurer, James Kaphingst, Vice President



Photo Credit: Mike Gates



Photo Credit: Mike Gates



Photo Credit: Mike Gates



Photo Credit: Pat Rheume



Photo Credit: Pat Rheaume

From: peter.k.olson@gmail.com
Sent: Tuesday, September 26, 2023 4:29 PM
To: zoning@emily.net
Subject: Northern Lights Proposal

To whom it may concern:

I am a property owner on Roosevelt Lake and I am writing in response to the proposal by Northern Lights to modify the current docking and commercial parking conditions on Hwy 6. One of the primary reasons my family and I chose Roosevelt Lake was due to its natural beauty and lack of commercial development. The DNR has made preservation of the lake's shoreline a priority over the years by encouraging the preservation of natural grasses and plants as well as restricting commercial and residential building along the lakeshore. Developing a docking storage system on the shoreline at one of the most underdeveloped and natural stretches of beachfront seems contradictory to the preservation efforts of the DNR.

Regarding the parking project, the stretch of Highway 6 proposed for this effort is among the narrowest segments along the lake. Developing additional parking there could promote increased traffic at potential safety hazards. It was for those reasons that MNDOT opposed a similar development request years ago and nothing has changed to make this a safer proposition today. Furthermore, there is already plenty of parking available at the public boat launch a short distance away.

It is for the above reasons that I express my vehement opposition to this proposal. Not only would it jeopardize the scenic, protected beauty of the Roosevelt Lake shoreline but could create potentially dangerous chokepoints on a narrow stretch of road on Hwy 6. I sincerely hope the Zoning Committee rejects this proposal.

Thank you for your consideration.

Peter Olson

To: Emily Mn Planning and Zoning

Sept 25, 2023

North Lights Development is requesting changes to the agreements made in 2009 when the development came into being. As a longtime Emily property owner (since early 1070's) and a full time resident for the last 23 years, I strongly oppose any changes to the agreements made in 2009.

Originally, Northern Lights requested a large number of docks/boat slips. I seem to remember the number 48 but I am not sure of the exact number. Codes and ordinances allow for one dock/boat slip for every building site in tier 1. Tier 1 is defined as a distance inland (300 ft?) from the high water mark. There are NO building sites on Northern Lights tier 1 property as it is mostly, if not all, in the highway right-of-way. Therefore Northern Lights is not entitled to any riparian water rights, i.e. NO docks at all.

A full Environmental Impact Study (EIS) was not completed for Northern Lights development. None the less, the city granted Northern Lights 16 slips/docks in a clustered configuration, one for every 100 ft of shoreline in Northern Lights property.

I strongly oppose any enlargement of docks for Northern Lights. It is not as if Northern Lights residents are being denied lake access because there is a public landing very close to the development. And I find it hard to believe that MDOT would allow permanent parking or equipment storage on highway right-of-way.

At a minimum, I would ask that a full EIS be completed before any changes to the 2009 agreement are made.

Roger Brekken

zoning@emily.net

From: Darci Nagorski <nagorski4@icloud.com>
Sent: Friday, September 22, 2023 1:22 PM
To: zoning@emily.net
Subject: Northern Lights request

To whom it may concern,

We are newer residents on Roosevelt Lake since 2020. We received the letter regarding the Northern Lights requests. We are writing to express our concerns and requesting that the Emily zoning do not approve the two modifications that the northern lights are asking for on Roosevelt lake. We would ask that you would not approve these two modifications as we know the DNR, MNDOT and others don't approve of either proposal.

Thank you for all you do and for listening to our concerns.

Darci and Mike Nagorski

From: pcunnif@aol.com
Sent: Tuesday, September 19, 2023 12:33 PM
To: zoning@emily.net
Subject: Northern Lights request for modification

To whom it may concern:

I am a property owner for 50 years on Lake Roosevelt. I have read the proposal of Northern Lights Homeowners Association to modify current docking storage restrictions and parking on the west side of Hwy 6.

I am aware that the DNR has made it a priority to preserve our precious lake shore by encouraging planting of natural grasses and plants along the shoreline to not only preserve the shoreline but protect our lakes. They have also restricted building along the shoreline for this same reason. I do not think that a docking storage system on the shore would be in keeping with this goal. I am also aware that there are natural springs close to the area where Northern Lights has their docks which must be protected and preserved. I am not in favor of modifying the current docking arrangement for the above reasons I just mentioned.

I am also not in favor of modifying the current parking restrictions on Hwy 6. It is a very small area and to have several cars parked there would be a safety hazard. I know MNDot had these same concerns when Northern Lights was first developed and this is why these restrictions were put in place. That has not changed over the years, and now there are more people using this area than ever. There is a public landing a short distance away that is far safer for the same purpose with adequate parking access.

I was involved years ago when Northern Lights was first developed and am well aware of the history of this project. I am hopeful that the Zoning Committee will hear the concerns and vote against the modifications being proposed. Thank you for your attention to this matter.

Sincerely,
Patty Cunniff



CITY OF EMILY
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
October 3, 2023
6:00 P.M.

TO WHOM IT MAY CONCERN:

The following will be the subject of a public hearing on Tuesday, October 3, 2023, beginning at 6:00 P.M at Emily City Hall.

Hearing: Modification to a previously approved Final Plat from 2009. The request is to modify the approved conditions to construct and operate a common interest community subdivision.

Property Owners/Applicants: Northern Lights over Roosevelt Lake Homeowners Association

Property Description: The subject property is the Northern Lights over Roosevelt Lake subdivision located along roads Twilight Court, and Evening Star Lane

A map identifying the subject property is on the reverse side of this notice.

Purpose: The request is to allow for the modification of the original conditions that regulated the docking storage location and parking on the West side of State Highway 6.

Property Owners Please Note: Please share this information with your neighbors in the event that any property owner has been overlooked or is not contained in our records.

All interested persons are invited to attend these hearings and be heard or send written comments to the City of Emily, PO Box 68, Emily MN 56447 or directly to the Zoning Administrator, Brittney Cotner, at zoning@emily.net.

The meeting packets will be available online approximately one week prior to the meeting or upon request. Packets can be accessed on the City of Emily Website by hovering over the "Departments and Services" tab>click the "Planning and Zoning" tab>scroll down to "Planning Commission Meetings" on the right of the page. If you wish to provide written comments, please email to zoning@emily.net or mail to PO Box 68, Emily, MN 56447. A staff report will be available at city hall typically one week before the scheduled meeting.

Brittney Cotner, Zoning Administrator

The subject property is the Northern Lights over Roosevelt Lake subdivision located along roads Twilight Court, and Evening Star Lane.



ANDERSON, JOHN J & LINDA M
789 COUNTY ROAD 325
KOSHKONONG MO 65692

ERICKSON, JOHN A & KATHLEEN
27151 RICHVIEW CT
BONITA SPRINGS, FL 34135

HEITKAMP, WILLIAM H & CAROLYN L
21275 EVENING STAR LANE
OUTING, MN 56662

BIXBY-PANKRATZ, SHANNON M &
PANKRATZ, JOSEPH
16318 BERENS CT NW
PRIOR LAKE MN 55379

FELLOWS, THOMAS A & LINDA S
8002 GREENBRIAR LN
WOODBURY, MN 55125

JOHNSON, CURTIS D & JUDITH M
1545 DEER TRAIL LN NE
OWATONNA, MN 55060

BLACKWELL, TIMOTHY
1409 CIRCLE LN
DELANO MN 55328

FOLKENS, BRIAN & FOLKENS, SUSAN
5645 QUILLEY AVE NE
ROGERS MN 55374

JOHNSON, DAVID P
44733 OLD HWY 6
OUTING MN 56662

BRYCE, SUSAN LYNN
5955 IDLEWOOD RD
MOUND MN 55364

GATES FAMILY TRUST (THE)
21257 EVENING STAR LANE
OUTING MN 56662

JOHNSON, KENNETH D & BETH ANNE
PO BOX 85
OUTING MN 56662

BUCHANAN, BRAD & JAN M PETERSCHICK
TRUST
PO BOX 78
OUTING MN 56662

GENZ, CHAD E & KAMERON J
PO BOX 367
EMILY, MN 56447

KAPHINGST, JAMES
TWILIGHT CT LOT 39
EMILY MN 56447

CLAY, JOHN E
814 LEWIS ST S
SHAKOPEE MN 55379

GRAF, RONALD R
990 MCCLELLAND ST S
MAPLEWOOD, MN 55119

KOSLOSKE, ROBERT J JR & LYNN
7162 121ST ST W
APPLE VALLEY MN 55124

COMMON AREA

GRAGERT, MIKE R
14125 GRANITE AVE
APPLE VALLEY MN 55124-9401

LERACH, STEVE, TOM, MIKE & KEN &
9225 84TH ST N
STILLWATER MN 55082

CUNNIFF, PATRICIA A REV TRUST
5535 70TH ST W
EDINA MN 55439

HALEK, JAMES
9858 VAGABOND LANE N
MAPLE GROVE MN 55311

MALLERY, LEONARD D & LUCY
17356 JERSEY WAY
LAKEVILLE MN 55044

DIRCKS, FRANK
5553 WOODS BAY DR
OUTING MN 56662

HANSON, BRETT JON & ELIZABETH ANN
17012 221ST AVE
BIG LAKE, MN 55309

MANDERS, JAMES P & CATHERINE J
10709 SUNSET RD N
BROOKLYN PARK MN 55443

DUNBAR, ANTHONY MICHAEL
44852 S SMOKEY HOLLOW RD
OUTING MN 56662

HARGARTEN, DAVID & CINDY
805 SAVANNA TRL
DELANO MN 55328

MARSHALL, TODD C & LYNDA E
1065 THOMAS AVE S
MINNEAPOLIS, MN 55405

MARTY, JACOB &
17710 EMERALD DR
FIFTY LAKES MN 56448

PIRAM, LUKE M & ALISSA
2207 WILDFLOWER CT
BUFFALO MN 55313

SUEL, KATIE A & PETER F
821 WATSON AVE
SAINT PAUL MN 55102

MCCUSKEY, JOSHUA & JESSIE
3628 104TH AVE N
BROOKLYN PARK MN 55443

PROCTOR, ALEX H & AARON T
583966 WEST MARIGOLD LANE
ESKO MN 55733

TAX FORFEITED
CROW WING COUNTY LAND SERVICES
322 LAUREL ST STE 15
BRainerD, MN 56401-3590

MEEHAN, DARRELL D &
505 14TH ST N
BENSON MN 56215

PROCTOR, TODD & LINDA
5839 W MARIGOLD LN
ESKO MN 55733

TOCZEK, ANDREW R & HEIDI L
13551 SKYLINE CIR
SHAKOPEE MN 55379

MYERS, DAVID F & REBECCA A
1426 N LOVELAND DR
STEWARTVILLE, MO 64490

RJM PROPERTIES LLC
6274 GINGER DR
EDEN PRAIRIE MN 55346

WEISS, BRIAN
21341 PINWOOD LN
EMILY MN 56447

NAGORSKI, MICHAEL M & DARCI L
21623 203RD ST NW
BIG LAKE MN 55309

ROLLO, MICHAEL J
2421 RIVER BEND TRL
MAYER MN 55360

WEISS, BRIAN W
21341 PINWOOD LN
EMILY MN 56447

OEHRLEIN, JOANNE J
313 WAITE AVE S
SAINT CLOUD MN 56301

RYDER LOON PROPERTIES LLC
16318 BERENS CT NW
PRIOR LAKE MN 55379

WESSMAN, KEVIN & JULIE
6279 SMOKEY HOLLOW RD NE
OUTING, MN 56662

OLSON, PETER K & WANG, GEORGIA
5640 CHOWEN AVE S
EDINA MN 55410

SCHMIDT, WARREN & JULIE A
13775 44TH LANE NE
ST MICHAEL MN 55377

ONOFRIO, MICHAEL & WANDA
1711 TRAVIS COURT
ALLEN, TX 75002

SECRETARY OF HUD
DEPT OF HOUSING & URBAN DEVELOPMENT
451 7TH ST SW
WASHINGTON DC 20410

PANNHOFF, RYAN & MICHELLE ZANK
4116 WILLOW RD N
BROOKLYN PARK MN 55443

STARK FAMILY 2020 REVOCABLE TRUST
9878 MACELA DR
ELK GROVE CA 95757

PESTELLO, WILLIAM
30898 RANCHETTE DR
PEQUOT LAKES MN 56472

STARK, PHILLIP & ERLANA
9878 MACELA DR
ELK GROVE CA 95757

September 21, 2009

Chris Scott
17 St. Albans Road E.
Hopkins, MN 55305

**RE: Final Plat Application 09-3327
City of Emily**

Dear Mr. Scott:

In reviewing the submittals for your final plat application there are some outstanding items that need to be submitted in order for the City of Emily to review the application at the October 7, 2009 Planning Commission meeting. The items that have yet to be submitted include:

1. Covenants: Covenants shall be filed concurrently with the plat and shall be required to create an association of homeowners if a privately maintained cluster sewer or water system is proposed for subdivision. (Refer to conditions below for additional requirements regarding these).
 - A. The Association shall consist of all benefited lot owners.
 - B. The Association shall be responsible for all costs of maintenance and replacement.
 - C. The costs shall be uniformly divided by lots served.
 - D. The costs shall be lienable against the lots by the Association if payment is not forthcoming.
 - E. The status of the facility shall be clearly stated as subject to perpetual private maintenance.
 - F. Provisions shall be made for emergency access or emergency maintenance by the City with subsequent reimbursement by the Association.
2. Title Opinion, less than 60 days old, acceptable to the City Attorney and showing conformance with those parties represented by signature on the plat as holding interest in the property being divided.
3. Financial security acceptable to the City Attorney in the amount of 125% of the cost estimated by the City Engineer for the uncompleted required improvements.
4. Development contract acceptable to the City Attorney.

