



MINUTES

REGULAR MEETING OF THE CITY OF NISSWA  
PLANNING COMMISSION/BOARD OF ADJUSTMENT  
TUESDAY, SEPTEMBER 11, 2018, 8:30 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 for Tour of Properties**
  3. **Tour of properties**
    - a. Nisswa Ave/Nisswa Circle
  4. **Meeting Roll Call**
  5. **Additions or deletions to agenda**
  6. **Approve Minutes:**
    - a. August 7, 2018 Regular Scheduled Meeting
  7. **Open Forum: None**
  8. **Public Hearings:** (published in the Echo Journal July 26, 2018 & notice was mailed to all property owners within 350 feet & the affected state agencies.)
    - a. Conditional Use Permit 011-18 – Layne Holdahl – Tabled
    - b. Ordinance Amendment – Stormwater Protection 012-18 – City of Nisswa – Tabled
    - c. Ordinance Amendment – Resort Expansion 013-18 City of Nisswa – Tabled
    - d. Ordinance Amendment – Parking and Loading 015-18 City of Nisswa – Tabled
  9. **New Business:**
    - a. Final Plat Application 020-18 – Tim Ranweiler – Recommended to City Council
    - b. Nisswa Avenue/Nisswa Circle Road Vacation Petition – Lee & Penny Anderson – Recommended to City Council
  10. **Old Business: None**
  11. **Planning & Zoning Administrator’s Report**
    - a. Permits
    - b. Conditions
    - c. Violations
    - d. Correspondence
    - e. Site Visits
  12. **Commission Discussion Items**
    - a. Comprehensive Plan
    - b. Vacated Commission Seat

- 46 c. Prioritization of Future Discussion Items
- 47 d. Grand View Lodge Density Calculations
- 48 e. Variance request accompanied by the owner – requestor
- 49 f. Shoreland Planned Unit Development (Section 4.10.1)
- 50 g. Mobile Food Trucks

51 **13. Future Commission Discussion Items**

- 52 a. Mobile Food Vendors
- 53 b. Vacation Rental by Owner (VRBO)
- 54 c. Sketch Plan Review Process
- 55 d. Enforcement (Section 4.14)
- 56 e. Zoning Code/Building Code Inspector
- 57 f. Highway 371 Corridor Development (4.8.3)
- 58 g. Central Business District Development
- 59 h. Tree Open/Clear Cutting
- 60 i. Tree & Brush Management
- 61 j. Storage Building Prohibition
- 62 k. Residential Structure Size Maximums
- 63 l. Housing
- 64 m. Unlisted Businesses – Land Use Chart
- 65 n. House Keeping/Ordinance Corrections
- 66 o. Pro-active vs. Reactive Commission
- 67 p. Existing aesthetics around the Nisswa round-about

68 **14. Adjourn**

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72 **MEETING MINUTES FROM SEPTEMBER 11, 2018**

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1. **Call to Order:** Haecker calls the meeting to order at 8:30 AM.

2. **Roll Call for Property Tour:**

3. **Tour of Properties:**

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- a. Nisswa Ave/Nisswa Circle

4. **Meeting Roll Call:**

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

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Jacobson would like to add Mobile Food Trucks as item 11g, based on the letter we received from the City Attorney.

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**MOTION:** Mann motioned to approve the agenda as amended, Beaver seconded. All members voting “Aye”, motion carries.

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6. **Approval of Minutes:**

- a. **August 7, 2018:**

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96 **MOTION:** Beaver motioned to approve the August 7, 2018 minutes as  
97 presented, Jacobson seconded. All members voting “Aye”, motion carries.  
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100 **7. Open Forum: None**

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103 **8. Public Hearings:**

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105 **MOTION:** Beaver motioned to open the public hearing, Laufman seconded. All  
106 members voting “Aye”, motion carries.  
107

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

112 **Property Location: 6289 County Road 13**

113 **Applicant/Property Owner: Layne Holdahl**

114  
115 **MOTION:** Jacobson motioned to table this application to the October 9  
116 meeting per the request of the applicant, Swanson seconded. All members  
117 voting “Aye”, motion carries.  
118

119 **FURTHER DISCUSSION:**

120  
121 Haecker stated that we need to address the violation on the storage building  
122 before we could approve any other application. As this building could be  
123 considered a guest cabin and should be 100 foot setback from the OHW.  
124 Haecker stated he did ask McGeough for a copy of the original permit for this  
125 building so it can be provided to the commission so they can understand.  
126 McGeough stated he will provide this information in the next meeting packet.  
127 Haecker noted that the property owner and the contractor are responsible for  
128 the violation based on our ordinance.  
129

130 Beaver stated that McGeough should let the applicant know that we need a  
131 Wetland Delineation for October meeting. If not we could deny the  
132 application. Mann suggested sending a letter that we are researching the  
133 violation of the storage building as well, so they are aware of this.  
134

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

137  
138 Jacobson stated that on page 9; 4.9.12, that “and Law law” needs to be  
139 removed from the last sentence.  
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141 Laufman stated that none of the typos or corrections were made that were  
142 discussed at the workshop in August. She would like to see in person before  
143 approving.

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Laufman also has issues with a “licensed engineer” in 4.9.11 A & H. She is wondering if these extra costs to the applicant are necessary. Hallan suggested a licensed professional or licensed engineer/Storm Water Pollution Prevention Plan (SWPPP) Designer, this will allow flexibility. Planning Commission agrees with this new wording, licensed engineer/SWPPP. Laufman believes that A & H should be combined. Laufman will work with McGeough to make typo changes and corrections discussed at the workshop and today’s meeting.

