



Approved
11/28/23

MEETING MINUTES
CITY COUNCIL
October 24, 2023

Present: Mayor Gustafson, Council Member Rivers, Battles, and Meyers, Dresel

Absent: None

Staff: City Administrator Pechman, City Attorney Doran, Associate Planner Nelson, City Engineer Goodman, Chief Police Schlumbohm

Public Attendance: Leilani Freeman, Elizabeth Baxter, Micheal and Leanne Roggeman, Brian Hower

REGULAR MEETING-CALL TO ORDER 6:30

Mayor Gustafson called the meeting to order at 6:30 p.m.

1a. "Pledge of Allegiance"

The Pledge of Allegiance was recited.

Action

1b. Roll Call

All members present.

Action

AGENDA

Mayor Gustafson asked for approval of the agenda.

Administrator Pechman would like to add item 7e. the 2023 water and sewer extension at the public works site and 7f. the local road improvement application.

Council Member Rivers made the motion to approve the agenda, Council Member Dresel seconded, all in favor, all ayes, motion carried.

CONSENT AGENDA

3a. Minutes of September 26, 2023

Action

3b. Payment of Bills/Finance Information

Action

3c. Committee Reports

Discussion

Mayor Gustafson asked for a motion to approve the consent agenda.

Council Member Dresel made the motion to approve the consent agenda, Council Member Rivers seconded, all in favor, all ayes, motion carried.

PUBLIC COMMENT/AGENDA PLACEMENT

Mayor Gustafson asked if anyone had any comments or concerns on anything which was not on the agenda.

Leilani Freeman resident of Lindstrom but owns property in Chisago asked about what was happening with the hockey rink. to be here the week of November 6.

Administrator Pechman stated it is scheduled to be here the week of November 6.

PETITIONS, REQUESTS, COMMUNICATION

None.

PUBLIC HEARING

None.

NEW BUSINESS

7a. Zoning Chapter. 6 Community Design – Bee keeping Ord.

Action

Associate Planner Nelson stated at the September 7th Planning Commission meeting residents requested feedback from the Planning Commission on the possibility of amending the current bee keeping ordinance to allow smaller lots to keep beehives. Discussion included how docile honeybees are. Honeybees have about a 50% chance of making it through the winter in Minnesota and in order to have a thriving honeybee colony it makes sense to have two hives in case one hive does not live through the winter. If one hive is struggling to thrive it can be supported by the other hive. The Planning Commission directed staff to draft amendments to the current ordinance pertaining to bee keeping. At the October 5th Planning Commission meeting, a duly noted public hearing was held. Commissioners and meeting attendees reviewed the proposed amendments. Public comment was made in favor of the proposed amendments. The Planning Commission voted to recommend approval of the proposed amendments.

Council Member Rivers made the motion to approve, Council Member Meyers seconded, all in favor, all ayes, motion carried.

7b. Accessory Structure Variance – 28820 Green Lake Ave

Action

Associate Planner Nelson stated Michael & Leanne Roggemann, owners of 28820 Green Lake Ave, PID 13.00422.00, have submitted a variance application for an accessory structure that was constructed without a permit. It is non-conforming and would require a variance for the side yard setback, the rear yard setback and the maximum allowable impervious surface area. The Planning Commission held a duly noted public hearing on October 5th, 2023. Prior to the meeting City staff received six comments from the public in favor of granting the variance and one opposed. At the public hearing two residents provided a verbal comment in favor of the variance. The property owners were also present to answer questions. Discussion centered around the three components the variance is for including: the impervious surface area, the set back from the side yard property line and the set back to the Ordinary High-Water Mark (OHW). Motion was made to recommend approval to the portion of the variance pertaining to the impervious surface area and the setback from the OHW, and to recommend approval of an alternative side yard setback of six feet (6'). A condition of the partial recommendation for approval is that the shed be moved to meet a six-foot (6') side yard setback by June 30, 2024. The property is approximately 0.54 acres on Green Lake Ave. Owners Michael & Leanne Roggemann had removed two sheds from the property in 2023 and replaced them with a new shed. The previous sheds were not permitted, although they may have been installed prior to the requirement for permitted accessory structures. They were included in a reroof permit obtained in 2017. Side Yard Setback - The previous accessory structure was roughly 3' off the side yard property line.

CITY COUNCIL MINUTES

October 24, 2023

Page 3 of 5

The required side yard setback is a minimum of 10'. The current accessory structure has a side yard setback of 4'. Planning Commission motioned to make it a 6' side yard setback. The Rear Yard Setback – The previous accessory structure was roughly 40' off the ordinary high-water mark (OHWM). The required rear yard setback to the OHWM is a minimum of 50'. The current accessory structure has a rear yard setback to the OHWM of 40'. The impervious surface area permitted is 25% maximum, the proposed impervious surface is 31%. The impervious surface area with the old sheds was 31%. The impervious surface area without the accessory structure would put the property at about 30% impervious surface area coverage. If approved, the building permit fee should be doubled. The Planning Commission had recommended approval with the increase to a 6' side yard setback. Impervious surface area stays the same as the it was with the old structures. Two structures were replaced with a single structure placed in the same location as old structures. The new structure is visually an improvement over the old ones. If there is concern regarding a bluff the agenda item can be continued according to the City Council's direction.