The following conditions were approved as part of the preliminary plat approval. These items must be completed prior to final plat approval and/or included in the development agreement/association documents.

1. To augment the existing submittals, the applicant shall provide an exhibit of passive recreation facilities within the development. This exhibit shall include the trails and shoreline recreation facilities submitted in previous drawings. Once this drawing has been accepted by the Planning Commission, the improvements shown will be used during the preparation of the development agreement.
2. Trails and walkways shall be constructed of wood chips or similar material so as to not increase the runoff from the trail surface.
3. The association documents will provide for a 50-foot vegetative buffer in Outlot A as depicted on the preliminary plat. Clearing of live trees or brush within this buffer shall be prohibited.

4. The association documents shall indicate that all buffers within Outlot A and lying between Highway 6 and Smokey Hollow Road will be maintained in their natural condition with no vegetative removal except for trails and forest management purposes. No clear cutting will be allowed.
5. The historic ice ridges shall not be damaged or diminished during the development process or in subsequent use of the property. This requirement, as well as the importance of the ice ridge in maintaining water quality, shall be clearly stated within the association documents.
6. The applicant shall submit a detailed plan for the improvements to the west side of Highway 6. Specifically identified must be:
 - A. Clearing limits,
 - B. Approach locations,
 - C. Wetland buffer areas,
 - D. Docking facilities, and
 - E. Mechanisms for erosion control during construction.

The plan shall be in a form acceptable to the Planning Commission prior to application for final plat.

7. Association documents shall restrict the use of the docking areas on Roosevelt Lake solely for the use of lot owners.
8. Association documents shall reflect that all docks are to be seasonal (not permanent) and thus must be removed annually.
9. OMIT
10. Association documents shall provide a mechanism, agreeable to the Planning Commission, for allocating rights to the mooring slips.
11. The applicant shall prepare and provide to the City a stormwater pollution prevention plan for the entire development that is acceptable to the Planning Commission.
12. Roads within the subdivision shall be built to minimum City standards, but can remain privately maintained. Approvals from the Road Committee are required.
13. That portion of Smokey Hollow Road that lies within this development and is 33-feet south of the centerline of the roadway shall be dedicated to the public, if a 66-foot corridor is not already dedicated for this roadway.
14. Association documents shall indicate that the impervious coverage allowed on each lot shall be limited to the impervious coverage limitation of the underlying zoning district.
15. Eliminate the swimming area and the boardwalk from the plan.
16. Docks and lifts shall be stored off site.
17. The number of boat slips will be limited to 16. To further control access to the docking facility, a lock or key-card system will be established to provide access to only those that have purchased one of the slips.
18. A no wake zone shall be established around the proposed docking facility.
19. All proposed recreational facilities on the west side of Highway 6, except for the 16 mooring slips, are prohibited.
20. Property owners that purchase mooring slips shall receive information regarding best practices for safely crossing the highway.
21. The City will require that the developer continue to coordinate with Mn/DOT and that Mn/DOT's recommendations be implemented, including:
 - A. The north approach/drop off area will not be allowed.
 - B. A northbound right turn lane and a southbound bypass lane must be constructed on TH 6 at the Smokey Hollow Road intersection.
 - C. Lighting and signs shall be installed as per Mn/DOT guidance.
 - D. Roadway and safety appurtenances will be installed as per Mn/DOT guidance.
 - E. Drainage patterns need to be perpetuated and erosion/sediment controlled. A drainage plan must be submitted to Mn/DOT for review.
 - F. No drainage ponds will be allowed in the right of way.

- G. There will be no net increase in development drainage to the highway right of way.
 - H. Proposed development signs must be located outside of the right of way.
 - I. No fences or structures are allowed in the right of way.
 - J. No excavation or grade changes are allowed in the right of way.
 - K. All Mn/DOT permits must be obtained.
- 22. All costs of compliance with Mn/DOT conditions shall be paid for by the developer.
 - 23. The City of Emily will require, subject to acceptance by Crooked Lake Township within 90 days of preliminary plat approval, that the developer improve Smokey Hollow Road to Crooked Lake Township's standards up to the second entrance to the development. If Crooked Lake Township does not accept the improvements, no improvements to Smokey Hollow Road will be required.
 - 24. The developer shall not burn anything related to its construction activities in preparing the platted lots for sale, including such things as the construction of the roads, parks, trails, and clearing of potential home sites by the Developer. The Developer, however, may haul, chip or bury it.

These items must be submitted to the City no later than Friday, September 25 if you wish to have the public hearing proceed at the October 7, 2009 Planning Commission meeting. If you should have any questions or concerns with your application, please feel free to contact a planner at our office toll free at 866-900-3064.

Sincerely,

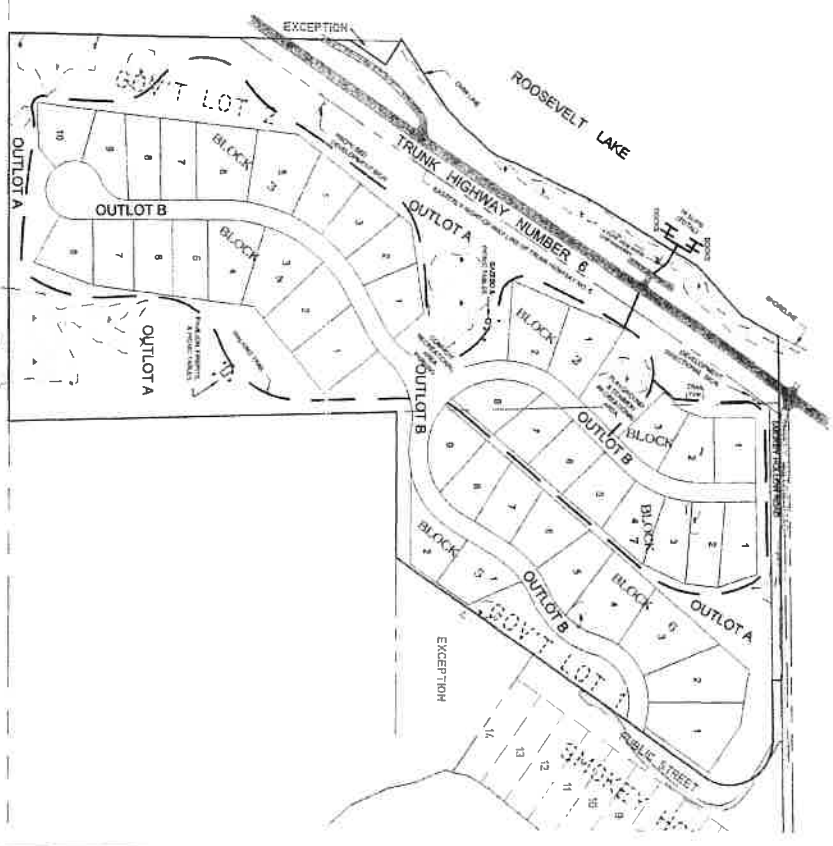
CITY OF EMILY

Charles Marohn
City Planner

Cc: Pat Kestner, City Clerk
Barb Hubbard, Zoning Clerk
Planning Commission
Lonny Thomas
Pat Trottier

EXHIBIT

PASSIVE RECREATION - TRAILS NORTHERN LIGHTS OVER ROOSEVELT LAKE



WALKING TRAILS AS SHOWN TO BE CONSTRUCTED
OF WOOD CHIPS OR SIMILAR MATERIAL AND TO BE
NO WIDER THAN 4 FEET IN WIDTH.

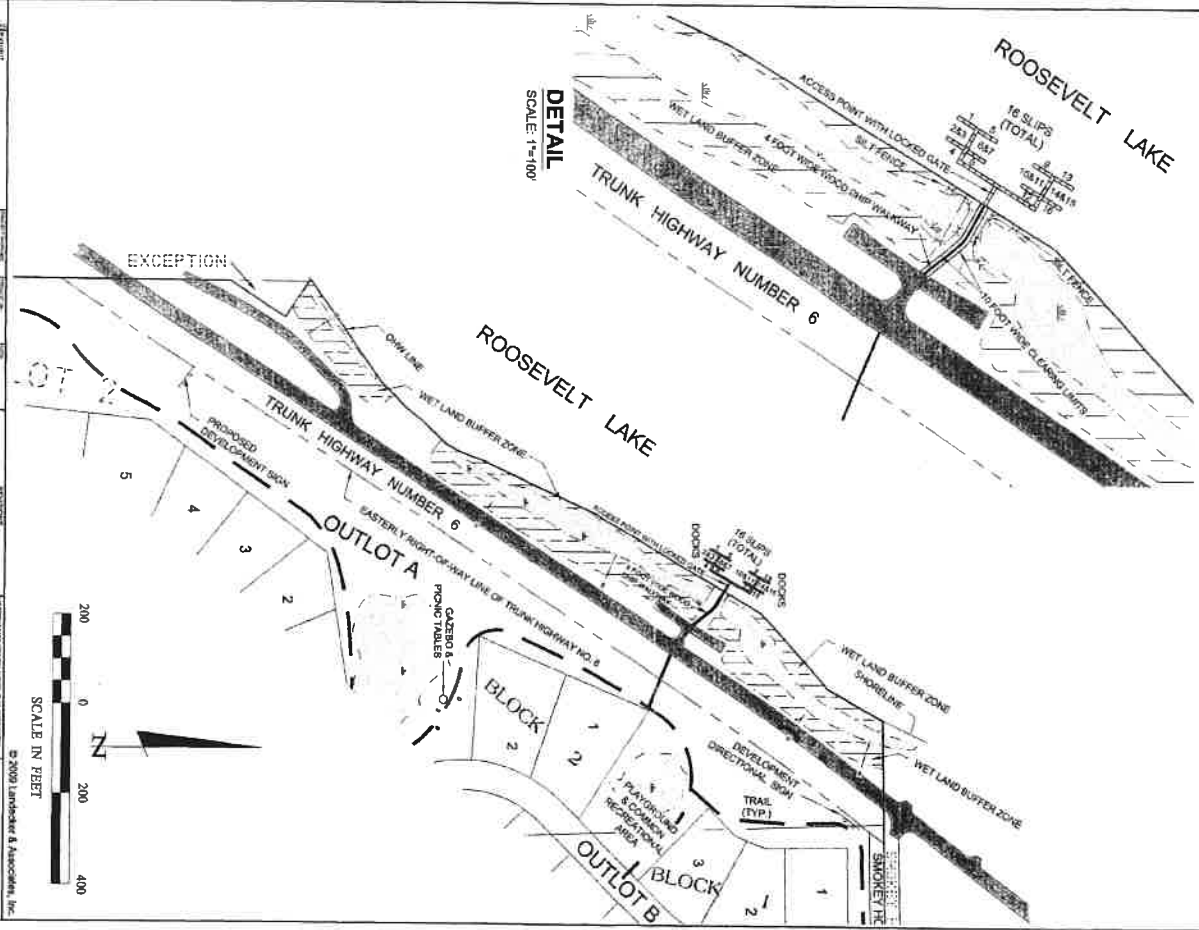


OWNER: RECREATION - TRAILS		DATE: 10/28/08		PROJECT: NORTHERN LIGHTS OVER ROOSEVELT LAKE	
DRAWN BY: Chris Smith		DATE: 10/28/08		PROJECT: NORTHERN LIGHTS OVER ROOSEVELT LAKE	
CHECKED BY: [Signature]		DATE: 10/28/08		PROJECT: NORTHERN LIGHTS OVER ROOSEVELT LAKE	
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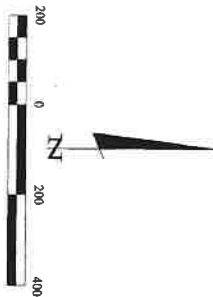
© 2008 Landowner & Association, Inc.

EXHIBIT

LAKESHORE
NORTHERN LIGHTS OVER ROOSEVELT LAKE



DETAIL
SCALE: 1"=100'



1	PROJECT	LAKESHORE NORTHERN LIGHTS OVER ROOSEVELT LAKE		
2	DATE	12/20/09	BY	W.A. KROG
3	DRAWN BY	W.A. KROG	CHECKED BY	W.A. KROG
4	SCALE	AS SHOWN	DATE	12/20/09
5	PROJECT LOCATION	2477 Stevens Avenue South, Minneapolis, MN 55425		
6	CLIENT	KROG CONSULTING, INC.		
7	PROJECT NO.	09-012		
8	DATE PLOTTED	12/20/09		
9	DATE PRINTED	12/20/09		
10	SCALE	AS SHOWN		
11	PROJECT LOCATION	2477 Stevens Avenue South, Minneapolis, MN 55425		
12	CLIENT	KROG CONSULTING, INC.		
13	PROJECT NO.	09-012		
14	DATE PLOTTED	12/20/09		
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32	DATE PLOTTED	12/20/09		
33	DATE PRINTED	12/20/09		
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37	PROJECT NO.	09-012		
38	DATE PLOTTED	12/20/09		
39	DATE PRINTED	12/20/09		
40	SCALE	AS SHOWN		
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100	SCALE	AS SHOWN		

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1 CITY OF EMILY
2 MEETING MINUTES – APPROVED
3 PLANNING AND ZONING COMMISSION
4 November 4, 2009, 6:00 PM

5
6 1. Call to Order – 6:00 PM

7
8 2. Roll Call

9
10 Planning Commission: Bill Spiess, Jan Mosman (alternate), John Bergstrom, Bonnie Fairchild (chair),
11 Bonnie Kile, Art Patterson

12
13 Council: George Pepek, Bob Swanson (Liaison), Gary Hanson, Russ Gustafson

14
15 Staff: Charles Marohn (City Planner), Barb Hubbard (Zoning Clerk)

16
17 3. Public Hearings

- 18
19 a. Final Plat of Northern Lights (continuation)
20 Chris Scott, Applicant
21 Application 09-3327
22

23 Marohn reviews the Staff Report. Discusses the engineer's comments. Discusses the financial security
24 for the development agreement.
25

26 Commissioner Bergstrom asks whether or not the developer can meet the engineer's comments.
27

28 Pat Trottier, Landecker and Associates, states that they are comfortable adjusting the geometry at the
29 intersection with Smokey Hollow. They are also comfortable with the topsoil amount, especially since
30 the ditches will need to be properly seeded if it is to ever becoming a public road. They can change the
31 typical section easily to designate Class I Shouldering, which was their intention. They prefer the turn
32 around the way that it is, but will put in a cul-de-sac if needed.
33

34 Trottier asks if this has been sent to the Road Committee.
35

36 Councilor Hanson states that they will be meeting next week prior to the Council meeting on it.
37 Discusses concerns with the circle cul-de-sac and the full paved cul-de-sac. Recommends the full paving.
38

39 Commissioner Bergstrom asks about the engineer's first comment and the lot number.
40

41 Trottier indicates that he feels this is a moot point.
42

43 Commissioner Mosman states that there has been discussion about public and private roads. Marohn
44 has indicated that the city loses money when it takes over roads.
45

46 Marohn states that the roads in this subdivision are private. The city is not taking on any expense with
47 this subdivision. If in the future the applicant petitions the City to take over the road, that will be a City
48 Council decision.

