

VINCENT MEYER VARIANCE - Rena Weber reported that the variance(s) from Shoreland Requirements for Vincent Joel Meyer was heard at the May 8, 2007 Planning Commission meeting. The address of the property is: 25899 Holly Road with a legal description of: Lot 15 and Lot 14, except that part of said Lot 14 lying Southeasterly of a line drawn parallel with and distant 37 feet Northwesterly of, as measured at a right angle to, the Southeasterly line of said Lot 14, all in Schmitt's Pleasant View, according to the recorded plat thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota.

The request is to replace the existing residential dwelling with a new residential dwelling and attached garage.

Variances are needed for:

Required setback of the Ordinary High Water Level – 50' instead of required 100'

Required setback from the Roadway – 15' instead of the required 25'

Impervious Surface – 6% over the required 25%

Rena further reported that Pleasant Lake (recreation development) has a 100' setback while Grand Lake (general development) has a 75' setback. Further there is a 50' setback which is the absolute minimum (part of the shore impact zone) that cannot be constructed upon.

The proposed Alternative Shoreland standards will not change this requirement.

Impervious materials, i.e. pavers are not considered pervious by Stearns County, but there is no real clear answer. This is something the City Council and Planning Commission need to clearly decide.

Greg Berg-Stearns County Soil and Water Conservation District had been to the site and offered suggestions as a way to mitigate storm water run-off by suggesting installation of rain gardens, however there would be 4 items that need to be addressed if this proposal is approved.

- a) A detailed analysis of the impervious area and the exact location and size of the rain gardens.
- b) A detailed planting plan for the shoreline buffer and rain gardens.
- c) Direct all drainage to the rain gardens from the impervious surfaces and lot runoff.
- d) Contain the area of the buffer to allow infiltration in that area of the lot.

Rena further reported that the owner had asked her to poll the Planning Commission Members after they denied the request to see if some reduction would be agreeable. It was suggested that the 3rd garage stall be eliminated as well as the patio (lakeside). Another member was concerned with the two story structure, however, there is no variance required for this.

Vincent Meyer and Bill Schnettler were present at the meeting citing that they would be agreeable to removing the pavers, but the city needs to decide if they are pervious. Mr. Meyer also indicated that they have letters of support from neighbors and that there are structural issues with the footing of the present structure.

Scott Hedlund indicated there are ways if installed properly that pavers can be considered for a 50% reduction in the impervious surface amount, however, this needs to be on the books as part of the ordinance.

Member Pflapsen stated in regards to pervious pavers this is a product that has proven itself and is technology that Stearns County does not recognize and is accepted in many parts of the country. We have a lot of land area around lakes.

Member Palmer indicated that we are trying to protect the water quality of the lakes.

Scott Hedlund reported that Stearns County has consulting services to review applications such as this, but it is ultimately up to the city council to approve the standards. It is a policy decision to determine if it is allowed or credit is given.

Member Pflapsen indicated that it appears that we could apply the 50% rule here so does it work?

Member Palmer stated that there are three variances required and further questioned how serious are we about protecting the natural aspects of the city. Are we required to grant the variances of which the Planning Commission felt that we were not.

Member Pflapsen indicated that in protecting what is here we are splitting hairs over how impervious surface is being interpreted. We are removing landowner rights and getting

entrenched in preserving this within reason. I think we have to waive the landowner's rights in granting the variances. Nothing here adds up to something major: road too close to the lake, etc.

Mayor Herberg voiced concern that the 50' setback from the lake does not require a variance as long as you use the building site line and don't encroach on the 50' shore impact zone.

Rena Weber disagreed with this stating it still requires a variance.

Member Hagen urged the council to look at property rights and the impact on the lakes. In fact people are living there in older structures, washing cars, where water runs into the lake. New structures are proposed with rain gardens being added. It is a fact that they have a bigger structure, but if the run-off is being controlled with rain gardens the net net is that the lake is being improved with a structure that is a little better than it was. Has the city gained by allowing a valuable structure being put there where we can get tax revenue and are not changing the impact on the lake? We can't have our most valuable assets in the city not being developed or we won't increase our tax base.

