



MINUTES

REGULAR MEETING OF THE CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
TUESDAY, OCTOBER 1, 2019, 5:00 PM

Members Present: Don Jacobson, Anne Laufman, Josh Young, Bob Fier

Members Absent: Gary Harris

Others Present: Mark Hallan

Staff Present: Brittney Cotner, Maggi Wentler

1. Call To Order

2. Meeting Roll Call

3. Onsite Visits

- a. 25157 East Roy Lake Road

4. Additions & Deletions from the agenda

5. Approve Minutes:

- a. September 3, 2019 Regular Scheduled Meeting Minutes
- b. September 10, 2019 Special Meeting Minutes

6. Open Forum: None

7. Public Hearings:

- a. Conditional Use Permit 033-19 – Brian & Penny Stumvoll – Approved
- b. Conditional Use Permit 032-19 – Verizon Tower/City of Niswawa - Withdrawn

8. New Business:

- a. Road Vacation for Monica Anderson

9. Old Business:

- a. Grand View Lodge Impervious Coverage/Density Calculation Discussion

10. Planning & Zoning Administrator's Report

- a. Permits Approved
- b. Violations List

11. Commissioners Questions/Comments

12. Adjourn

MEETING MINUTES FROM OCTOBER 1, 2019

Planning Commission/Board of Adjustment Meeting October 1, 2019

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1. **Call to Order:** Laufman calls the meeting to order 5:00 pm.

2. **Meeting Roll Call: 5:00 pm**

3. **Onsite Visits:**

a. 25157 East Roy Lake Rd

4. **Additions & Deletions from the agenda**

Jacobson stated that item 3b can be removed and 7b has been withdrawn by the applicant, but would like to keep it on the agenda as a discussion only. Hallan would like to add Grand View Lodge Impervious Coverage / Density Calculation Discussion under Old Business 9a.

MOTION: Young approved the agenda as amended, seconded by Jacobson. All members voting “Aye”, motion carries.

5. **Approval of Minutes:**

a. **September 3, 2019 Regular Scheduled Meeting Minutes:**

MOTION: Jacobson motioned to approve the September 3, 2019 minutes as presented, Young seconded. All members voting “Aye”, motion carries.

b. **September 10, 2019 Special Meeting Minutes:**

Laufman would to change the #2 condition, line 150 to say “water meters must be installed”.

MOTION: Young motioned to approve the September 10, 2019 minutes as amended, Laufman seconded. All members voting “Aye”, motion carries.

6. **Open Forum:** None

7. **Public Hearings:**

MOTION: Jacobson motioned to open the public hearing at 6:04 pm, Young seconded. All members voting “Aye”, motion carries.

a. **Conditional Use Permit application 033-19: to demolish and reconstruct an existing shed in a larger footprint.**

Property Location: 25157 East Roy Lake Rd

Applicant/Property Owner: Brian and Penny Stumvoll, both present

Commission discussed this item after 10b: Violations.

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Cotner read her staff report in for the record.

Fier questioned if the exterior materials and color would match what is currently there. B. Stumvoll stated yes they will be similar to what is currently on the structure now.

Motion: Jacobson motioned to approve this Conditional Use Permit application 033-19 to demolish and reconstruct an existing shed in a larger footprint, 30' x 40', at 25157 East Roy Lake Road with the following conditions,

1. The accessory structure may not contain living quarters and may not be utilized for human habitation.
2. Before a land use permit is issued a letter from the power company is to be provided to city staff confirming there are no easements or safety issues.

