



MINUTES

REGULAR MEETING OF THE CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
TUESDAY, JULY 10, 8:15 AM

Members Present: Woody Haecker, Jim Swanson, Peter Mann, Anne Laufman, Ann Beaver, Don Jacobson

Members Absent:

Others Present: Mark Hallan

Staff Present: Desmond McGeough, Maggi Wentler

1. Call to order

2. Roll Call

3. Tour of properties

- a. Holdahl CUP – 6289 County Road 13

4. Roll Call

5. Additions or deletions to agenda

6. Approve Minutes:

- a. May 7, 2018 Special Meeting Minutes
- b. June 12, 2018 Regular Meeting Minutes

7. Open Forum: None

8. Public Hearings: (published in the Echo Journal June 28, 2018 & notice was mailed to all property owners within 350 feet & the affected state agencies.)

- a. Conditional Use Permit 011-18 – Layne Holdahl – Tabled

9. New Business:

- a. Metes and Bounds Lot Split 010-18 – Jack Grotkin – Recommend to City Council
- b. PUD Pre-application Sketch Plan – Ted Brausen
- c. Open Space Tract Requirements within Open Space Residential Subdivision

8. Continuation of Public Hearings:

- d. Ordinance Amendment – Exterior Building Finishes 014-18 – City of Nisswa – Tabled

10. Old Business: None

11. Planning & Zoning Administrator’s Report

- a. Permits
- b. Conditions
- c. Violations
 - i. 26130 Birch Avenue “Abandoned Building”
- d. Correspondence
- e. Sketch Plan Discussion – How many times should one person be allowed before they pay?
- f. Liquor Store Lights Discussion

- 46 g. Clear Cutting on Hwy 371
47 **8. Continuation of Public Hearings:**
48 b. Ordinance Amendment – Stormwater Protection 012-18 – City of Nisswa –
49 Tabled
50 c. Ordinance Amendment – Resort Expansion 013-18 – City of Nisswa – Send to
51 DNR for approval
52 e. Ordinance Amendment – Parking & Loading 015-18 – City of Nisswa – Tabled

53 **12. Commission Discussion Items:**

- 54 a. Comprehensive Plan
55 b. Planning Commission Member Vacancies/Recruitment
56 c. Archeological Report
57 d. Special Meetings
58 e. Future Discussion Item List

59 **13. Adjourn**
60
61

62 **MEETING MINUTES FROM JULY 10, 2018**
63

64 1. **Call to Order:** Haecker calls the meeting to order at 8:15 AM.
65

66 2. **Roll Call (before tour):**
67

68 3. **Tour of Properties:**
69

- 70 a. Holdahl CUP – 6289 County Road 13
71

72 4. **Roll Call (after tour):**
73

74 5. **Additions or Deletions to Agenda:**
75

76 Mann would like to add these three items to Commission Discussion Items;
77 Sketch Plan Quantity Discussion; Liquor Store Lights; Clear Cutting on Hwy 371.
78 Mann also suggests that we move Ordinance Amendments to the end of the
79 meeting.
80

81 **MOTION:** Beaver motioned to approve the agenda as amended, Laufman
82 seconded.
83

84 All members voting “Aye”, motion carries.
85

86 6. **Approval of Minutes:**
87

88 a. **May 7, 2018 Special Meeting:**
89

90 **MOTION:** Mann motioned to approve the May 7, 2018 special meeting
91 minutes as presented, Beaver seconded. All members voting “Aye”, motion
92 carries.
93

94 b. **June 12, 2018 Regular Meeting:**

95
96 **MOTION:** Beaver motioned to approve the June 12, 2018 regular meeting
97 minutes as presented, Swanson seconded. All members voting “Aye”, motion
98 carries.
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100
101 **7. Open Forum: None**
102

103
104 **8. Public Hearings:**
105

106 **MOTION:** Jacobson motioned to open the public hearing, Swanson seconded.
107 All members voting “Aye”, motion carries.
108

- 109 **a. Conditional Use Permit application 011-18 – to allow the raising of a**
110 **portion of the rear lakeside yard of a single family residences to allow**
111 **separation to water table while maintaining all stormwater on site and**
112 **retaining ice ridge along beach front.**