Member Palmer indicated that part of the intent was not to take a small lot and put a very large house on it, but it is also not saying that you can't put anything on it.

Member Volkmuth questioned why we have ordinances if we are not going to follow them. 50' off of the lake is very close. The owner should make the structure smaller and have more pervious land. The Planning Commission did their homework. They put time and effort in this. It would be a disservice to them. If we vote for this he would prefer sending it back to the Planning Commission to come up with something that would work.

Member Palmer stated that when the owner purchased the property they knew what the requirements were.

Mayor Herberg indicated the pervious surface was the biggest issue that if they get this in check he is okay with the 50' setback.

Member Hagen stated that in his experience on the Planning Commission and City Council in the last few years people were not aware of the setbacks on the lakes or the type of lakes they are. Everyone thought that Pleasant Lake was the same as Grand Lake and were surprised to hear it wasn't.

Member Pflapsen asked how many square feet the lot was. Bill Schnettler reported 14,527 square feet.

Member Palmer indicated the minimum standard for Pleasant Lake is 20,000 square feet.

Bill Schnettler stated they would remove the pavers.

Member Volkmuth suggested the request be sent back to the Planning Commission and see what they recommend.

Vincent Meyer indicated that the discussion here makes him feel more like a taxpayer, but not at the Planning Commission level. He is trying to do the right thing.

Member Hagen indicated that the council heard some more information and the owner made some concessions that the Planning Commission does not know about.

Member Pflapsen indicated that he does not see the role of the Planning Commission as a negative. They need the information that the council has.

Mayor Herberg indicated that it feels like we need to send it back to the Planning Commission with the additional information. We are deliberating on this and it should have been done with.

Member Pflapsen suggested the council resolve this now.

Member Hagen reminded the council that they are going to face this same problem with people who are on 6,000 to 7,000 square foot lots. We sold the lake people on the sewer project so they could build on these lots. They have to be able to build a livable dwelling on a 5,000 square foot lot. They just put \$20,000 into a sewer system & hook up so they have to be able to build something. We are going to be looking at lot coverage or they will need at least 15,000 square foot lots.

Member Volkmuth voiced concern that we would need to change the ordinances if we keep granting variances.

Member Pflapsen indicated that the variance process is part of the ordinance process.

Member Volkmuth asked why have the ordinances.

Member Pflapsen stated that he has a difference of opinion on the 100' requirement.

Member Palmer stated that in the past people were allowed to build closer to the lake. Are we going to allow it to continue? Why have ordinances?

Member Hagen stated that you need the ordinances as you may have a situation with new platted land where you have a couple thousand feet of lakeshore and you have an opportunity to start that. Here you have existing buildings and with what we have done with the sewer project, landowner's rights need to be taken into consideration.

Member Palmer voiced concern that nobody has right to do whatever they want or we wouldn't have any ordinances.

Member Pflapsen stated this is a typical request – redevelopment of repressed property.

Member Hagen indicated that the Planning Commission is a recommending body and the council is the decision making body.

Motion by Member Volkmuth, second by Mayor Herberg, to send the variance request application back to the Planning Commission with the understanding that the council would like to see it resolved with some kind of consensus.

AYES: Ahles, Herberg, Palmer, Simon & Volkmuth

NAYS: Hagen & Pflapsen

Motion passed on a 5 to 2 vote.

Attorney Jim Mogen suggested the council extend the 60 day rule on the application.

Motion by Member Volkmuth, second by Mayor Herberg, to extend the 60 day timeline on the Vincent Meyer variance request to allow for further review.

AYES: Ahles, Hagen, Herberg, Palmer, Simon & Volkmuth

NAYS: Pflapsen

Motion passed on a 6 to 1 vote.