49
50 Commissioner Bergstrom asks about the road security.
51
52 Kimberly Brzezinski, Thomas and Associates, indicates that Lonny Thomas may have received the
53 information from Marohn, but is out of town this week.
54
55 Chair Fairchild asks for public comment.
56
57 Dave Johnson, states that he has some continuing questions. The first is regarding the 15-foot wide
58 cutting to the lake. Is that in or out.
59
60 Commissioner Bergstrom states that this has been reduced to a 10-foot wide clearing.
61
62 Johnson asks if we are taking things out from the lake there.
63
64 Chair Fairchild states that they will have temporary parking there and so there will be some stuff carried
65 through.
66
67 Johnson states that he is talking about docks and lifts. Questions how long parking will be allowed.
68 Short-term is fairly vague. Can envision vehicles spilling out over that blacktop area, which could tear up
69 the vegetation that is filtering the water. We need to be clear on the parking. Delineating where it would
70 be so they are not parking all over. Has fears that they will be taking the docks and lifts in and out
71 through there. They will then be off the woodchip trail and there will be erosion, antifreeze and oil. All
72 that is holding it back now is grass. Without that, there is nothing there to protect it. If docks and lifts
73 have to be loaded and moved, it would be easier to float them down. Does not know how they can carry
74 them up that hill without damaging the ice ridge. There should be nothing motorized here. Asks where
75 the edge of motorized use would be.
76
77 Chair Fairchild states that the edge of the parking area would delineate the edge of the passive
78 recreation area.
79
80 Discussion on passive recreation area. Marohn requests clarification on what the Planning Commission
81 is considering.
82
83 Chair Fairchild asks for additional public comment. None received. Closes public comments. Asks for
84 Commission input on the dock and passive recreation system.
85
86 Commissioner Mosman states that it was always assumed that the docks and lifts would be taken down
87 to the public access. The first time she heard them coming up on this property was at the last meeting.
88 Did not know this was allowed by the City Council. The discussion had always alluded the opposite.
89
90 Chair Fairchild states that was largely based on Mn/DOT.
91
92 Trottier, states they are not looking to damage the lakeshore. Does not see anywhere in the ordinance
93 where the entire outlot is passive recreation. The requirement is that the pathways be for passive
94 recreation only. There is no verbage about the entire outlot being for passive recreation only. ATV's are
95 allowed by State Statute in the Highway right-of-way. We are potentially saying that everyone has a
96 right to use an ATV in the right-of-way, unless you own a lot in the subdivision.

97
98 Chris Scott, states that he is not concerned about being able to drive an ATV down to grad the docks. It
99 can be done with manpower. Eight guys can go down to take them out delicately. It can be done in a
100 reasonable manner instead of floating them down. We don't need to get ATV's down there.
101
102 Commissioner Spiess states that if you talk to installers, most would recommend floating them down.
103
104 Scott states that may be and if so, he will do that. Would like to keep the option open for doing it both
105 ways, especially if it is more cost effective.
106
107 Commissioner Bergstrom asks if there were no motorized vehicles beyond the bituminous areas, if that
108 would be acceptable.
109
110 Scott states that he is fine with that.
111
112 Commissioner Mosman asks about delineating the drop off area.
113
114 Chair Fairchild asks if it can be approved as per Mn/DOT.
115
116 Marohn states that it can not be.
117
118 Commissioner Mosman asks about making the time limit clear.
119
120 Marohn recommends that it be left to the police powers of the City. That way it can be changed as
121 needed if the conditions warrant.
122
123 Commissioner Spiess recommends that the sign say, "Loading and Unloading Only. No Parking."
124
125 Councilor Hanson, states that the time limit is really a no-go since the individual will always say they just
126 got there. Recommends that it be "Unattended Vehicle will be Tagged and/or Towed".
127
128 General consensus that this would be the best approach.
129
130 Commissioner Mosman asks about protecting the lake side of the loading area. States that a berm could
131 be put there to protect the lake.
132
133 Marohn indicates that during the Mn/DOT meeting there were no concerns raised on this particular
134 issue. There was a discussion of stormwater impacts, but they dealt with other aspects of the project.
135 There were no concerns raised with this particular area.
136
137 Commissioner Bergstrom states that he would like to see some language put in that would restrict
138 motorized use to the turn around area. If they can lift things in and out, that is wonderful, but does not
139 believe that others are floating their docks out. Like Councilor Hanson's suggestions on signs, but that
140 does not need to be decided at this level but can be deferred to the road committee or the police
141 department.
142
143 Chair Fairchild asks about the security and the Planner's recommendation for \$5,000.
144

145 Commissioner Bergstrom states that he is comfortable with that.
146
147 Discussion on adding a note to the plan limiting vehicle access to the west side of the property. Trottier
148 indicates that they will do this.
149
150 **Motion by Commissioner Spiess, seconded by Commissioner Bergstrom, to accept the passive**
151 **recreation plan, accept the plan for the development of the West Side of Highway 6 and accept the**
152 **Stormwater Pollution Prevention Plan. Passed unanimously.**
153
154 Note on the plan indicating no vehicular access beyond the dropoff zone on the west side of the
155 highway.
156
157 **Motion by Commissioner Spiess, seconded by Commissioner Patterson, to recommend approval of**
158 **the Final Plat for Northern Lights over Roosevelt based on the following findings of fact:**
159 **1. The applicant has complied with the conditions of the preliminary plat approval.**
160 **a. The applicant has submitted an exhibit of passive recreation facilities. The Planning**
161 **Commission HAS accepted the drawing and its implementation has been included in**
162 **the development agreement.**
163 **b. Section 3.1, subpart e of the Declarations indicates that all trails and walkways shall**
164 **be constructed of wood chips or similar material.**
165 **c. Section 3.1, subpart f of the Declarations establishes the 50-foot vegetative buffer in**
166 **Outlot A and prohibits the clearing of live trees or brush in this buffer.**
167 **d. Section 3.1, subpart g of the Declarations prohibits vegetation removal in Outlot A as**
168 **per the preliminary plat.**
169 **e. Section 3.1, subpart h of the Declarations restricts impacts to the ice ridge.**
170 **f. The applicant has submitted a plan for development on the west side of Highway 6.**
171 **The Planning Commission HAS accepted the plan.**
172 **g. Section 2.12 of the Declarations restrict the use of docking areas on Roosevelt Lake to**
173 **lot owners.**
174 **h. Section 2.12 of the Declarations indicate that docks are to be removed annually.**
175 **i. Section 2.12 of the Declarations provides a mechanism agreeable to the Planning**
176 **Commission for allocating rights to the mooring slips.**
177 **j. The applicant has prepared a stormwater pollution prevention plan. The plan has**
178 **been reviewed and accepted by the Planning Commission.**
179 **k. The applicant has submitted a road plan that has been reviewed by the City Engineer.**
180 **The engineer's concerns have been resolved.**
181 **l. The portion of Smokey Hollow Road that is owned by the applicant is being dedicated**
182 **to the public as part of the subdivision.**
183 **m. Section 7.5 of the Association documents limit the impervious coverage for each lot to**
184 **that of the underlying zoning district.**
185 **n. The swimming area and boardwalk have been eliminated from the submitted plans.**
186 **o. Section 2.12 of the Declarations indicates that docks and lifts are to be stored off site**
187 **or east of Highway 6.**
188 **p. Section 2.12 of the Declarations limits the number of boat slips to 16 and requires the**
189 **establishment of a key card system.**
190 **q. Section 2.12 of the Declarations requires the establishment of a no wake zone around**
191 **the docking facility.**

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- r. Section 2.12 of the Declarations prohibits all recreational facilities on the west side of Highway 6, with the exception of the 16 mooring slips.
 - s. Section 2.12 calls for property owners purchasing a mooring slip to receive information regarding best practices for safely crossing the highway.
 - t. The applicant has coordinated improvements with Mn/DOT, which is requiring a \$10,000 security deposit to ensure the improvements are completed.
 - u. Crooked Lake Township has indicated that Smokey Hollow Road is to have aggregate surfacing material added by the developer within the existing road section.
 - v. Section XX of the Development Agreement indicates that nothing will be burned in the preparation of the lots.
2. The final plat is in agreement with the approved preliminary plat.
 3. The City Attorney has completed review of the title work and found it to be acceptable.
 4. There are no public improvements required on the property. The only public improvements are to Highway 6, which are being handled by Mn/DOT.
 5. A plat check by an independent land surveyor has been completed.
 6. A financial security of \$5,000 will be provided for security on the construction of the lights and the erection of signs in the drop off area.

Passed unanimously.

Staff is directed to not forward final plat recommendation to the City Council if the updated development plan and the updated development agreement are not provided by the end of the business day Thursday, November 5, 2009.

Marohn reviews the Park Dedication fee and the numbers included in the Staff Report.

Chair Fairchild asks for Planning Commission input.

Commissioner Spiess states that we have been fairly consistent and have developed a good approach here.

Brzezinski states that this is lake property and, as such, will not put added strain on the City's park system. Additionally, the developer has included trails within the development, which will also reduce the strain on the City's park system.

Trottier states that the other developments where this approach was applied did not include trails or other recreational facilities. As comparables, there should be some consideration to this when discussing the park fees.

Commissioner Mosman states that this is a large project and, while this seems like a large amount, there will be added use to park facilities from this plat.

Chair Fairchild states that at first people will use the lake, but over time they will discover the other amenities in the community and use those too.

Mayor Pepek states that as the City grows there is a need to increase park space. As the City gets bigger, we try to make improvements to add recreational opportunities for people. This more than fair to stay pretty even with all of the developments. As we did this analysis, we actually dropped the amount. As long as it is uniform for everyone, it is a good way to go.

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Councilor Hanson, states that the park dedication fee is for the improvement of existing parks. Supports the fee.

Commissioner Spless makes a motion, seconded by Commissioner Bergstrom, to recommend a park dedication fee of \$706 per lot for a total park dedication of \$29,652 for the development.

- b. Ordinance Amendment to allow Handicap Ramps without a Permit
City of Emily, Applicant
Application 09-3359

Marohn reviews the Staff Report.

Chair Fairchild asks for public input. None received. Closes public comments. Asks for Commission comments. None received. Asks for a motion.

Motion by Commissioner Spiess, seconded by Commissioner Patterson, to recommend the changes to the City Council as proposed. Passed Unanimously.

- c. Application to Rezone from Commercial Transition to Shoreline Residential
Bruce Toftness, Properties Etc., Applicant
Application 09-3360

Marohn reviews the Staff Report.

Chair Fairchild asks for public input. None received. Closes public comments. Asks for Commission comments. None received. Asks for a motion.

Motion by Commissioner Bergstrom, seconded by Commissioner Spiess, to recommend rezoning the property as requested. Passed Unanimously.

- 4. Additions or Deletions to the Agenda

Discussion on Crow Wing County grant added to New Business.

- 5. Open Forum

None.

- 6. Approval of Minutes

- a. September 2009 Meeting

Those in attendance were Bill Spiess, Jan Mosman, John Bergstrom, Bonnie Fairchild and Bob Swanson.

Motion by Commissioner Bergstrom, seconded by Commissioner Spiess, to approve the minutes with amendment indicating who was in attendance at the recessed meeting. Passed Unanimously.

288

289

b. October 2009 Meeting

290

291

Chair Fairchild stated that this was put off until next month.

292

293

7. Planning and Zoning Administrator's Report

294

a. Permits

295

b. Correspondence

296

297

Marohn reviews the correspondence.

298

299

Barb Hubbard indicates that the City has received a high response rate thus far.

300

301

302

Discussion on setting up a web site with information on non-responsive and non-conforming systems and then coordinating with lake associations to allow them an opportunity to discuss with their neighbors. Marohn directed to look into doing this.

303

304

305

c. Enforcement Actions

306

307

Marohn reviews the enforcement actions.

308

309

d. SSTS Compliance Tracking

310

e. Pending Inspections

311

312

Marohn directed to follow up with Crow Wing County on Springman.

313

314

8. New Business

315

a. Metes and Bounds Subdivision Application 09-3352, Robert and Bonnie Ferdelman

316

317

Marohn reviews the Staff Report.

318

319

Motion to approve by Commissioner Spiess, seconded by Commissioner Kile, based on the following findings of fact:

320

321

322

1. The proposed lots meet minimum lot requirements.

323

2. Both lots will be well under the 20 percent impervious surface cover limit.

324

3. The property being consolidated and "Parcel A" and "Parcel B" are all zoned Shoreline Residential. Both newly created properties are suitable in their natural state for the intended purposes.