Council Member Meyer stated the Planning Commission had discussed it in quite a bit of detail and wanted to make sure the side yard setback was meet at 10 feet. At the time they reviewed the application Craig Wills from the DNR did not have any issues with the variance and now there appears to be. He now would like to see the side yard setback and the gutter going toward their impervious surface.

Council Member Battles asked what the 6-foot setback was instead of the 10.

Council Member Meyers stated the Planning Commission had motion was to be the 10-foot setback.

Elizabeth Baxter, the neighboring property, thanked the council for reading her letter. Neighbors all have been required to meet setbacks in the area. She has lived there for over 30 years. Ms. Baxter questioned allowing building closer to the bluff than allowed. She can see this from her dining room. She questioned are building codes for a popularity contest if enough people agree can we just change it for some. There was no permit issued to begin with and the shed could be moved the 10 feet or move it the front yard. She said the shed came in on a forklift and can be moved the same way. She asked if they had any questions for her; they had none. Her motion is to have the shed moved to the front yard.

Council Member Meyer stated the sheds that were replaced were definitely bigger than 8 x 8 sheds you can tell by the panels. In order for the shed to move to the front yard it still was going to need to meet setbacks.

Council Member Dresel said the shed not having a permit is a big issue for him; and coming in after the fact is a problem for him.

Council Member Rivers stated she knows that you have to meet the bluff setbacks because of the erosion issues; she had to meet them herself.

Council Member Dresel asked if the structure does meet the code and if they applied for the permit these items would have to be addressed. The size would have been allowed but does put it over impervious.

Council Member Battles said she feels the same as Rivers and the imperious is an issue and affects others.

Council Member Dresel said there were already structures there and it was replacing the deteriorating. They also had planted many arborvitaes for screening. The applicant is getting extra fees, additional permit cost, variances and placing it where it needs to go.

Council Member Meyer stated they will have to pay to have the retaining wall redone to make the shed fit the 10-foot side yard.

CITY COUNCIL MINUTES

October 24, 2023

Page 4 of 5

Mr. Roggeman stated he had made contact with Ms. Baxter, and it had been fine; until it was moved in and she did not like it. He should have gotten a permit but viewed it as replacing what had already been there.

He had a rock base put under it and had planted 32 arborvitaes to screen the property. The intent was to store lawn equipment, snowplowing and grandkids electric cars and prevent them from being stolen. Plus, it just looks nicer having things put away.

Council Member Battles asked how far is the shed from the back of their home.

Mr. Roggeman stated 30 feet.

Brian Hower with Mr. Roggeman's background in OSHA why did he not get a permit.

Mr. Roggeman stated he dealt with as a project manager.

Mayor Gustafson asked if there were any more from the council.

Council Member Dresel made the motion to approve the variance with the 10-foot side yard setback and work with Craig Wills for the mitigation and run off and to double the permit fees, Council Member Meyer seconded.

Mayor Gustafson asked for a voice vote, Dresel aye, Meyer aye, Battles nay, Rivers nay, Gustafson aye, motion passes 3 to 2.

7c. Offer of Dedication – Green Lake Villas, LLC

Action

Administrator Pechman stated Green Lake Villas LLC has made a written request that the city accept the offer of Dedication. Which includes road, water sewer, and all the public improvements the engineers review is attached and one item was a manhole which had been completed.

Council Member Meyer made the motion to accept the offer of dedication, Council Member Dresel seconded, all in favor, all ayes, motion carried.

7d. Park Commission Appointment- Nathan Stackhouse

Action

Council Member Battles stated the Park Commission interviewed and accepted Nathan Stackhouse as a member at their regular meeting on October 12, 2023.

Council Member Battles made the motion to approve the appointment of Nathan Stackhouse to the open term, Council Member Rivers seconded, all in favor, all ayes, motion carried.

7e. Payment

Administrator Pechman stated we had come earlier this year to extend the water and sewer up where we had envisioned the new police building being built. The low quote was \$154,029 we have a request for payment and the price was higher because of the additions that had needed to be done while the ground was open up. We did have to dig up some asphalt behind the public works we had not estimated; thus, we are over the budget for all these unseen additions. We are looking for the sewer lines and water lines which had been oversized could come out of the WAC/SAC funds which is allowed because they are trunk systems. We are still talking to the contractor about the hydro mulching which was way over also.

Council Member Meyer stated if the hydro seeding was done and the area was seeded, we should pay for it.

CITY COUNCIL MINUTES

October 24, 2023

Page 5 of 5

Council Member Dresel made the motion to approve the amount and the funds coming from the WAC/SAC funds, Council Member Meyer seconded, all in favor, all ayes, motion carried.

7f. Local Road Improvement Program

Administrator Pechman stated we have applied before but had not received any. They would like to submit it again and are seeking to look at Karmel and Liberty or Pioneer Road to the Wyoming section area and possibly the bike trail. The cost to apply would be \$7,000.

Council Member Meyer made the motion to approve the submittal for the grant with the road to be determined, Council Member Rivers seconded, all in favor, all ayes, motion carried.

Administrator Pechman stated he believed the proposals are due at the beginning of December.

UNFINISHED BUSINESS

None.

ADJOURN

Council Member Battles made the motion to adjourn, Council Member Meyers seconded, all in favor, all ayes, motion carried.

Respectfully Submitted by:
Paula Oehme,
Deputy City Clerk