GREG BERG – SITE PLAN APPROVAL – 8615 COUNTY ROAD 6 – Rena Weber reported that Subdivision 7 – Site Plan R-1 District requires Planning Commission and City Council approval for any building other than a single family dwelling. Mr. Berg has moved the proposed structure further back on his property at the request of the neighbor. The proposed structure will be sided with steel in earth tone colors. The house is currently sided with redwood and eventually will be resided to match the new garage. The Planning Commission recommends approval of the site plan.

Motion by Member Volkmuth, second by Mayor Herberg, to approve the site plan as proposed by Greg & Angie Berg for a 52.5' x 32' accessory structure in the rear yard.

AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

CHARLES DRIVER – SITE PLAN APPROVAL – 25217 LAKE ROAD – Rena Weber reported that approval of this structure is needed which falls under the same subdivision as Greg Berg's request. The Planning Commission reviewed this request and recommend approval.

Motion by Mayor Herberg, second by Member Palmer, to approve the site plan as proposed by Charles Driver for a 30' x 56' accessory structure in the rear yard.

AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

MAINTENANCE DEPARTMENT – Rick Hansen requested approval of the following:

AIR PATCHING – Rick Hansen had written a request for council action to finish the air patching on our streets for \$2,257.50. There is \$25,000 in the budget minus the \$1,850 already approved.

Motion by Member Volkmuth, second by Mayor Herberg, to approve the request for additional air patching as presented.

AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

PART TIME WORKER REPLACEMENT – Personnel Committee Chair Volkmuth reported that the committee met and discussed the replacement for the part-time Maintenance Worker. The Committee reported the Maintenance Department does a number of jobs that requires two people being present per OSHA standards and therefore recommends we do replace this person.

Motion by Mayor Herberg, second by Member Ahles, to authorize advertisement for replacement of the part-time maintenance worker position.

AYES: Ahles, Herberg, Palmer, Pflepsen, Simon & Volkmuth

NAYS: Hagen

Motion passed on a 6 to 1 vote.

Member Simon suggested hiring seasonal people (16 years of age and older) at a lesser wage to cut the grass in parks.

Mayor Herberg reported the city still has not heard from Experience Works to fill these types of positions. The part-time Maintenance position is up to 32 hours right now.

BUILDING INSPECTOR CONTRACT – Chair Volkmuth reported that the Personnel Committee also reviewed the Building Inspector Contract and recommends approval as written with a 90 day termination clause.

Member Hagen voiced concern regarding the renewal process. Rena Weber reported this is reviewed every two years.

Motion by Member Volkmuth, second by Member Ahles, to approve the building inspector contract as recommended with a two year renewal.

AYES: Ahles, Hagen, Herberg, Palmer, Pflepsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

OLD BUSINESS

COUNTY ROAD 82 WATERMAIN LOOP – Mayor Herberg reported that he had conversations with the Kraemer's and there were too many what if's in the agreement so it will just not happen.

\$18,000 was for water/sewer – residential site

\$22,000 deferred until redevelopment of the property occurred

Member Volkmuth stated again that if the three property owners are on board then he is.

Motion by Member Pflepsen, second by Member Volkmuth, to terminate the project proposal and return the grant money to the State of Minnesota.

AYES: Ahles, Hagen, Herberg, Palmer, Pflepsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

SPECIAL ASSESSMENT POLICY – Attorney Jim Mogen presented copies of the Special Assessment Policy and suggested the council hold off approving until people have read it in total.

Scott Hedlund passed out updated copies of the schedule of costs.

Motion by Member Volkmuth, second by Member Palmer, to table approval of the policy until 6/6/07.

AYES: Ahles, Hagen, Herberg, Palmer, Pflepsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

NEW BUSINESS

LIZA FUCHS – ON-SALE NON-INTOXICATING LIQUOR LICENSE APPROVAL – Liza Fuchs requested approval for three on-sale non-intoxicating liquor licenses in conjunction with Rock Fest:

7/7/07 – until 11:59 p.m. outside of Stoney's Bar

7/7/07 – 9:00 a.m. to 11:59 p.m. at Community Ball Park

7/8/07 – 12:00 noon to 5:00 p.m. at Pickup Power'n Sports

Motion by Member Volkmuth, second by Mayor Herberg, to approve the three requests as presented.