325

326

4. Neither property contains any non-conforming structures that are specifically regulated by the City.

327

328

5. The parcel being split is vacant and does not contain any sewage treatment systems. "Parcel A" contains a single family dwelling with a compliant system while "Parcel B" contains only a garage and no sewage treatment system.

329

330

331

6. There are not any proposals for water based recreation.

332

333

7. The lot areas and dimensions for both "Parcel A" and Parcel B" will conform to the Zoning Ordinance for Shoreline Residential.

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8. Lot layouts are compatible with adjoining properties and will not constrain the future development of adjacent properties.
 9. All side lot lines are depicted at angles consistent with the curve of Whitetail Drive and Little Pine Road.
 10. Each lot has over 33 feet of frontage on a designated right-of-way.
 11. There are not any proposed streets.
 12. There are no public utilities contemplated for the properties. Easements for private utilities are also not needed.
 13. The proposed lots are all adequate in size to provide for construction of a dwelling, sewage treatment system and water supply without the need for a variance.

347
348

b. Metes and Bounds Subdivision Application 09-3395, Jay and Teresa Linn

349 Marohn reviews the Staff Report. Indicates that he is now aware of a shed that is on the property but
350 was not permitting and does not show up on any site plan. States that he would like to discuss this with
351 the property owner before we proceed with the subdivision.

352
353 **Motion to table made by Commissioner Spiess, seconded by Commissioner Bergstrom. Passed**
354 **Unanimously.**

355
356
357

c. Crow Wing County Grant

358
359 Commissioner Bergstrom presents an email from Chris Pence of Crow Wing County regarding a grant for
360 SSTS inspections on Roosevelt Lake. They are targeting people without a compliance inspection or
361 where their inspection has expired.

362
363 Mayor Pepek is concerned that we would be helping pay for Cass County when we have already been
364 doing this in Crow Wing County.

365
366 Commissioner Mosman points out that it doesn't say who pays the local match. It just asks Emily to
367 support the activity.

368
369 Marohn directed to contact Pence and to research how many properties in Emily would be impacted.

370
371

9. Old Business

372

a. Comprehensive Plan Review

373
374 Marohn indicates that the survey is set to go on the Week of the 16th.

375
376

b. Manganese Mining Ordinance

377
378 Nothing new to report.

379
380

c. Grading in Shoreland Areas

381
382

10. Adjourn – 8:32 PM

383

384 Respectfully Submitted,

385

386

387

388 Charles Marohn, City Planner

November 10, 2009

1

**Minutes and Proceedings of the City
Council of the City of Emily in the
County of Crow Wing, State of Minnesota
Including accounts audited by said Council**

November 10, 2009

The Emily City Council met for a regular meeting on Tuesday, November 10, 2009, in the Council Chambers and it was called to order by Mayor George Pepek at 6:00 PM. Councilmembers Gerhart Hanson, Daniel Barrett, Russ Gustafson, and Bob Swanson were present. Also present was Jeff Ledin of S.E.H., City Attorney Steve Qualley, and City Clerk, Patricia Kestner.

COUNCILMEMBER BARRETT MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED. COUNCILMEMBER SWANSON SECONDED. MOTION CARRIED.

COUNCILMEMBER HANSON MADE A MOTION TO APPROVE THE CONSENT AGENDA WHICH INCLUDED THE MINUTES FROM THE OCTOBER 13, 2009 REGULAR COUNCIL MEETING, OCTOBER 13, 2009 EDA MEETING; THE FINANCIAL REPORT FROM OCTOBER 2009, GENERAL SAVINGS \$288,474.05, SPECIAL SAVINGS \$319,020.70, INVESTMENTS \$430,635.40, TOTAL \$1,038,130.15; PAYMENT OF CITY BILLS: \$58,891.47 WITH TRANSFER OF FUNDS GENERAL SAVINGS \$35,000.00 AND SPECIAL SAVINGS \$9,885.51 (\$2,373.84 SCHOOL, \$313.75 FIRE, \$5,000.00 SEWER, \$2,197.92 RECYCLING,) TO CHECKING. COUNCILMEMBER GUSTAFSON SECONDED. MOTION CARRIED.

POLICE: Chief Bernhjelm gave an update on the State ARMER radio system. He will be attending a meeting on Thursday, November 12, 2009 in Brainerd to discuss the first step in laying out the plan for participation of all Crow Wing agencies in migrating to the State ARMER system. **COUNCILMEMBER HANSON MADE A MOTION TO APPROVE CHIEF BERNHJELM AND UP TO TWO OFFICERS ATTEND SAFE & SOBER REFRESHER TRAINING SPENDING UP TO \$1,000.00 FOR THE TRAINING, WAGES, AND MILEAGE. COUNCILMEMBER BARRETT SECONDED AND MOTION CARRIED.**

ROADS: Jeff Ledin reported that each Councilmember was given a copy of the bridge plan quote and it will be discussed at the December Council meeting. The new drainage pond plan needs to be redrawn due to changes the City made to the pond and the plans will be sent to Crow Wing County Highway Department. Jeff Ledin was directed to contact the CWCHD to discuss sharing the fees for the record drawing.

Councilmember Gary Hanson reported he and Maintenance Supervisor Tony Stockard attended a seminar on sign reflectivity. All City road signs need to be checked by a 60 year old male in an SUV, 100 feet from the sign and in the evening for reflectivity or purchase a piece of equipment to do the reading. The Clerk's office will maintain a record of the signs checked with a completion date of 2018.

FIRE: Mayor Pepek reported that the Fire Relief Association will try to donate \$5,000.00 per year towards the new radio system.

1ST RESPONSE: No report.

PUBLIC FORUM: Dave Johnson of Old Highway 6 stated he has a concern regarding the removal of docks out of the lake at the shoreline of Northern Lights Over Roosevelt instead of floating the lifts to the public landing. There will be deterioration of the grass area. Councilmember Swanson stated the persons hired to remove the docks and lifts has the options to remove them however they chose.

SCHOOL: Councilmember Gustafson reported Marty Hann in the Business Office is retiring and the school received 40 applications. There is a Hunters Dinner on Saturday, November 17th.

CITY HALL: COUNCILMEMBER BARRETT MADE THE MOTION TO PURCHASE NEW DISH CLOTHS AND TOWELS FOR CITY HALL NOT TO EXCEED \$100.00. COUNCILMEMBER SWANSON SECONDED AND MOTION CARRIED.

WASTEWATER: COUNCILMEMBER GUSTAFSON MADE A MOTION TO APPROVE DAVE JOHNSON AS A MEMBER OF THE WASTEWATER COMMITTEE. COUNCILMEMBER BARRETT SECONDED AND MOTION CARRIED.

CEMETERY: Councilmember Swanson reported there were two burials, Ruth Kitchenhoff and Tommy Joe Morales.

PERSONNEL: COUNCILMEMBER SWANSON MADE A MOTION TO APPROVE BRIAN FOSTER AS A PERMANENT FULL TIME EMPLOYEE WITH A PAY INCREASE TO \$15.19 AS OF OCTOBER 28, 2009. COUNCILMEMBER GUSTAFSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER GUSTAFSON MADE A MOTION TO APPROVE THE CHANGE OF HOURS IN THE PLANNING AND ZONING OFFICE FROM FIVE DAYS A WEEK TO THREE DAYS A WEEK, MONDAY, TUESDAY AND WEDNESDAY, FIVE HOURS EACH DAY FOR THE PERIOD OF DECEMBER 1, 2009 TO APRIL 1, 2010. COUNCILMEMBER HANSON SECONDED. It was stated that Barb Hubbard was okay with this change. MOTION CARRIED.

COUNCILMEMBER HANSON MADE A MOTION TO APPROVE A CHANGE OF HOURS FOR THE DEPUTY CLERK BY CUTTING HER FRIDAY HOURS, FOUR HOURS AND ALL OF HER BENEFITS WILL REMAIN THE SAME. COUNCILMEMBER BARRETT SECONDED. VOTE TAKEN WITH HANSON, BARRETT AND SWANSON VOTING AYE AND COUNCILMEMBER GUSTAFSON VOTED NAY. MOTION CARRIED BUT NOT UNANIMOUSLY.

COUNCILMEMBER HANSON MADE THE MOTION TO APPROVE THE THREE YEAR UNION CONTRACT AS PRESENTED. COUNCILMEMBER SWANSON SECONDED. The contract period is January 1, 2010 to December 31, 2012. The employees will receive a 3.5% pay increase for each of the three years. Meal reimbursements were increased from \$22.00 to \$37.50 and health insurance City contribution will increase from \$700 per month to \$750 the first year, \$770 the second, and \$780 the third year. MOTION CARRIED.

COUNCILMEMBER GUSTAFSON MADE A MOTION TO ALLOW TONY STOCKARD TO DONATE SOME OF HIS 2009 VACATION TO AN EMPLOYEE FOR A FAMILY MEDICAL EMERGENCY DURING THE REST OF 2009. COUNCILMEMBER BARRETT SECONDED AND MOTION CARRIED.

PLANNING & ZONING: COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE THE FINAL PLAT OF NORTHERN LIGHTS OVER ROOSEVELT BASED ON SIX FINDINGS OF FACT AND A PARK DEDICATION FEE IN THE AMOUNT OF \$29,652.00.

1. **THE APPLICANT HAS COMPLIED WITH THE CONDITIONS OF THE PRELIMINARY PLAT APPROVAL.**
 - a. **THE APPLICANT HAS SUBMITTED AN EXHIBIT OF PASSIVE RECREATION FACILITIES. THE PLANNING COMMISSION HAS ACCEPTED THE DRAWING AND ITS IMPLEMENTATION HAS BEEN INCLUDED IN THE DEVELOPMENT AGREEMENT.**
 - b. **SECTION 3.1, SUBPART E OF THE DECLARATIONS INDICATES THAT ALL TRAILS AND WALKWAYS SHALL BE CONSTRUCTED OF WOOD CHIPS OR SIMILAR MATERIAL.**
 - c. **SECTION 3.1, SUBPART F OF THE DECLARATIONS ESTABLISHES THE 50-FOOT VEGETATIVE BUFFER IN OUTLOT A AND PROHIBITS THE CLEARING OF LIVE TREES OR BRUSH IN THIS BUFFER.**
 - d. **SECTION 3.1, SUBPART G OF THE DECLARATIONS PROHIBITS VEGETATION REMOVAL IN OUTLOT A AS PER THE PRELIMINARY PLAT.**
 - e. **SECTION 3.1, SUBPART H OF THE DECLARATIONS RESTRICTS IMPACTS TO THE ICE RIDGE.**
 - f. **THE APPLICANT HAS SUBMITTED A PLAN FOR DEVELOPMENT ON THE WEST SIDE OF HIGHWAY 6. THE PLANNING COMMISSION HAS ACCEPTED THE PLAN.**
 - g. **SECTION 2.12 OF THE DECLARATIONS RESTRICT THE USE OF DOCKING AREAS ON ROOSEVELT LAKE TO LOT OWNERS.**
 - h. **SECTION 2.12 OF THE DECLARATIONS INDICATE THAT DOCKS ARE TO BE REMOVED ANNUALLY.**
 - i. **SECTION 2.12 OF THE DECLARATIONS PROVIDES A MECHANISM AGREEABLE TO THE PLANNING COMMISSION FOR ALLOCATING RIGHTS TO THE MOORING SLIPS.**
 - j. **THE APPLICANT HAS PREPARED A STORMWATER POLLUTION PREVENTION PLAN. THE PLAN HAS BEEN REVIEWED AND ACCEPTED BY THE PLANNING COMMISSION.**
 - k. **THE APPLICANT HAS SUBMITTED A ROAD PLAN THAT HAS BEEN REVIEWED BY THE CITY ENGINEER. THE ENGINEER'S CONCERNS HAVE BEEN RESOLVED.**
 - l. **THE PORTION OF SMOKEY HOLLOW ROAD THAT IS OWNED BY THE APPLICANT IS BEING DEDICATED TO THE PUBLIC AS PART OF THE SUBDIVISION.**
 - m. **SECTION 7.5 OF THE ASSOCIATION DOCUMENTS LIMIT THE IMPERVIOUS COVERAGE FOR EACH LOT TO THAT OF THE UNDERLYING ZONING DISTRICT.**

- n. THE SWIMMING AREA AND BOARDWALK HAVE BEEN ELIMINATED FROM THE SUBMITTED PLANS.
 - o. SECTION 2.12 OF THE DECLARATIONS INDICATES THAT DOCKS AND LIFTS ARE TO BE STORED OFF SITE OR EAST OF HIGHWAY 6.
 - p. SECTION 2.12 OF THE DECLARATIONS LIMITS THE NUMBER OF BOAT SLIPS TO 16 AND REQUIRES THE ESTABLISHMENT OF A KEY CARD SYSTEM.
 - q. SECTION 2.12 OF THE DECLARATIONS REQUIRES THE ESTABLISHMENT OF A NO WAKE ZONE AROUND THE DOCKING FACILITY.
 - r. SECTION 2.12 OF THE DECLARATIONS PROHIBITS ALL RECREATIONAL FACILITIES ON THE WEST SIDE OF HIGHWAY 6, WITH THE EXCEPTION OF THE 16 MOORING SLIPS.
 - s. SECTION 2.12 CALLS FOR PROPERTY OWNERS PURCHASING A MOORING SLIP TO RECEIVE INFORMATION REGARDING BEST PRACTICES FOR SAFELY CROSSING THE HIGHWAY.
 - t. THE APPLICANT HAS COORDINATED IMPROVEMENTS WITH MN/DOT, WHICH IS REQUIRING A \$10,000 SECURITY DEPOSIT TO ENSURE THE IMPROVEMENTS ARE COMPLETED.
 - u. CROOKED LAKE TOWNSHIP HAS INDICATED THAT SMOKEY HOLLOW ROAD IS TO HAVE AGGREGATE SURFACING MATERIAL ADDED BY THE DEVELOPER WITHIN THE EXISTING ROAD SECTION.
 - v. SECTION XX OF THE DEVELOPMENT AGREEMENT INDICATES THAT NOTHING WILL BE BURNED IN THE PREPARATION OF THE LOTS.
- 2. THE FINAL PLAT IS IN AGREEMENT WITH THE APPROVED PRELIMINARY PLAT.
 - 3. THE CITY ATTORNEY HAS COMPLETED REVIEW OF THE TITLE WORK AND FOUND IT TO BE ACCEPTABLE.
 - 4. THERE ARE NO PUBLIC IMPROVEMENTS REQUIRED ON THE PROPERTY. THE ONLY PUBLIC IMPROVEMENTS ARE TO HIGHWAY 6, WHICH ARE BEING HANDLED BY MN/DOT.
 - 5. A PLAT CHECK BY AN INDEPENDENT LAND SURVEYOR HAS BEEN COMPLETED.
 - 6. A FINANCIAL SECURITY OF \$5,000 WILL BE PROVIDED FOR SECURITY ON THE CONSTRUCTION OF THE LIGHTS AND THE ERECTION OF SIGNS IN THE DROP OFF AREA.