Findings of Fact:

1. The subject property is located at 25157 East Roy Lake Road.
2. The subject property is in the "Open Space Residential" Zoning District.
3. The conditional use permit request is to construct a 30' x 40' (1,200 sf) residential accessory structure.
4. The subject property is 4.5 acres.
5. The subject property is allowed an excess of 2,500 sf of "accessory structure" space with a conditional use permit per Section 4.7.12 (B) of the zoning ordinance.
6. Impervious Surface Coverage: The property will have a 9% percent impervious surface coverage.
7. Water Supply: The subject property is served by private water well.
8. Sewage: The proposed building does not require sewer service or septic.
9. The proposed use, with conditions, will ensure the use and enjoyment of other property in the immediate vicinity.
10. The proposed use will not create a need for additional off-street parking.
11. The proposed use, with conditions, will not create a public nuisance.
12. The proposed structure will not depreciate property values within the immediate vicinity of the subject property.
13. The proposed use will not create additional vehicular traffic on local, county or state road systems.

Seconded by Young.

FURTHER DISCUSSION:

Fier asked what the height of the new structure will be, as it can't be taller than 25'. B. Stumvoll stated it will not be that tall. It will be similar to the height that it is today.

147 All members voting “Aye”, motion carries.

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149 **b. Conditional Use Permit application 032-19: to construct a cell tower on**
150 **city property.**

151 **Applicant/Property Owner: City of Nisswa/Verizon**

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153 **Verizon Wireless Tower Discussion**

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155 Commission discussed this after the Approval of Minutes.

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157 Jacobson gave a brief history of this application that came in a few years ago.

158 We approved to install by the ball field and the Pickle parking lot. The

159 application / project were never completed and the permit expired.

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161 Jacobson noted that a few months ago a group of citizens approached the
162 council about getting better cell service. Council at that time directed city staff

163 to reach out to Verizon and see the status on the cell tower they were looking

164 to install in Nisswa. City staff met and discussed a location change due to

165 some other conflicts of use within the original location discussed. Verizon is

166 not interested in moving the location due to additional costs that will be

167 incurred with additional surveys and such. Cotner stated that city staff decided

168 that by the Fire Hall would be a better location, as they would have better

169 access. The area by the Pickle will cause issues with this is where the snow

170 pile goes during the winter. Verizon wanted to lease this land for free if we

171 moved locations. Jacobson believes we should research more and figure out a

172 way to make this cell tower happen. Cotner noted that Verizon is not

173 interested in discussing at this time. Hallan suggested that maybe the City and

174 Verizon could work out an agreement to allow a certain time period, example

175 5 years, rent free to cover their new expenses to move to this site. Jacobson

176 would like to see city staff continue to work on a contract with Verizon or

177 another cell company to see if we can get anyone interested in installing a new

178 cell tower. Cotner stated we are still working on it.

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181 **MOTION:** Young motioned to close the public hearing at 6:09 pm, Jacobson

182 seconded. All members voting “Aye”, motion carries.

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185 **8. New Business**

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187 **a. Road Vacation for Monica Anderson – Keith Diedirichs, present**
188 **(Monica’s husband)**

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190 Commission discussed this item after 7a: CUP application 033-19.

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192 Cotner read her staff report in for the record.

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194 Cotner noted that the Public Works Committee didn’t have any concerns with

195 this road vacation. The Public Hearing for this will be at the Council Meeting

196 on Wednesday November 20, 2019.

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Laufman questioned if they will be moving the driveway, as based on the survey the driveway is not entirely on their property. Diedirichs stated the driveway has been there for decades. They do plan to rebuild a home and install septic and a well on this property. Hallan stated that the city attorney is looking into the 33 foot easement and this could make the decision if they would need to move their driveway or not. Diedirichs believed that the 16-1/2 feet was abandoned to the southern property owner. Young noted that he owns property in this plat and will abstain from any vote. He stated the original plat from Crow Wing County is from 1912 and is obsolete. He did state that as a neighboring property he has not received notification of this road vacation. He wants to make sure that all neighbors get notified. Cotner will follow up on this.

Motion: Laufman motioned to recommend to the City Council approval of this Road Vacation subject to the attorney review, seconded by Jacobson. All members voting “Aye”, except Young who “Abstained”, motion carries.