113 **Property Location: 6289 County Road 13 PID# 28101000004D009**

114 **Applicant: Layne Holdahl (present)**
115

116 McGeough read his staff report and gave presentation.
117

118 Holdahl stated he has standing water issues and is looking for a way to
119 eliminate this issue.
120

121 Mary Scott (audience) is the neighbor to the west side of this property. She
122 did submit a letter that was included in the packet. Scott has many concerns
123 about this application. She mentioned that two buildings are out of
124 compliance. The shed is close or on her property. The bunkhouse is too close
125 to the lake and her property line. Another concern is if this berm is added how
126 does this impact neighboring properties and the water?
127

128 Laurene Clark (audience) is the neighbor to the east side of this property. She
129 did submit a letter that was included in the packet. Stated she did not receive a
130 notice of this application by letter or verbal. Clark would like this application
131 to be rejected or tabled until she has enough time to examine the survey. Clark
132 summarized the concerns mentioned in her letter.

- 133 • Will this change the water table?
- 134 • 149 cubic yards is a lot of fill that will likely be 3-5 feet away from her
135 property line, brought in by heavy equipment.
- 136 • Drainage issues on her property.
- 137 • What will be the impact on her basement if there is more water on her
138 property?
- 139 • What extra damage will be done to the lake?
140

141 Clark also noted that the retention area or holding pond will only be 6 inches
142 deep. This will likely not handle the water and will flow into the lake and

143 neighboring properties. If water sits in this retention area it will likely be a
144 breeding area for mosquitos.

145
146 Paul Lund (audience) is on the board of the Lake Hubert Conservation
147 Association. Lund has many concerns with this application as well. He
148 believes that 149 cubic yards is more fill than was is needed for these 6 inch
149 berms. The natural flow of the water is left to right, but what is being
150 proposed it will flow directly to the lake. Lund would like this application
151 deferred until a professional hydrologist can come look at this property and
152 give a recommendation on how to correct this problem. He would like to see
153 that the lake is protected correctly.

154
155 Jim Sheldon (audience) is a neighbor to the west. Sheldon stated this is not
156 easy for any of us property owners, but we are concerned that Holdahl is
157 trying to solve his issue that could cause more issues for us neighbors.
158 Sheldon stated that changing the drainage flow after 100 years is going to take
159 some time. Bringing in approximately 15 dump trucks will not help the
160 problem as the water needs to go somewhere. Sheldon stated that Holdahl has
161 a shed on the neighbor's property and has been asked to move it in the past
162 and hasn't done it. Holdahl built a guest cabin too close to the property line.
163 What happens if this proposal doesn't work? We can't count on Holdahl to
164 correct it. Sheldon stated this proposal doesn't protect the neighbors, the city,
165 future problems or the lake.

166
167 Jacobson questioned if the retention area would be dugout at all. Holdahl
168 stated they would not be digging it out. They would just be bringing in fill for
169 the berms. Holdahl noted he has been at this property for 26 years and the land
170 layout is very close to the same. Both of his neighbors in the past have
171 brought in fill. Holdahl understands that if these berms are added it will help
172 ensure that his water runoff will stay on his own property and not run onto his
173 neighbors or lake. Jacobson thinks that 149 cubic yards for 6 inch berms
174 seems like a lot of fill. Jacobson also has concerns that the new structure is
175 encroaching on the sideyard setbacks and believes this to be in violation of the
176 ordinance. Holdahl stated he didn't think we would be discussing the location
177 of the guest cabin today. He had a survey done last year and thought that the
178 lot line was where it was legally. Holdahl noted he had a garage there
179 previously. Jacobson stated that this a violation to the ordinance and stated the
180 violation needs to be corrected before any other decisions can be made on any
181 applications.

182
183 Swanson stated that the letter from the DNR Hydrologist states it is ok to
184 proceed. McGeough stated the DNR approval means that it meets the flood
185 plain ordinance. Sheldon (audience) questioned if the DNR Hydrologist
186 actually was onsite or just looked at paperwork? He would like the DNR to
187 come out onsite before this application would be approved or denied.
188 McGeough stated he doesn't believe they were onsite. He emailed them
189 paperwork and the survey.