COUNCILMEMBER HANSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER GUSTAFSON MADE THE MOTION TO APPROVE AN ORDINANCE 906 AMENDMENT WHICH WILL ALLOW TEMPORARY USE HANDICAP RAMPS NOT REQUIRE A PERMIT. COUNCILMEMBER SWANSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER SWANSON MADE A MOTION TO APPROVE THE APPLICATION TO REZONE FROM COMMERCIAL TRANSITION TO SHORELINE RESIDENTIAL, APPLICANT BRUCE TOFTNESS, PROPERTIES ETC. BASED ON THE FOLLOWING EIGHT FINDINGS OF FACT:

- 1. THE SUBJECT PROPERTY IS CURRENTLY ZONED COMMERCIAL TRANSITION.
- 2. THE PROPOSED LOT WOULD MEET THE MINIMUM LOT WIDTH REQUIREMENTS IN THE SHORELINE RESIDENTIAL ZONE WHEN CONSOLIDATED WITH ADJACENT PARCELS.
- 3. THE LOT WILL ALL MEET THE MINIMUM BUILDABLE LOT AREA IN THE SHORELINE RESIDENTIAL ZONE.
- 4. THE REZONING OF THE PROPERTY FROM COMMERCIAL TRANSITION TO SHORELINE RESIDENTIAL WOULD BE IN CONFORMANCE WITH THE CITY OF EMILY COMPREHENSIVE PLAN.
- 5. THE SUBJECT PROPERTY IS DESIGNATED AS COMMERCIAL TRANSITION ON THE FUTURE LAND USE MAP AND THE ADJACENT PARCELS ARE DESIGNATED COMMERCIAL TRANSITION, SHORELINE RESIDENTIAL AND SHORELINE COMMERCIAL.
- 6. THE PROPOSED REZONING IS KEEPING WITH THE PURPOSE AND INTENT OF THE ORDINANCE.
- 7. THE PROPOSED REZONING IS COMPATIBLE WITH THE SURROUNDING PROPERTIES AS THEY ARE ZONED SHORELINE RESIDENTIAL AND COMMERCIAL TRANSITION.
- 8. ALL LOT, USE, AND DENSITY REQUIREMENTS ARE MAINTAINED WITH THE PROPOSED REZONING.

COUNCILMEMBER BARRETT SECONDED AND MOTION CARRIED.

COUNCILMEMBER HANSON MADE THE MOTION TO WAIVE THE AFTER THE FACT FEE FOR BOB WEINS FOR A VIOLATION WHICH HAPPENED WITH THE PREVIOUS OWNER OF THE PROPERTY. COUNCILMEMBER GUSTAFSON SECONDED. The issue has been resolved. MOTION CARRIED.

P&Z is still working on the comp plan and will have sheets in the City Hall all of the week of November 16th for residents to give feedback and implementation strategies for goals that have been created for different topics including Environment, Economic Development, Parks and Recreation, and Zoning and Land Use.

November 10, 2009

4

ATTORNEY: Attorney Steve Qualley will continue to keep an eye on the Crosslake challenge regarding park dedication fees. The State has placed stricter restrictions and he will let the City know of any changes.

MANGANESE: Mayor Pepek reported the pumping test is finished. He notice the flow of the water is down Highway 6 through town.

PARKS: Mayor Pepek would like the money, \$800.00, approved for dugout roofs to be put into a CD at the end of the year so the roofs can be replaced in 2010.

TekCar owners, Terry Usherwood and Kelly Kovatovich apologized to the Council on the late payments. All three owners were served paperwork from the City attorney regarding the City loan. The Attorney is recalculating the interest to get an exact amount due. The Mayor would like a sub committee to discuss with TekCar future payments, Russ Gustafson and Gary Hanson were asked to be the committee. The default judgment can wait if payments continue to move forward. Terry stated within a week he would know better where the Company is going.

COUNCILMEMBER GUSTAFSON MADE THE MOTION TO APPROVE THE RENEWAL OF LIQUOR LICENSE FOR GRANNY'S, BARRETT'S LOG CABIN, BUNGALOW FOR ON-SALE \$1,200, OFF-SALE \$100, SUNDAY ON-SALE \$200, REDDINGS OFF-SALE ONLY \$100, LAKE COUNTRY FOODS 3.2 OFF-SALE \$25 AND EMILY GREENS ON-SALE 7 MONTHS 3.2 BEER \$44 ONCE ALL INFORMATION IS RECEIVED. COUNCILMEMBER HANSON SECONDED AND MOTION CARRIED.

The Council directed the City Attorney to work on an ordinance amendment regarding if someone is delinquent with their wastewater they must be current in order to renew their liquor license or any other license.

COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE THE CITY RENEWAL PROPERTY & CASUALTY INSURANCE COVERAGE AS PRESENTED. COUNCILMEMBER GUSTAFSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER GUSTAFSON 09-15 CERTIFY OF DELINQUENT SEWER CHARGES AS OF OCTOBER 1, 2009 TO PROPERTY TAXES. COUNCILMEMBER HANSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER BARRETT MADE A MOTION TO APPROVE A SEWER ORDINANCE AMENDMENT, ORDINANCE 401 SECTION 1.1, SUBSECTION 12, PROVIDING THAT PROPERTIES CONNECTED TO THE MUNICIPAL WASTEWATER SYSTEM SUCH AS MULTIPLE-FAMILY OR MULTIPLE UNIT BUILDINGS SHALL BE CHARGED AS COMMERCIAL USERS. COUNCILMEMBER SWANSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER GUSTAFSON MADE THE MOTION TO APPROVE PUBLICATION OF THE SUMMARY OF THE WASTEWATER ORDINANCE AMENDMENT. COUNCILMEMBER SWANSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE REMOVING OR VOIDING CHECK #27963 IN THE AMOUNT OF \$70 FROM THE CITY BANK RECONCILIATION. COUNCILMEMBER GUSTAFSON SECONDED. The \$70 will be added to the checking account. MOTION CARRIED.

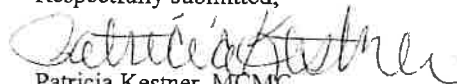
COUNCILMEMBER HANSON MADE THE MOTION TO APPROVE THE CLERK'S OFFICE TO MAKE AN ADDITIONAL COUNCIL PACKET FOR THE OFFICIAL NEWSPAPER. COUNCILMEMBER SWANSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER BARRETT MADE A MOTION TO SUPPORT THE IDEA OF A SEPTIC UPDATE FOR CASS COUNTY COLLABORATIVE GRANT APPLICATION. COUNCILMEMBER HANSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER BARRRETT MADE THE MOTION TO ADJOURN AND COUNCILMEMBER SWANSON SECONDED. MOTION CARRIED.

Meeting adjourned at 8:30 P.M.

Respectfully submitted,



Patricia Kestner, MCMC
City Clerk

1 **MINUTES**
2 **EMILY PLANNING COMMISSION/BOARD OF ADJUSTMENT**
3 **REGULAR MEETING**

4
5 **September 5, 2023**

6
7 **1. CALL TO ORDER**

8 The meeting was called to order by Commissioner Johnson at 6:00 pm.
9 Pledge of allegiance was recited.

10
11 **ROLL CALL**

12 **PRESENT:** Dave Johnson (Chairperson), Bill Spiess, Lynn Bartel, Denise Vukelich, Patrick
13 Rheaume and Faye Hughes.
14 **Council:** Greg Koch (Liaison)
15 **Staff:** Brittney Cotner, Zoning Administrator (Sourcewell) and Sue Fahrendorff, Planning &
16 Zoning Clerk
17 **Public:** Dan Erickson

18
19 **2. ADDITIONS OR DELETIONS TO AGENDA**

20
21 None

22
23 **3. OPEN FORUM**

24
25 None

26
27 **4. PUBLIC HEARINGS-CONTINUATION FROM AUGUST 1,2023 MEETING**

- 28
29 a. **Conditional Use Permit Application 23-40** to allow for the construction and operation of
30 4 commercial storage unit buildings within the Commercial Transition/Light Industrial
31 zoning district. **Owner/Applicant:** Emily Ace Storage, LLC. Continuation from August
32 2023 meeting.

33
34 **Cotner provided a brief background:**

35 Cotner stated the Planning Commission approved the Conditional Use Permit at their
36 Planning Commission meeting August 1, 2023 with the following conditions:

- 37 1. Any additions to impervious coverage must remain within the allowed
38 amount for the zoning district
39 2. Lighting for the business and signage must be downcast
40 3. No habitable structures are part of the request. Septic and well may be
41 installed but are not to be used for dwelling purposes.
42 4. Holding pond for storm water retention.

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The Planning Commission made a recommendation to the City Council to approve the Conditional Use Permit. At the August 8, 2023 City Council meeting, the Council decided to send the recommendation back to the Planning Commission for additional information and clarification of the following:
Driving surface and driveway access.

Zoning staff made a site visit to the property and provided photos of driveway access to the property. Cotner state she spoke with the applicant and there will be no driving surface or materials added to the property. He intends to use the dirt surface that is already there and use the driveway that already exists.

Planning Commissioners discussed the impervious coverage is at the maximum allowed for this lot per the ordinance, so the addition of gravel or asphalt wouldn't be allowed without applying for a variance.

MOTION MADE BY COMMISSIONER JOHNSON TO OPEN PUBLIC HEARING. SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN FAVOR, MOTION CARRIED. 5-0.

Dan Erickson stated there is not a lot of traffic going in and out of the other storage units he owns, so he doesn't feel the need to cover the driving surface is necessary. He estimates less than six visits per unit per year due and possibly less since it's typically seasonal storage. Mr. Erickson stated he will level the driving surface and keep the grass mowed around each unit. Mr. Erickson stated he thought the confusion from the City Council was the Planning Commission was impeding him from putting a hard surface on the ground. That is not what Mr. Erickson wanted to do and he is fine with the current surface of the lot as it is now. Mr. Erickson stated there is a mesh that can be applied to the surface that will allow rain to get through to the ground and provide more traction during for a better driving surface. If necessary, he would apply the mesh to the property.

Council Liaison Greg Koch stated the City Council wasn't asking Mr. Erickson to put in a driveway, but in the future if there would be a need, since he was at his maximum impervious coverage limit already.

Planning Commissioners discussed sending the approved Conditional Use Permit back to the City Council with an explanation that the applicant is not interested in putting in a driveway at this point. Commissioner Spiess stated if the City Council rejects the recommendation again, they will provide an explanation in writing for the rejection.

The following is from the Planning Commission Public Hearing on August 1, 2023.

The applicant is proposing to construct and operate 4 commercial storage unit buildings on the property located at 40109 Sawmill Rd (PID 21270736). The subject property is 1.67-acres and is located in the "Commercial Transition/ Light Industrial" zoning district. The subject property does not have any existing structures. The 4 storage unit structures are all that are being proposed. No driving surface will be placed due to maximum impervious coverage levels being met by the structures.

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Finding of Facts:

- 1) *The subject property is located at 40109 Sawmill Rd (PIN 21270736).*
- 2) *The conditional use permit request is to construct and operate a mini storage unit facility.*
- 3) *The proposed use, with conditions, conforms to the comprehensive plan. The intended use of the property is for commercial purposes within the Commercial Transition/Light Industrial zoning district.*
- 4) *The proposed use, with conditions, is compatible with the existing neighborhood of commercial growth.*
- 5) *The subject property is located off of Sawmill Rd where commercial growth has existed and is expected to continue.*
- 6) *The proposed use will not be injurious to the public health, safety, welfare, decency, order, comfort convenience, appearance, or prosperity of the city.*
- 7) *The proposed use will not impede the orderly development and improvement of surrounding property for uses predominant in the area (commercial).*

MOTION MADE BY COMMISSIONER SPIESS TO SEND CONDITIONAL USE PERMIT APPLICATION 23-40 WITH RECOMMENDATIONS FOR APPROVAL BACK TO CITY COUNCIL. SECONDED BY COMMISSIONER RHEAUME. ALL VOTED IN FAVOR 5-0. MOTION CARRIED.

5. APPROVAL OF MINUTES

- a. August 1, 2023, regular meeting.

Commissioner Rheaume stated he abstained from voting on the July meeting minutes approval because he was absent from the July meeting. Minutes have been updated to reflect the correction.

MOTION BY COMMISSIONER RHEAUME TO APPROVE AUGUST 1, 2023 MINUTES AS AMENDED TO STATE COMMISSIONER RHEAUME ABSTAINED FROM VOTING ON THE JULY MEETING MINUTES. SECONDED BY COMMISSIONER SPIESS. ALL VOTED IN FAVOR 5-0. MOTION CARRIED.

6. NEW BUSINESS

- a. Upcoming Term Expirations Discussion

Discussion is a reminder that Commissioner Johnson and Commissioner Vukelich terms are ending December 31, 2023. If they would like to continue to serve on the Planning Commission, they will need to submit the application to the City Clerk.