AYES: Ahles, Hagen, Herberg, Palmer, Pflepsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

ADDITION TO THE AGENDA

MOLITOR HOUSING PROPOSAL – Sherri Harris was present with Bill Molitor to review his housing proposal. Sherri Harris explained what it is that Central MN Housing Partnership does as part of the financing proposal in seeking grants for a portion of the financing. The project is in a concept stage and there would be no action taken tonight.

Member Palmer asked what is the % of affordable houses? Bill Molitor reported that there are 15 lots which will be considered affordable.

Member Volkmuth requested information on what is being asked of the city? Sherri Harris reported they are seeking 5% in local funding such as waived fees, smaller lots, and Tax Increment Financing. It was determined the Council needs to see the numbers.

Member Pflapsen questioned the need for affordable housing and indicated this would be a good spot if this has been reviewed.

Discussion was held on the scoring points that are given in approving the grant application with is due 6/20/07. This will be considered further at the 6/6/07 council meeting.

ENGINEER REPORT – Scott Hedlund had nothing to report.

MAYOR REPORT – Mayor Herberg had nothing to report.

ADMINISTRATOR REPORT - Rena Weber reported on the following:

FINANCE COMMITTEE – The council scheduled a Finance Committee meeting on 5/30/07 at 6:00 p.m.

COPIER BIDS – Rena Weber presented more bids on a color copier/scanner:

Chader Business Equipment	\$586.50
MN Copy Systems, Inc.	\$527.07
Marco (original bid)	\$466.01

Motion by Member Volkmuth, second by Member Ahles, to accept the low bid of Marco for the 5 year lease of a color copier with scanner at \$466.01 per month.

AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

OPEN FORUM

Clarence Bloch – 11285 Hubert Lane –was present to ask if he can he tar the street in front of his house. Mr. Bloch indicated the gravel from the road washes down through his grass and into the lake.

Discussion was held regarding the approval with the understanding that it might get torn up sometime and he could be assessed.

Member Hagen reminded the council that the PC had strict usage of pavers for his project. Scott Hedlund reported that Mr. Bloch has to meet specifications as proposed in the agreement and further that Mr. Bloch would be assessed at the time the road is tarred or if improvements are made to the road.

Motion by Member Pflapsen, second by Member Volkmuth, to allow Clarence Bloch to tar the portion of Hubert Lane abutting his property with the understanding that should Hubert Lane ever be reconstructed/tarred he would be assessed.

AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

Mr. Bloch then presented a brochure of pervious concrete for his driveway that he wanted approved. This needs to be approved by the engineer and if it follows the plan he does not need city council approval, only engineer approval.

Duane Willenbring, 25123 CR 139 – asked for a draft copy of the proposed special assessment policy.

Greg Berg – 8615 CR 6- asked the council to look at the section of the ordinance that requires the Planning Commission and City Council to approve the buildings other than dwellings in the R-1 District. The building was okay by the ordinance standards and just requires the extra approvals.

Jerry Bechtold addressed Greg Berg's request indicating the reason the ordinance was put in was due to a building constructed on Glacier Road. It was a knee jerk reaction as the

building was not placed where it should have been. He agrees with not having the extra approval requirement.

Susan Palmer indicated that she would like to start all meetings over the summer at 6:00 p.m.

Motion by Member Palmer, second by Member Volkmuth, to approve the start of all council meetings at 6:00 p.m. during the summer months.

AYES: Ahles, Hagen, Herberg, Palmer, Pflapsen, Simon & Volkmuth

Motion passed on a 7 to 0 vote.

ADJOURNMENT – Motion by Member Volkmuth, second by Member Ahles, to adjourn the meeting at 7:40 p.m. Motion carried unanimously.

**VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK**

**BRIAN HERBERG
MAYOR**

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