190

191 Mann questioned how Holdahl came up with 149 cubic yards. Holdahl stated
192 he hasn't seen this survey until today. Mann questioned if there is a conflict of
193 interest having the Mayor of Nisswa as the contractor, as his name is listed on
194 the survey. Haecker questioned who asked for the survey? Holdahl stated he
195 asked for the survey based on a recommendation from Fred Heidmann.
196 Haecker questioned if Fred Heidmann hired the surveyor? Holdahl stated he
197 had Fred Heidman seek out the surveyor. Mann noted that our ordinance
198 4.9.12.H states that the changes can not adversely affect adjacent or nearby
199 properties. Mann suggests that gutters be added if this application is approved.
200

201 Beaver has concerns with the violations on the property and is not in favor of
202 granting this application until the violation is cleaned up. Beaver questioned if
203 fill was brought in for the bunk house as this structure is on a higher level than
204 the rest of the property. Was there a permit pulled to convert the garage to a
205 bunk house, as this structure doesn't meet any of the city ordinances. She
206 would like to see that Crow Wing Soil and Water Conservation District
207 evaluate this property and give suggestions to best solve this problem.
208 Laufman agrees with everything Beaver stated.
209

210 Haecker questioned if Holdahl ever considered building a dock or mulch
211 pathway to get to the lake. Holdahl stated he hasn't considered that yet.
212 McGeough noted that accessory structures would be an over the counter
213 permit. Haecker believes that the violations need to be resolved first.
214 McGeough stated we can extend the timeline with approval from the
215 applicant.
216

217 McGeough noted that the city attorney stated there are no conflicts of interest
218 with the mayor submitting the survey that was received in the packet.
219

220 Laufman would like to see what the impact on the neighboring properties
221 would be. Hallan stated we would need additional information on the lay of
222 the land of the neighboring properties. Hallan stated that 6-9 inch berm should
223 keep water runoff on own property, but based on the survey provided it looks
224 like the property to the west has water runoff running onto Holdahl's property.
225 The contours on the survey don't reflect drainage flows and should be
226 updated.
227

228 Jacobson questioned if the applicant would agree to table this for today.
229 Holdahl stated he would be ok with tabling as he would like to do the correct
230 thing.
231

232 **MOTION:** Jacobson motioned to table this conditional use permit application
233 until the next meeting per the applicant to allow enough time to:

- 234 1. Have Soil & Water Conservation District go out and evaluate the
235 property and give suggestions on how to correct.
- 236 2. Prove if 149 cubic yards as documented is enough or too much.
- 237 3. What type of fill will be brought in and how is it compacted?
- 238 4. Correct the property violations of the bunk house and shed, and have
239 city attorney review the violation.

240 5. Correct the water flow on the survey.

241 FURTHER DISSCUSION:

242
243 Swanson questioned who will make the request for Soil & Water to come out?
244 Beaver stated the applicant. Sheldon (audience) questioned if Lake Hubert
245 Conservation Association could hire someone as well. Beaver stated yes they
246 can. Mann questioned the timeline for Soil & Water. Is one month enough
247 time? Beaver stated that they are normally very prompt, but we could give
248 additional time if needed.

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250 Seconded by Beaver, all members voting “Aye”, motion carries.

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253 **MOTION:** Jacobson motioned to close the public hearing and continue later in the
254 meeting, Laufman seconded. All members voting “Aye”, motion carries.

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257 **9. New Business**

258
259 **a. Metes & Bounds Lot Split 010-18 (continued from 6/12/18 meeting– Jack**
260 **Grotkin**

261
262 McGeough read his staff report and gave presentation.

263
264 Haecker questioned if the applicant is here today. McGeough stated he was
265 not here. Mann would like to wait until the applicant is here, this is why we
266 tabled this application last month. Jacobson noted that the applicant would
267 need to approve an extension beyond 60 days. Beaver stated so we would
268 either need to approve or deny today without applicants approval to extend.
269 Beaver noted that last month we asked for additional septic information,
270 which looks to be provided in the packet. Jacobson questioned why were two
271 proposed driveways shown on the document. Beaver questioned if holding
272 tanks need to be pumped on a regular basis. Hallan stated yes they do. An
273 alarm will go off when the levels have reached a certain level. Hallan also
274 noted that the proposal shows locations for drain field options as well. Beaver
275 questioned why they would go with a holding tank if they didn’t have to.