143 **7. OLD BUSINESS**

144
145 None

146
147 **8. SUBCOMMITTEE DISCUSSION UPDATE**

148
149 Cotner provided an update from the Land Use Ordinance Subcommittee Meeting that was
150 held earlier that afternoon. The committee has completed the review of Appendix A: Table of
151 Uses. Cotner plans to hold a public hearing regarding the revisions of the entire matrix at the
152 November 2023 Planning Commission Meeting.

153
154 **9. P & Z ADMINISTRATOR'S REPORT**

155
156 Cotner stated there are several permit expirations that are coming due. She will continue to
157 monitor the progress and report back to the Planning Commission on the status of these
158 projects. Permit volume has slightly decreased.

159
160 **10. ADJOURNMENT**

161
162 **MOTION BY COMMISSIONER SPIESS TO ADJOURN THE MEETING,**
163 **SECONDED BY COMMISSIONER BARTEL . ALL VOTED IN FAVOR 5-0. MOTION**
164 **CARRIED**

165
166 The meeting adjourned at 6:25 pm.

167
168 Respectfully submitted,

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172
173 Sue Fahrendorff,
174 Zoning Clerk

1 **MINUTES**

2 **EMILY PLANNING COMMISSION/BOARD OF ADJUSTMENT**
3 **SPECIAL MEETING**

4
5 **September 15, 2023**

6
7 **1. CALL TO ORDER**

8 The meeting was called to order by Commissioner Johnson at 9:00 am.
9 Pledge of allegiance was recited.

10
11 **ROLL CALL**

12 PRESENT: Dave Johnson (Chairperson), Bill Spiess, Lynn Bartel, Denise Vukelich, and Patrick
13 Rheaume
14 Council: Greg Koch (Liaison)
15 Staff: Brittney Cotner, Zoning Administrator (Sourcewell) and Sue Fahrendorff, Planning &
16 Zoning Clerk
17 Public: Jon Friesner

18
19 **2. ADDITIONS OR DELETIONS TO AGENDA**

20
21 None

22
23 **3. OPEN FORUM**

24
25 None

26
27 **4. PUBLIC HEARINGS**

28
29 None

30
31 **5. NEW BUSINESS**

- 32
33 a. Metes and Bounds Subdivision Application PP-23-02 to allow for the subdivision of
34 one 20.95-acer parcel into two lots within the Neighborhood Residential (NR) zoning
35 district. Owner/Applicant: Jon Friesner.

36
37 **Background Information:** The applicant is requesting to subdivide an existing 20.95-
38 acre parcel into two parcels. One 6.03-acre parcel and one 14.92-acre parcel. The subject
39 property is located within the Neighborhood Residential (NR) zoning district. This
40 subdivision would not create any nonconformities on either lot created. The existing
41 structures will all be on the proposed 6.03-acre lot with the applicant intending to
42 construct a dwelling on the remaining 14.92-acre lot. Both lots exceed the Neighborhood
43 Residential zoning requirements.

44 **Staff Recommendation:** There doesn't appear to be any issues with the split. The
45 proposed subdivision meets the minimum requirements of the Ordinance. Both of the
46 proposed parcels will be served access by Blue Lane W. Per City of Emily Ordinance,
47 subdivision over ten acres must have Planning Commission approval

MINUTES

Emily Planning Commission-Special Meeting
September 15, 2023

48 The Planning Commission stated the lot cannot be split again for 3 years from the date of this
49 lot split approval.

50 **MOTION BY COMMISSIONER RHEAUME TO APPROVE LOT SPLIT PARCEL**
51 **PP-23-02 METES AND BOUNDS SUBDIVISION FOLLOWING THE**
52 **RECOMMENDATIONS OF THE ZONING ADMINISTRATOR. SECONDED BY**
53 **COMMISSIONER SPEISS . ALL VOTED IN FAVOR 5-0. MOTION CARRIED.**
54

55
56 **6. OLD BUSINESS**

57
58 None

59
60 **7. P & Z ADMINISTRATOR’S REPORT**

61
62 None

63
64 **8. ADJOURNMENT**

65
66 **MOTION BY COMMISSIONER SPIESS TO ADJOURN THE MEETING,**
67 **SECONDED BY COMMISSIONER BARTEL . ALL VOTED IN FAVOR 5-0. MOTION**
68 **CARRIED**

69
70 The meeting adjourned at 9:05 am

71
72 Respectfully submitted,

73
74
75
76 Sue Fahrendorff,
77 Zoning Clerk

ITEM 8A

152.003 RULES OF CONSTRUCTION; DEFINITIONS

BLUFF.

(a) A topographic feature such as a hill, cliff or embankment having all of the following characteristics:

1. Part or all of the feature is located in a shoreland area;
2. The slope rises at least 25 feet above the ordinary high water mark of the water body;
3. The grade of the slope from the toe of the bluff to a point 25 feet above the ordinary high water level averages 30% or greater; and
4. The slope must drain towards the water body.

(b) An area with an average slope of less than 18% over a distance for 50 feet or more shall not be considered part of the **BLUFF**.

21090587

zoning@emily.net

From: Brittney Cotner <Brittney.Cotner@sourcewell-mn.gov>
Sent: Monday, September 11, 2023 7:59 AM
To: Emily Zoning Office
Subject: FW: Request

Thanks,
Brittney Cotner | Community Development Administrator

Office: 218-541-5234 | Fax: 218-856-0904
Website: sourcewell-mn.gov

From: Carolyn Gallagher <pctrail87@gmail.com>
Sent: Thursday, September 7, 2023 5:46 PM
To: Brittney Cotner <Brittney.Cotner@sourcewell-mn.gov>
Subject: Request

EXTERNAL

Hi Brittney,

I would like to request the Planning Commission review the bluff definition.

I've attached a photo of our property with the approximate bluff line marked in blue as well as the same one unmarked if you think that is better. If you zoom in on the unmarked one, the three trees are essentially in line with the bluff line. You can see the green ribbon rod in the foreground, the ribbon on the middle tree and the tree just beyond it also has a green ribbon stake just to the left of it which is the other stake marked on the survey.

After looking at and marking up some of the pictures, I think this one says it best in terms of giving an idea of what the current wording says is a bluff.

Please let me know if you have any questions or think a different photo or other information would be beneficial.

Thank you,
Carolyn Gallagher
20484 Clearwater Dr
Emily, MN 56447



Sent from [Mail](#) for Windows

zoning@emily.net

From: Brittney Cotner <Brittney.Cotner@sourcewell-mn.gov>
Sent: Monday, September 11, 2023 7:59 AM
To: Emily Zoning Office
Subject: FW: Other photos

Thanks.

Brittney Cotner | Community Development Administrator

Office: 218-541-5134 | Cell: 218-865-0904

Website: sourcewell-mn.gov

From: Carolyn Gallagher <pctrail87@gmail.com>
Sent: Thursday, September 7, 2023 5:50 PM
To: Brittney Cotner <Brittney.Cotner@sourcewell-mn.gov>
Subject: Other photos

EXTERNAL

Me again,

Here are some of the other marked up photos I thought I would give to you as a reference. Maybe they are something that might be beneficial if we need/decide to go for a variance or just to have as context so you can get an idea of where the buildable area is relative to our natural clearing.

I've titled them with a description of what they are depicting.

Thank you so much for all your help in working through this!!!!

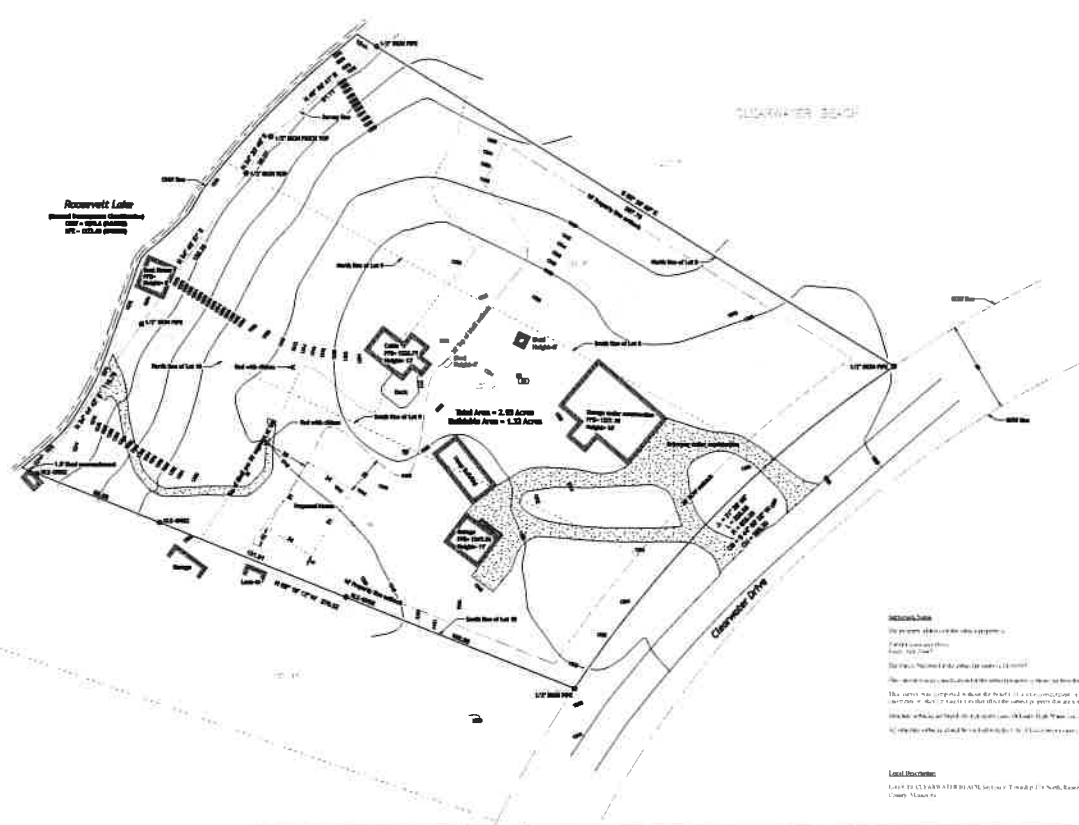
Carolyn







Sent from [Mail](#) for Windows



PROPOSED CONSTRUCTION
 1.5" = 100' (1:66.7)
 EXISTING CONSTRUCTION
 1" = 100' (1:66.7)
 1/2" = 100' (1:33.3)
 1/4" = 100' (1:16.7)
 1/8" = 100' (1:8.3)

MAPPIING LEGEND

BOUNDARY	---
CONCRETE	▒
ASPHALT	▒
GRAVEL	▒
PAVEMENT	▒
ROCK	▒
WOOD	▒
IRON	▒
STEEL	▒
BRASS	▒
COPPER	▒
ZINC	▒
ALUMINUM	▒
LEAD	▒
SILVER	▒
PLATINUM	▒
GOLD	▒



NO.	REVISIONS DATE	INITIALS	DATE

KLD
 KRANES LEAS DELSO
 PROJECT NO. GALLC2301
 09/21/2023

CERTIFICATE OF SURVEY
 Topographic and Property Boundary Survey
 George Galleger
 Section 05, Township 138 North, Range 26 West
 Crow Wing County, Minnesota

Sheet No. 1 of 1

Land Use ordinance (LUO) subcommittee Meeting Notes

Date: September 5, 2023

Attended: Dave Johnson, Bill Spiess, Greg Koch, Gary Hanson, Brittney Cotner and Sue Fahrendorff

- Finished review of Appendix A Matrix for Highway Mixed Use.
- Added Solar Section 152.088 to Matrix
- Modify WECS (Wind Energy Conversion System) wind standards 152.087
- Brittney will organize the information and request a public hearing in October for the changes to the Matrix.
- Questions about portable signs/ temporary signs. How long can they be posted- Boat storage sign at the Landing.
- There will not be a Land Use Ordinance meeting in October.