7. Old Business

a. Grand View Lodge Impervious Coverage / Density Calculation Discussion

Commission discussed after 7b: CUP - Verizon Tower Discussion

Hallan stated that he provided Cotner and updated map of the Grand View Lodge Impervious Coverage / Density Calculations. That way Cotner can keep a running total or list of all changes approved for Grand View and suggest and updated map from Grand View maybe annually or as suggested. Cotner noted she will keep this map and a list of all changes approved. She will also continue to discuss with Mark Ronnie during their one on one meeting.

8. Planning & Zoning Administrator’s Report

Commission discussed after 9a: Grand View Lodge Discussion

a. Permits Approved

b. Violations List

Birch Ave – Cotner noted that they were making progress on their violations and recently noticed they have new violations as they installed a fence and deck without any permits. The city attorney is involved again for this issue.

Moxy Salon – Cotner noted that Moxy had planted a tree right under the powerline and about 4 feet from the stop sign. The result of this issue is that the city will maintain the tree as it grows and trim for any safety concerns.

247 The power company will trim the tree as it pertains to the closeness of the
248 power lines.

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250 Laufman questioned if there were any site visits or correspondences to report
251 this month. Cotner stated there was one new violation for Copper Creek about
252 a garbage cans and the storage of bulk landscaping supplies.

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254 Laufman questioned if we could get a list of the conditions and where we sit
255 as of today. Cotner stated she would have ready for next meeting and could
256 email out the list.

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259 **9. Commissioners Questions/Comments**

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Commission discussed after 8a: Road Vacation for Monica Anderson

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264 **Roy Lake Tire & Excavating Company** - Jacobson would like an update on
265 Roy Lake Tire and Excavating Company. Cotner stated she spoke with the owner.
266 The owner would like some time to figure out what he wanted to do. She will
267 reach out to him in a couple weeks. She will hopefully have an update at the next
268 commission meeting. Laufman questioned if we would be looking at an After the
269 Fact Fee. Cotner stated yes. Laufman questioned if there would be any penalty fee
270 added on to this. Cotner stated that would be a city council decision, but we first
271 need to notify him of the penalty. Laufman questioned if they will be coming in
272 for a Conditional Use Permit for the cubic yards of dirt that is being moved on to
273 the property. Cotner stated if an excavating company is allowed it would be
274 pursuant to his company to bring in fill. Jacobson believes that just because he is
275 an excavating company doesn't mean he is moving dirt and allowed to do this on
276 his property without property permits. Hallan estimated that about 200-300 cubic
277 yards have been dumped down in that ravine. Laufman questioned if they would
278 be required to provide screening. Cotner stated she wasn't sure.

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281 **Moratorium on Storage Units** – Jacobson stated that this was approved by the
282 council to move forward on new language for Storage Units. We have one year to
283 complete this. Cotner stated she is working on setting up a committee.

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286 **Golf Cart Ordinance** – Fier stated he was working with Jenny Max, City
287 Administrator/Clerk on some verbiage about six months ago. He believes we
288 should have an ordinance in place before these units are sold. That way people
289 know what they can and can't do with golf carts. Cotner stated she will check in
290 with Max on this.

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293 **Street Sales on Main Street** – Fier questioned if a letter has been sent to Mike &
294 Julie French for the issue they had selling items on the street. Fier stated he spoke
with the French's recently and they have not received a letter and they are
expecting an apology. Cotner stated Jenny Max, City Administrator/Clerk and the
city attorney are working on this.

295 **Sandwich Boards** – Jacobson questioned if the sandwich board issues has been
296 taken care of. Cotner stated that the party made a deal to put this on private
297 property instead of city property.
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300 **10. Adjourn**
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302 **Motion:** Laufman motioned to adjourn the October 1, 2019 meeting at 6:27 pm,
303 seconded by Young. All members voting “Aye”, motion carries
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307 Respectfully submitted,
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310 Maggi Wentler, Deputy City Clerk