276
277 **Motion:** Laufman motioned to recommend to the City Council approval of
278 this Metes & Bounds Subdivision application located at PID#
279 280353205C00009 with the following findings of fact:

- 280
281 1. The subject property is located on the south side of Mission Road
282 approximately 550 feet west of State Highway 371. (PIN
283 280353205EA0009)
- 284 2. Subject property currently encompasses one single family home with
285 detached garage.
- 286 3. There is currently 4,287 square feet of impervious surface.
- 287 4. The subject property is 2.98 acres in size and currently classified as an
288 “Open Space Residential”.

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5. A rezoning application to change the 2.98 acre area of property from “Open Space Residential” was approved by the City Council on June 20, 2018.
 6. The metes and bounds subdivision request is to subdivide the 2.98, acre tract into two parcels. Proposed “Tract A” is 1.17 acres; “Tract B” is 1.81 acres.
 7. Approximately 18,770 square feet of Parcel “B” (23.7%) is identified as being located within a designated National Wetland Inventory Area.
 8. Both tracts meet all minimum lot standards for the “Shoreland Residential” Zone District.
 9. Existing structures and development upon Lot “A” complies with all building setback and impervious coverage requirements of the zoning ordinance.
 10. Both proposed parcels are adequately sized and can be served by an on-site septic system.

305 Seconded by Jacobson, all members voting “Aye”, except Mann voting
306 “Nay”, motion carries.
307

308 **b. PUD Pre-application Sketch Plan – Ted Brausen (present)**
309

310 Brausen stated he purchased this land and would be building and maintaining
311 the property himself. He noted that there is an easement the bank used and he
312 will get approval to use if this is approved. McGeough stated there may be
313 future easements that may be needed as well. Brausen is looking to build a 30
314 unit building all units on school side, due to snowmobiling traffic and noise on
315 the trail side. Brausen stated there is a huge need for this type of units in town.
316

317 Laufman stated that Central Business District does not allow for these types of
318 units. McGeough stated there would need to be a code amendment or a
319 variance to the PUD ordinance. Jacobson questioned how many units would
320 be allowed if zoned residential. McGeough stated 4 units. Jacobson
321 questioned how many units if he requested a PUD. McGeough stated 1 unit
322 per 10,000 sq. ft. of property, which would be 4 units. McGeough stated 2
323 units would be allowed if zoned Urban Residential.
324

325 Jacobson stated we would need a landscaping plan along with impervious
326 coverage calculations, finished, and architectural drawings. His first
327 impression is it is too much for this space. Brausen stated he has to make
328 money with this project and 20 units it won’t pay for itself. He would
329 normally go 3 levels but it is not allowed in Nisswa. Swanson stated the plan
330 shows for 30 units, but only 35 parking spaces. Believes it will be difficult
331 getting cars in and out of the parking lot. Brausen stated these units are most
332 likely to have 1 car per unit. Laufman stated that any guests that would be
333 visiting this property would most likely overflow into the public parking
334 areas. Beaver noted that 1 bedroom units could have 2 people; 2 cars. Brausen
335 stated that there could be more demand for 2 bedrooms as well, but will not
336 know until he starts marketing. Haecker questioned if Brausen considered
337 other sites. Brausen stated he has looked at other sites, but Journey Church is

338 giving him a good price on the land. Laufman noted that currently the church
339 does not pay property taxes and this proposal would pay taxes.

340
341 Mann questioned if there would be any garages. Brausen stated he was not
342 going to be building garages. Mann questioned if he would be connecting to
343 city sewer. Brausen stated he would connect to city sewer. Beaver thought this
344 was a lot of building for a small property and had concerns with parking.
345 Hallan stated that the wells, fire pumps, etc. will be required for fire
346 protection. Brausen state he is aware of this requirement.