2023 Permits--Emily Planning and Zoning

NUMBER	Recd	Appvrd	RE CODE	LAST	FIRST	ADDRESS	TYPE	DESCRIPTION	FEE	DISTRICT	Project Completed Y/N
23-01	1/3/2023	1/3/2023	21040581	Wes Hanson Builders/Kosiak	Rhonda Kosiak	20048 Roosevelt Ridge	Land Use	42'X28' (1,176 SqFt) Addition to existing accessory structure pole shed	\$250.00	RP	
23-02	1/30/2023	1/31/2022	21030519	Proctor	Todd	21438 Evening Star Lane	After-The-Fact Land Use	Construct 10'X16' (160 SqFt) Accessory Structure shed	\$750.00	RP	1/31/2022
23-03	2/2/2023	2/7/2022	21260620	Rheume	Patrick & Jacqueline	40900 Yellow Birch Lane	Land Use	36" wide stairs from existing deck to ground level for access	\$60.00	SR	NA
23-04	2/22/2023	5/23/2023	21170518	Krumwiede	Kevin & Valetta	42865 Minnie Lake Drive	SSTS	Installing a new holding tank in existing septic system	\$250.00	NR	Yes- Greg Kossan 8/1/2023
23-05	2/22/2023	3/7/2023	21170518	Krumwiede	Kevin & Valetta	42865 Minnie Lake Drive	Land Use	Construct New 28'X64' (1,792 SqFt) Modular home and 24'X30' (720 sqft) Accessory Structure garage	\$700.00	NR	
23-06	2/27/2023	3/7/2023	21080521	Real Solar		19573 Blue Lake Rd	Land Use-Solar Panels	Install 14.85 KW DC solar system on flush mount roof racking	\$75.00	SR	Yes- SF 4/24/2023 per email notification
23-07	2/27/2023	2/28/2023	21080517	Angell	Stacey	43876 Roosevelt Dr	Land Use	Construct a 60'X104' (6,240 SqFt) pole shed	\$400.00	SR	
23-08	2/27/2023	2/28/2023	21030519	Proctor	Todd	21438 Evening Star Lane	Land Use	Construct a 11'X24' (284 SqFt) shed	\$150.00	RP	
23-09	2/27/2023	2/28/2023	21030519	Proctor	Todd	21438 Evening Star Lane	Land Use-Camper	Annual Camper Permit	\$25.00	RP	

<u>NUMBER</u>	<u>Recd</u>	<u>Appvrd</u>	<u>RE CODE</u>	<u>LAST</u>	<u>FIRST</u>	<u>ADDRESS</u>	<u>TYPE</u>	<u>DESCRIPTION</u>	<u>FEE</u>	<u>DISTRICT</u>	<u>Project Completed Y/N</u>
23-10	3/13/2023	4/4/2023	21270656	Emily Wesleyan Church	Kris Balvin	40141 State HWY 6	Outdoor Market Permit	Outdoor Market Permit	\$75.00	DM	
23-11	3/15/2023	3/22/2023	21090670	Gorsuch	Beverly	20529 Clearwater Dr	Land Use	Construct a 10'X16' (160 SqFt) deck to existing home	\$75.00	NR	
23-12	3/20/2023	3/22/2023	21250526	Adamsheck	Jeff	23252 South Shore Dr	Land Use	Construct a 45'X48' (2,160 SqFt) Accessory Structure	\$400.00	SR	
23-13	4/3/2023	4/11/2023	21060502	Sundstrom	Kari & Eeva	44865 Preserve Pt	Land Use	Construct a 20X29 (580 SqFt) 3 season dwelling with 20X6(120 SqFt) Porch	\$250.00	SR	
23-14	4/11/2023	Denied-6/6/2023	21080576	Solar Permits-Trevor Southards	Timothy Gillespie	18774 Crooked Creek Rd	Land-Use-Solar- Panels	Install-roof mounted-solar-system-44-panels,-2-inverters,-16-28-KW	75-Need-to-Pay	SR	
23-15	4/24/2023	6/27/2027	21080567	Patnode	Loren	19590 Blue Lake Rd	Land Use	After-The-Fact Permit 8'X10' and 10'X16' Accessory Structure	\$1,500.00	SR	
23-16	4/26/2023	5/2/2023	21030558	Mallery	leonard	44924 S Smokey Hollow Rd	Land Use	Construct a 16'X24' (384 SqFt) Accessory Structure	\$150.00	SR	
23-17	5/9/2023	5/9/2023	21220582	Huff	Crystal	21343 Mill Rd	Land Use	Construct a 24X35 (840 SqFt) Accessory structure (garage) AND 24X25 (600 SqFt) secondary dwelling with deck	\$400.00	NR	
<u>NUMBER</u>	<u>Recd</u>	<u>Appvrd</u>	<u>RE CODE</u>	<u>LAST</u>	<u>FIRST</u>	<u>ADDRESS</u>	<u>TYPE</u>	<u>DESCRIPTION</u>	<u>FEE</u>	<u>DISTRICT</u>	<u>Project Completed Y/N</u>

23-18	05/16/2023	5/16/2023	21040541	Worley	Scott & Paula	20741 Levitt Ln	Land Use	Construct a 16'X12' Arctic Entry attached to existing home	\$150.00	SR	
23-19	5/16/2023	5/16/2023	21330616	Istvanovich	John & Jessica	20125 Cty Rd 1	Land Use	Construct a 8'X32' (256 SqFt) accessory structure (chicken coop/run) and 14'X16' (224 SqFt) free standing deck	\$150.00	RP	
23-20	5/16/2023	5/16/2023	21270610	Stern	Jon & Karen	XXXX Bloomquist Dr	Land Use	New Dwelling 25'X56' (1,400 SqFt) with 23'X24' (552 SqFt) attached garage.	\$450.00	DMU	
23-21	5/17/2023	7/5/2023	21150526	Usherwood	Nicolas	42524 St HWY 6	Conditional Use Permit	Small business use; Machine shop & repair shop	500 Plus \$46.00 to CWC	HMU	
23-22	5/22/2023	5/23/2023	21220629	Dylan-Burge-Beechcombers-LLC	Dawn-Kerinek	40948 Poplar	Land-Use Permit	Install a 254 SqFt Paver Patio with 20-FT boulder-edgin	\$150.00	SR	
23-23	5/22/2023	5/23/2023	21190569	Keller	Dean & Barb	17875 Emerald Dr	Land Use Permit	Construct a 30'X40' (1,200 SqFt) garage	\$250.00	SR	
23-24	5/23/2023	5/23/2023	21060533	Sorg	Robert	18526 Woodlake Blvd	Land Use Permit	New Dwelling Construction 40'X30' (1,200 SqFt)	\$450.00	SR	
23-25	5/23/2023	5/23/2023	21060533	Sorg	Robert	18526 Woodlake Blvd	SSTS Permit	Install a Type 1 Mound Design SSTS System. 300 GPD, 1,500 gallons 2 compartment tank	\$250.00	SR	
23-26	5/23/2023	5/23/2023	21220504	Edmonds	James	41122 Poplar Dr	Land Use Permit	Construct a 36'X56' (2,016 SqFt) Accessory Structure	\$400.00	SR	
23-27	5/30/2023	5/30/2023	21170528	Gerlach	Ryan	43251 Minnie Lake Dr	Land Use Permit	construct a 76'X32' (2,432 SqFt) Dwelling	\$550.00	SR	
23-28	5/30/2023	5/30/2023	21170528	Gerlach	Ryan	43251 Minnie Lake Dr	SSTS	Install a Type 1 Trench/Pressure Bed design, 750 GPD, 2250 Gallons 1 tank	\$250.00	SR	

<u>NUMBER</u>	<u>Recd</u>	<u>Appvtd</u>	<u>RE CODE</u>	<u>LAST</u>	<u>FIRST</u>	<u>ADDRESS</u>	<u>TYPE</u>	<u>DESCRIPTION</u>	<u>Did not pay- Fee</u>	<u>DISTRICT</u>	<u>Cass County Project Completed Y/N</u>
23-29	6/30/2023	NA-Cass-Cty	21060584	Wilhelmi	Billy	17960 Wood-Lake Blvd	Annual-Camper-Permit	Place a RV Fishhouse on lot. Porta Potty on site		SR	
23-30	6/5/2023	6/6/2023	21230550	Linhoff	Samuel	22084 County Rd 1	Land Use Permit	Construct a 12'X43' (516 SqFt) Deck attached to dwelling	\$150.00	SR	
23-31	6/5/2023	6/6/2023	21250528	Nolby	Brent	23248 South Shore Dr	Land Use Permit	Construct a 44'X30' (1,320 SqFt) Accessory Structure	\$400.00	SR	
23-32	6/6/2023	6/6/2023	21210514	Kelly	Shaun	40883 State Hwy 6	Land Use Permit	Construct a 12'X32' (384 SqFt) Accessory Structure with Class 5 Gravel Driveway	\$150.00	FR	
23-33	6/6/2023	6/6/2023	21030505	Blackwell	Tim	21310 Evening Star Lane	Camper Permit-Permanent	Permenant camper permit with connection to existing septic system	\$200.00	RP	
23-34	6/6/2023	6/6/2023	21300505	Pendizmas	William	40206 Marshview Dr	SSTS Permit	Install a Type 1 Trench/Seepage Bed design system, 300 GPD; 1,500 Gallon 2 compartment tank	\$250.00	SR	Yes-Greg Kossan 8/10/2023
23-35	6/6/2023	6/6/2023	21300505	Pendizmas	William	40206 Marshview Dr	Land Use Permit	New construction Dwelling 35'X24' (840 SqFt) with 13'X24 (312 SqFt) Attached Garage	\$450.00	SR	
23-36	6/7/2023	6/13/2023	21220583	Holcomb	Jeffrey	21321 Mill Rd	SSTS Permit	Install a Type 1 Trench/Pressure Bed design 450 GPD, 1,500 gallon 1 compartment tank. Adding an effluent filter to outlet and 500 gallon lift tank & alarm	\$250.00	NR	YES-GK 8/1/2023
23-37	6/7/2023	6/13/2023	21060586 & 21060585	Schnoll	Tom & Karen	10 Woodlakes Tri NE-fifty Lakes	Land Use Permit	Construct a 30'X30'(900 SqFt) addition to existing pole shed structure	\$250.00	SR	

23-38	6/8/2023	6/27/2023	21080576	Gillespie	Timothy Gillespie	18774 Crooked Creek Rd	Land Use Permit	Install roof mounted solar system 44 panels, 2 inverters, 16.28 KW	\$75.00	SR	
23-39	6/12/2023	6/13/2023	21220583	Holcomb	Jeffrey	21321 Mill Rd	Land Use Permit	New construction Dwelling 74'X28' (2,072 SqFt) with a 30'X40' (1,200 SqFt) Accessory Structure pole shed	\$550.00	NR	9/21/2023 CUP sent to CWC for recording
23-40	6/12/2023	8/1/2023	21270736	Emily Ace Storage LLC	Dan Erickson	40109 Sawmill Rd	CUP	Construct 4 135'X40' Storage Buildings	\$500.00	CT	
23-41	6/12/2023	6/13/2023	21270736	Emily Ace Storage LLC	Dan Erickson	40109Sawmill Rd	Land Use Permit	6' Fence around perimeter of lot (195'X375')	\$60.00	CT	
23-42	6/12/2023	6/13/2023	21300504	RZ Plumbing	Tom Andresen	40190 Marshview Dr	Land Use Permit	New Construction Dwelling 32'X52' (1,664 SqFt) with attached garage and covered porch	\$450.00	SR	
23-43	6/12/2023	6/13/2023	21300504	RZ Plumbing	Tom Andresen	40190 Marshview Dr	SSTS Permit	Install Type 1, Trench/Pressure Bed Design; 300 GPD; 1,500 gallon tank with 2 compartments	\$250.00	SR	YES-Greg Kossan 8/2/2023
23-44	6/13/2023	6/13/2023	21220550	Hummel	Kevin & Cindy	41336 Poplar Dr	Land Use Permit	Construct a 12'X18' (216 SqFt) dwelling addition and 20'X24 (480 SqFt) Accessory Structure addition	\$250.00	SR	
23-45	6/20/2023	6/27/2023	21270581	Happy Ours LLC	Randall Provart	40411 Pinewood Dr	Land Use Permit	Construct a 25'X30' (750 SqFt) Accessory Structure	\$250.00	SR	
23-46	6/20/2023	6/27/2023	21270581	Happy Ours LLC	Randall Provart	40411 Pinewood Dr	SSTS	Install a Type I, 300 GPD, 1,500 gallon tank	\$250.00	SR	
23-47	6/26/2023	7/20/2023	21060531	Gothmann	Ronald & Renee	18550 Woodlake Blvd	SSTS	Remove existing Tank and Install a Type 1, 600 GPD Mound Septic System with 2 tank combo	\$250.00	SR	

23-48	6/27/2023	6/27/2023	21270561	Trenn	Robert & Karen	40321 Pinewood Dr	SSTS	Install a Type 1, 450 GPD, 1,500 Gallon, 1 tank, 2 compartment Trench/Pressure Bed System	\$250.00	SR	YES-Greg Kossan 7/11/2023
23-49	7/5/2023	7/5/2023	21080565 & 21080566	Hanson	Mary T.	19604 Blue Lake Rd	Land Use Permit	Temporary tubular frame carport-Through August 2023	\$75.00	SR	
23-50	7/6/2023	7/11/2023	21250582	Anderson	George & Kelly	23740 N. Shore Dr	Land Use Permit	Construct New Dwelling (64'X40' (2,560 SqFt) and detached accessory structure 64'X40' (2,560 SqFt)	\$950.00	NR	
23-51	7/9/2023	7/11/2023	21250582	Anderson	George & Kelly	23740 N. Shore Dr	SSTS	Install a Type 1, 300 GPD, 1,500 gallon tank Mound Design system	\$250.00	NR	
23-52	7/12/2023	7/17/2023	21270740	EM Brothers, LLC	Leah Heggerston	40138 Sawmill Rd	Land Use Permit	Fence	\$60.00	CT/LI	
23-53	7/10/2023	7/17/2023	21260571	Ronayne	Brian	40107 E. Emily Dr.	Camper Land Use Permit	Annual Camper Permit	\$25.00	SR	
23-54	7/18/2023	7/25/2023	21170539	Nordahl	Dave	19345 Blue Lane E	Land Use Permit	Construct a 24'X40' Dwelling Addition to existing garage w/ 12'X12' 3 Season Porch	\$400.00	NR	
23-55	7/20/2023	7/25/2023	21170526	Lindstrom	Duane	43167 Minnie Lake Dr	Land Use Permit	Construct a 24'X36' (864 SqFt) Accessory Structure	\$150.00	SR	
23-56	7/26/2023	8/1/2023	21030582	Meehan	Darrell	44418 State HWY 6	Land Use Permit	Construct a 28'X32' (896 SqFt) Accessory Structure	\$250.00	NR	
23-57	7/31/2023	8/1/2023	21170541	Johnson	Gary & Susan	19281 Faye Court	Camper Land Use Permit	Annual Camper Permit	\$25.00	NR	
23-58	8/1/2023	8/1/2023	21090535	Frericks	Brian	20052 Blue Lake Rd	SSTS	Install Type 1, Trench/Pressure Bed Design; 600 GPD; 1,500 gallon tank with 2 compartments	\$250.00	SR	YES-Greg Kossan 8/3/2023
NUMBER	Recd	Appvrd	RE CODE	LAST	FIRST	ADDRESS	TYPE	DESCRIPTION	FEE	DISTRICT	Project Completed Y/N