347
348 Jacobson asked what the timeline would be for this project. Brausen stated he
349 would like to get approved this summer so they could prepare to start building
350 next spring. He does want a good builder so is willing to wait to start if
351 needed. Mann questioned if there would be underground parking. Brausen
352 stated he has not considered it as underground parking lots are very expensive.
353 Hallan stated the ventilation is expensive as you need to consider vehicle
354 exhaust.

355
356 Laufman stated that landscaping islands are required within the parking lot.
357 Brausen stated he is not in favor of these islands and it makes it more difficult
358 to snow plow. Haecker is concerned that all the trees will be removed for this
359 structure. Brausen stated he will plant additional trees. Haecker also suggested
360 a centralized location for the dumpster.

361
362 **c. Open Space Tract Requirements within Open Space Residential**
363 **Subdivision – Tim Ranwieler (present)**

364
365 McGeough read his staff report and gave presentation.

366
367 Jacobson questioned what you are not allowed to do when there is a
368 conservation easement. McGeough stated remove trees unless they are
369 diseased or there is a health or safety concern. This would keep 100 ft. buffer
370 along County Road 18. Beaver added that conservation easements limit the
371 ability to develop the land. Beaver believed when the Open Space
372 Development was created she believed that this small of parcel, 10 acres, was
373 not thought of. She believes this should be a lot split. Beaver believes that
374 some entity would need to hold and maintain the conservation easement, but
375 should check with the city attorney. Jacobson questioned what happens with
376 the agreement is violated? Beaver stated that everything would need to be
377 restored to conform to the easement. Legal action may need to be taken.

378
379 Jacobson stated that they could split this parcel into 2 lots right now and come
380 back in three years and split each of them again. Tim Ranweiler stated his
381 intentions are to split into four lots build simple homes in the range of
382 \$300,000 - \$400,000. The idea will be that each home owner maintains their
383 own property. All driveways would be coming off of East Clark Lake Lane.
384 Ranweiler is not in favor of splitting into 2 lots now, as the math doesn't work
385 and there are no guarantees on if the new property owners would split or build
386 their home. Ranweiler questioned if there is a way to split this parcel into four

387 lots and not do a conservation easement. McGeough stated there would need
388 to be an ordinance amendment or he could divide into 3 parcels and come
389 back in 3 years to split one parcel into two. Beaver stated a change in the
390 ordinance seems the easiest. The only development that used this was Fawn
391 Ridge which is twice as big as this parcel. Laufman stated it seems reasonable
392 to amend the ordinance to accommodate this request.
393
394

395 **8. Continued Public Hearings:**
396

397 Shawn Hansen (audience) is with the Nisswa Chamber would like to take part in
398 the discussion of the ordinance amendment application 014-18, but has to leave
399 for another appointment. She would like to see that this item be tabled.
400

401
402 **MOTION:** Laufman motioned to open the public hearing again, Beaver seconded.
403 All members voting “Aye”, motion carries.
404

405 **d. Ordinance Amendment application 014-18 – Exterior Building Finishes**
406 **Applicant: City of Nisswa**
407

408 **Motion:** Laufman motioned to table this application until next month,
409 seconded by Swanson. All members voting “Aye”, motion carries.
410

411 **MOTION:** Beaver motioned to close the public hearing again and continue later in
412 the meeting, Mann seconded. All members voting “Aye”, motion carries.
413
414

415 **10. Old Business - None**
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417
418 **11. Planning & Zoning Administrator’s Report**
419

- 420 **a. Permits**
421 **b. Conditions**
422

423 McGeough stated he didn’t have any time to update this report, so there are no
424 changes this month.
425

426 **c. Violations**
427

428 **i. 26130 Birch Avenue “Abandoned Building”**
429

430 McGeough read his staff report and gave presentation.
431

432 Mann questioned if anyone was living in this structure. McGeough
433 stated there seems to be no signs that anyone is living here. He noted
434 that he talked with the property owner last Friday and provided
435 updated information to all commission members. McGeough would

436 like to get the thoughts of the commission members on whether they
437 believe this structure to be an “Abandoned Building”. Laufman
438 questioned if we hired a professional to inspect and give their
439 professional opinion who would pay for this? McGeough stated the
440 city would pay for this inspection up front, but the city could then
441 assess the property owner for this cost. Jacobson stated in his past
442 history it is hard to force a tear down without a court order. Jacobson
443 also noted that the Land Use Permit that they just applied for is
444 incomplete, and he believes that the property owner may not be serious
445 about fixing up the property. He thinks the current structure needs to
446 be investigated by the city engineer to say if it would be classified as a
447 abandoned structure.

448
449 Carol Nagy (audience) lives next to this property. She has seen a sign
450 posted on the building put on by the city. Since this new owner has
451 owned the property she has seen them there twice and the yard has not
452 been mowed. They continue to bring in more vehicles and park them.
453 Many of these vehicles have out of state plates (Arizona &
454 Connecticut) and have expired tabs. She noted that there is black mold
455 inside the house, there has been no roof since 2012, and doors have
456 been left open for years. She would like to see the city do something to
457 get this property cleaned up.

458
459 Jacobson stated that a request could be made to the city council to
460 request our city engineer to inspect this property and act on the report
461 provided. These costs could be levied to the property owner.

462
463 McGeough stated that if these vehicles are not current on their licenses
464 this would be in violation of our junk yard ordinance. Laufman
465 questioned if we can move forward with this violation now.
466 McGeough stated yes we can.

467
468 **Motion:** Jacobson motioned to recommend to the City Council to
469 request the city engineer to review this property, report on findings
470 back to the City Council and take action on the report findings,
471 seconded by Mann. All members voting “Aye”, motion carries.

472
473 **d. Correspondences**

474
475 McGeough stated no report was provided in the packet.

476
477 **e. Sketch Plan Discussion**

478 **f. Liquor Store Lights Discussion**

479 **g. Clear Cutting Hwy 371**

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481 **8. Continued Public Hearings:**

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483 **MOTION:** Beaver motioned to open the public hearing again, Swanson seconded.
484 All members voting “Aye”, motion carries.

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b. Ordinance Amendment application 012-18 – Stormwater Protection
Applicant: City of Nisswa

Motion: Beaver motioned to table this application until next month, seconded by Jacobson. All members voting “Aye”, motion carries

c. Ordinance Amendment application 013-18 – Resort Expansion
Applicant: City of Nisswa

Beaver and Mann provided an updated ordinance based on the discussion during the special meeting in May.

Haecker questioned if we should add the DNR regulations for docks. McGeough stated we can’t enforce anything over the water. Laufman suggested that we add that the DNR will review dock layouts for resort. The city should submit these layouts to the DNR. Haecker noted that under F that “all other” should be “all other tiers”.

Laufman questioned if F.3 should be kept. Beaver stated that the DNR didn’t have this, but it would be good to have. McGeough stated he took this out as the density evaluation steps were added. Beaver suggested moving F.3 to 2.C.

Laufman believed that F.4 should stay as well. Laufman would like to format the table by adding bullets on the row headings as it is hard to read.

Motion: Mann motioned to make these discussed changes and send off to the DNR for their approval, seconded by Laufman. All members voting “Aye”, motion carries

d. Ordinance Amendment application 015-18 – Parking and Loading
Applicant: City of Nisswa

Motion: Jacobson motioned to table this application until next month, seconded by Mann. All members voting “Aye”, motion carries

MOTION: Beaver motioned to close the public hearing again, Mann seconded. All members voting “Aye”, motion carries.

12. Commission Discussion Items

Haecker noted that packets will be ready the Tuesday before the meeting to allow commission members enough time to review.

Haecker reminded all commission members that the August meeting is August 7.

533 Haecker would like to call another special meeting to discuss items. Jacobson
534 questioned what items specifically. Hacker stated comprehensive plan first and
535 then items 12b – 12e on our agenda today.

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538

a. Comprehensive Plan

539

b. Planning Commission Member Vacancies/Recruitment

540

c. Archeological Report

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d. Special Meetings

542

e. Future Discussion Item List

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545

13. Adjourn

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547

Motion: Peter motioned to adjourn the July 13, 2018 meeting at 12:07pm,

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seconded by Laufman. All members voting “Aye”, motion carries

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Respectfully submitted,

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Maggi Wentler, Deputy City Clerk