23-59	8/1/2023	8/2/2023	21250547	Winker	Chuck	23145 N Shore Drive	Land Use Permit	Construct a 24'X24' (576 SqFt) Accessory Structure attaching to existing dwelling.	\$250.00	SR
23-60	8/2/2023	8/8/2023	21090513	Johannes	Charles	XXXX Blue Lake Rd	Land Use Permit	Construct a 60'X80' (4,800 SqFt) Accessory Structure	\$400.00	NR
23-61	8/7/2023	8/8/2023	21260634	Peck	Robert	40401 Little Pine River Rd	Camper/RV Land Use Permit	Annual Camper/RV	\$25.00	NR
23-62	8/8/2023	8/8/2023	21220518	Northern Lakes Landscaping/Steve Peterson	Travis Rabel/Owner	41156 Loon Trail	Land Use Permit	Replace Existing Stairs to lake	\$60.00	SR
23-63	8/9/2023	8/15/2023	21330513	Marty	Joshua	40498 Sandhill Dr	Land Use Permit	Construct a 40'X24' (960 SqFt) Accessory Structure garage- attached to dwelling	\$250.00	SR
23-64	8/14/2023	8/23/2023	21040586	Kodada	David & Janice	44796 Roosevelt Lane	Land Use Permit	Construct a 32'X32' (1,024 SqFt) Accessory Structure	\$250.00	SR
23-65	8/14/2023	8/15/2023	21090552	Geiwitz	Alan	20158 Clearwater Dr	Land Use Permit	Construct a 20'X20' (400 SqFt) Dwelling Addition; 14'X17' (238 SqFt) Screened Porch; 12'X55' Deck	\$400.00	SR
23-66	8/15/2023	8/15/2023	21300505	Pendzimas	William	40206 Marshview Dr	Land Use Permit/Camper	Annual Camper Permit	\$25.00	SR
23-67	8/22/2023	8/29/2023	21330588	Bussler	Bob	39376 West Trout Ave	Land Use Permit	Construct a 10'x16' (160 SqFt) Accessory Structure	\$75.00	SR
23-68	8/25/2023	9/26/2023	21250532	Des Marais	Michael	23092 South Shore Dr.	Land Use Permit	Construct a 30'X40' (1,200 SqFt) Dwelling with a 12'X14' (168 SqFt) 3 season porch	\$450.00	SR
23-69	8/25/2023	8/29/2023	21090596	Moritz	Andy	TBD Blue Lake Rd	Land Use Permit	Construct a 4'X8' permanent aluminum non lighted sign	\$60.00	NR

23-70	9/6/2023	9/12/2023	21230512	Scherf	Patrick	41100 Yellow Birch Ln	Land Use Permit	Construct a 10'X24' (240 SqFt) addition to accessory structure and 10'X10' (100 SqFt) deck addition to existing deck.	\$150.00	NR	
23-71	9/6/2023	9/12/2023	21300511	McMahon	Natasha	XXXX Sandhill Dr	SSTS Permit	Install a Type I Trench/Pressure Bed Design, 600 GPD, 1500 Gallon 2 compartment 1 tank system	\$250.00	SR	
23-72	9/7/2023	9/12/2023	21090575	St. Martin	Joe	43433 Eladron Dr	SSTS Permit	Install a Type I Trench/Pressure Bed Design, 750 GPD, 1500 gallons 2 compartment 1 tank system	\$250.00	SR	
23-73	9/7/2023	9/12/2023	21090575	St. Martin	Joe	43433 Eladron Dr	Land Use Permit	Construct New Dwelling 52'X32' (1,664 SqFt); 28'X48' (1,344 SqFt) attached garage; 20'X20' (400 SqFt) attached porch	\$550.00	SR	
23-74	9/7/2023	9/19/2023	TBD-Lot Split	Friesner	Jon	42665 Blue Ln W	Land Use Permit	Construct New Dwelling 40'X60' (2,400 SqFt) and 40'X48' (1,920 SqFt) attached accessory structure	\$700.00	NR	
23-75	9/7/2023	9/19/2023	TBD-Lot Split	Friesner	Jon	42665 Blue Ln W	SSTS Permit	Install a Type I Trench/Pressure Bed Design, 750 GPD, 1500 gallons 2 compartment 1 tank system	\$250.00	NR	
23-76	9/7/2023	9/12/2023	21300511	McManon	Natasha	XXXX Sandhill Dr.	Land Use Permit	Construct New Dwelling 56'X30' (1,680 SqFt) with 28'X28' (784 SqFt) Attached Garage; 12'X16' (192 SqFt) Deck attached to home	\$550.00	SR	

23-77	9/13/2023		21330525	Werth	Benjamin	39664 West Trout Ave	Land Use Permit	Construct a 50'X90' (4,500 SqFt) Accessory Structure w/ living quarters & garage	\$400.00	SR
23-78	9/18/2023		21160500	French	Marilyn	42037 State Hwy 6	Land Use Permit	Construct a 20'X22' (440 SqFt) Accessory Structure	\$150.00	HMU
23-79	9/12/2023		21090503	Smith	Reginald & Karen	20621 Clearwater Drive	Land Use Permit	Construct the following: 10'X12' (120 sqft) Deck; 12'X16'(192 SqFt) shed; 16'X20' (320 SqFt) Shed; 15'X10' (150 SqFt) Shed- shelter logic brand; 8'X5' (40 SqFt) motorcycle garage shed and 20'X18' (360 SqFt) carport	\$250.00	NR
23-80	9/19/2023		21270736	Emily Ace Storage LLC	Dan Erickson	40109 Sawmill Rd	Commerical Land Use Permit	Construct 4 110'X40' Storage Buildings with concrete slab.	\$600.00	CT
23-81	9/19/2023		21100516	Capra	Fred & Janet	43330 State HWY 6	SSTS Permit	Install a limited use Holding Tank SSTS System; Less than 150 GPD; 2250 gallon tank- Campers	\$260.00	NR
23-82	9/25/2023		21250532	Des Marais	Michael	23092 S. Shore Dr.	SSTS Permit	Install a limited use Holding Tank SSTS System; Less than 150 GPD; 1,500 gallon tank	\$260.00	SR
23-83	9/25/2023		21170572	Berning	Dan	42806 Blue Lane W	SSTS Permit	Install a Type I Pressure Bed/Trench SSTS System; 750 GPD; 1,500 Gallons 1 Tank-2 Compartments	\$260.00	SR

23-84	9/25/2023	9/26/2023	21170572	Berning	Dan	42806 Blue Lane W	Land Use Permit	Construct a 30'X42' (1,260 SqFt) Accessory Structure and 10'X42' (420 SqFt) attached lean to.	\$400.00	SR
23-85	9/25/2023	9/26/2023	21030537	Manders	Jim	44701 Twilight Ct	SSTS Permit	Install a Type I Trench/Pressure Bed SSTS Design: 450 GPD; 1,500 Gallon 1 Tank-2 Compartment	\$260.00	RP
23-86	9/25/2023		21170549	Howard	Mike	19557 Blue Lane E	Land Use Permit	Construct a 40'X80; (3,200 SqFt) Accessory Structure-Storage Tent	\$400.00	NR
23-87	9/26/2023	9/26/2023	21170567	Donald & Linda	Sagerer	42694 Blue Lane W	SSTS Permit	Install a Type I Trench/Pressure Bed system; 600 GPD; 1,500 Gallon tank with 2 compartments	\$260.00	SR
23-88	9/26/2023	9/26/2023	21170567	Donald & Linda	Sagerer	42694 Blue Lane W	Land Use Permit	Construct a 34'X54' (1,836 SqFt) 15' high Accessory Structure meeting all setback requirements.	\$450.00	SR

2023 PERMIT EXTENSIONS

ORIGINAL PERMIT NUMBER	DATE REQUESTED	NAME	ADDRESS	REASON FOR EXTENSION	EXTENDED TO DATE	Decision	Completed
20-31	6/28/2022	Brian Steele	20705 Civ Rd 1	Finish installing doors & siding on accessory structure	7/1/2023	6 MO extension was administratively approved by zoning administrator 10/28/2022 - Brian Steele requested an additional extension on his permit due to injuries and is unable to complete the work until he heals. 12/6/2022 Planning Commission granted an additional extension to 7/1/2023	6/29/2023
19-15	7/7/2022	Kelly Hodges/Property owner Gary & Judith Stiner	21140 Mill Rd	Installation of exterior siding, windows and doors	9/1/2023	Permit was reinstated 09/02/2020 by Justin Burslie 10/26/2022 -Per Bill, work has not been completed. Certified Letter was sent to property owner Gary & Judith Stiner requesting status update 11/12/2022 -Certified letter returned by Post Office as unclaimed. 6/6/2023 - Planning Commission agreed to extend her permit to September 1, 2023 with NO opportunity to receive another extension.	
21-49	8/22/2022	Brian Ehalt	23253 N Shore Dr	Relocate accessory structure that was built in a welland *****34'X56' (2,016 SqFt) Accessory Structure	12/29/2023	Permit was extended to 12/29/2023 by Justin Burslie-See email note in file	1/27/2023
20-46 & 20-87	9/31/2022	Charles Winkler	23145 N Shore Dr	Construction of dwelling	7/31/2023 10/16/2023 FINAL EXTENSION	8/30/2022 -Bill did a driveby inspection and noted that material is NOT within the ROW, however construction is not near finished. Original permit expiration 10-20-2022 8/31/2022 Certified letter sent requesting status update- signed and delivered on 9/2/2022 10/18/2022 Driveby inspection by Brittney shows construction has started. Email was sent to property owner letting her him know the permit will expire in 2 days if an extension is needed he needs to apply before 10-20-2022 October 24, 2022 -Received email request to extend permit Brittney extended permit for 6 mo (4-18-2023) 4/18/2023 - Received email request to extend permit through July 2023 Brittney will add to May 2nd PZ agenda. 5/2/2023 Planning commission granted the 2nd and final extension to July 31, 2023 8/1/2023 Planning Commission granted a one time FINAL PERMIT EXTENSION TO 10/15/2023. No other extensions will be allowed or granted	
20-37	9/27/2022	Scott & Karen Tasler 21250618	40640 Yellow Birch Lane	Pending	Pending	9/14/2022 -Bill did a driveby inspection and noted the siding has not been completed. Original permit expiration 7/28/2022 Letter sent by regular mail requesting status update. No response from homeowner	Siding has been installed. Visual inspection by SF
21-05	3/9/2023	Michael Helberg	40552 S Bay Dr	Relocate or remove accessory structure that was built in ROW	6/9/2023 proposed new location map submitted 9/9/2023	3/9/2023 -Received an email from Michael Helberg (3/8/2023)requesting an extension. Brittney administratively approved the 6 mo extension with an expiration date of 9/9/2023 with condition proposed new location of the accessory structure be submitted to zoning by 6/9/2023 6/26/2023 -Requested extension due to delay in building material. Brittney administratively approved extension	9/9/2023 Property Owner moved garage
21-61	6/26/2023	Beneker/Gorsuch	43823 State HWY 6	Contractor informed owners the building material for constructing the units will not be available until August 2023.	11/1/2023		

CONFIDENTIAL

2023 VIOLATION-COMPLAINT-NOTICES LOG -- EMILY PLANNING AND ZONING

P & Z #	City #	Date Recd	PID	NAME	ADDRESS	DESCRIPTION OF VIOLATION	DATE LETTER SENT	DATE RESOLVED	Notes
21-02	NA	10/1/2021 & 2nd compliant 06/10/2022	21270548	Michael Helberg	40552 S. Bay Dr.	Permit Violation (21-05)-Building Encroachment on public road right-of-way	12/28/2021 & 06/14/2022 Received Certified Mail confirmation of delivery to Michael Helberg on 6/17/2022 8-3-2022 Certified letter sent 8-8-2022 Received confirmation Certified letter was delivered & signed for 8-4-2022	9/9/2023	Letter sent on December 28, 2021 by Justin Bursiler regarding building encroachment P & Z received a 2nd compliant regarding same issue. 2nd Letter sent certified mail 6/15/22 with deadline of July 10, 2022 for action. Next steps will be to send to CC for enforcement. Received Certified Mail confirmation letter was delivered to Michael Helberg on 6/17/22. **Received email from Helberg on 7/11/2022 asking for cost for a variance project per follow-up phone conversation with Brittny. 8-3-2022 Planning Commission requested a certified letter be sent requesting his attendance at their next Planning Commission meeting 9-6-2022 to discuss the matter. 8-8-2022 Received confirmation that Certified letter was delivered and signed for on 8-4-2022 9-13-2022-Letter sent to Michael Helberg regular mail providing a recap of the meeting he attended on 9-6-2022 (see file for letter) 3/9/2023-Received an email from Michael Helberg (3/8/2023)requesting an extension. Brittny administratively approved the 6 mo extension with an expiration date of 9/9/2023 with condition proposed new location of the accessory structure be submitted to zoning by 6/9/2023
22-10	22-10	9/23/2022	21080567	Loren & Vickie Patnode	19590 Blue Lake Rd	Storage shed within the lakeshore setback	9/28/2022-Certified letter sent to Loren & Vickie Patnode	4/25/2023	04/25/2023-Storage shed has been removed from the Lakeshore setback per site visit by Brittny
P & Z #	City #	Date Recd	PID	NAME	ADDRESS	DESCRIPTION OF VIOLATION	DATE LETTER SENT	DATE RESOLVED	Notes
23-08	23-08	9/19/2023	21340822	330 Central LLC	39877 HWY 6	Boat being used as an off-site sign City Code 152-070 code violation	9/20/2023		9/20/2023-Letter sent to property owner stating boat needs to be removed by 10-30-2023 or enforcement action will take place-Property Site-The Landing
23-09	23-09	9/19/2023	21270685	James Waller	20934 County Rd 1	Exterior Siding missing on the north wall	9/19/2023-In person site visit		9/19/2023-Brittny did a site visit of the property and spoke with the owner. Siding will be installed before the winter.

CONFIDENTIAL