Beaver suggested that under 4.2.2 Riparian Property, that it should state “or wetlands adjacent to the edge of a lake, river or stream” at the end of the sentence. Planning Commission agrees with this change.

Haecker suggested that 4.9.9, the paragraph after #4 should state “Shoreline Rapid Assessment Model” (shown on the next page)”. This will clear up any confusion on what this model is.

**Motion:** Beaver motioned to table to the October 9 regular planning meeting, to allow time to correct typo’s and corrections noted at the workshop and today’s meeting, Laufman seconded the motion. All members voting “Aye”, motion carries.

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

McGeough stated he emailed out additional information after the packets were completed from the DNR. He would like to table this application so we can send out notices to the unnamed lake referenced in the DNR letter. This lake is located north/east of town. Laufman suggested that we add the lake number in our ordinance; #11217. She would also like to see the suggested changes from the DNR updated in this revised ordinance before approval.

**Motion:** Laufman motioned to table to the October 9 regular planning meeting, to allow time to update this ordinance with the DNR comments, Beaver seconded the motion. All members voting “Aye”, motion carries.

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

Beaver stated she likes the comment about maximum number of stalls. Haecker stated would could state maximum number of stalls or eliminate entirely the number of stalls. Jacobson agrees with the max number of stalls, but what would this number be? He would like to see that concrete pavers are allowed. Swanson agrees with Jacobson. Laufman agrees as well, as these changes were supposed to simplify the ordinance, but it seems more complicated now. Suggests that we would require sufficient amount of parking and not off street parking is allowed. Haecker stated no off street parking except in CBD. Haecker thinks we should put a size requirement for each parking stall. He also believes that landscaping in parking areas should

193 be part of this section of the ordinance. Laufman would like to see all items  
194 that discuss parking be located in this section; 4.8.3.i 2 and 3; 4.8.8 B & C.  
195  
196 Laufman would like to have a section for residential parking as well. She  
197 would like to see a shorter table, more of a guideline to see if they had enough  
198 parking; similar to the City of Lake Shore’s ordinance. Hallan stated that  
199 rough guidelines make it hard to decipher. He suggests having a chart or  
200 having nothing. The Planning Commission agrees to have the chart removed.

201  
202 Mann would like it to say that residential property cannot park vehicles in the  
203 street.

204  
205 Haecker will work with McGeough to simplify.

206  
207 **Motion:** Beaver motioned to table to the October 9 regular planning meeting  
208 to allow time to make these additional changes, Laufman seconded the  
209 motion. All members voting “Aye”, motion carries.

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212 **MOTION:** Beaver motioned to close the public hearing, Jacobson seconded. All  
213 members voting “Aye”, motion carries.

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216 **9. New Business:**

217  
218 **a. Final Plat application 020-18 – to subdivide a 13.03 acre tract of property**  
219 **located within an Open Space Residential Zone District (OSR), consisting**  
220 **of 4 single-family residential lots.**

221 **Property Location: 280121100D00009**  
222 **Applicant/Property Owner: Tim Ranweiler (present)**

223  
224 Hallan suggested that the Findings of Fact #5 should state “Each property will  
225 be served by a private well and on-site septic system”. Mann questioned if the  
226 60 day title opinion will be provided to city staff. Ranweiler stated he had the  
227 letter and gave a copy to McGeough. Mann also thought that the condition we  
228 placed on the preliminary application was to provide an exhibit showing a  
229 primary and secondary location for a septic system. The one provided only  
230 shows one location. McGeough stated we can use discretion with larger lots.  
231 Hallan stated that the lot sizes are large enough and have adequate room for a  
232 secondary location. Laufman stated it was listed as a condition last time and  
233 should have been provided. Swanson questioned which road these lots would  
234 be placing their driveways as in the documentation it states East Clark Lane  
235 and East Clark Lake Road. Ranweiler stated lots 1, 2, and 3 would use Clark  
236 Lake Lane and lot 4 would have the option to use either. Hallan stated if lot 4  
237 used East Clark Lane they would be exiting right next to the intersection and  
238 this could cause issues. Beaver would like to see that the staff report get  
239 updated with the correct information.

240

241 Jacobson questioned if the easement on County Road 18 on lot 4 has been  
242 corrected yet. Ranweiler stated they are still discussing and working on the  
243 legal description. The entire triangle is in the county right-of-way. McGeough  
244 noted that the county will update once they receive this Final Plat. Laufman  
245 questioned if the covenant documents have been provided yet, as she didn't  
246 see them in the packet. Ranweiler stated that he provided this information 1-2  
247 months ago. Laufman questioned if the city keeps a copy. McGeough stated it  
248 is not required but we can keep a copy. Beaver questioned if this application is  
249 for a Preliminary Plat or Final Plat as the staff report uses both verbiage.  
250 McGeough stated Final Plat and he will update the staff report. Beaver also  
251 questioned if the current staff conditions were listed on the Preliminary Plat  
252 approval, as new conditions can't be added to the Final Plat. McGeough stated  
253 he added as it is part of the city code and as a reminder that we needed this.  
254

255 **Motion:** Mann motioned to recommend to City Council the approval of this  
256 Final Plat to subdivide a 13.03 acre tract of property located within an Open  
257 Space Residential Zone District, consisting of 4 single-family residential lots,  
258 with the following Findings of Fact:

- 259 1. The subject property is generally located on the south side of Crow  
260 wing County Road 18, north of Clark Lake Lane and west of E. Clark  
261 Lake Road. (PIN 280121100D00009).
- 262 2. The subject property is 13.03 acres and is zoned "Open Space  
263 Residential"
- 264 3. The applicant is proposing 4 lots, all which meet minimum lot size and  
265 standards of the OSR Zone District.
- 266 4. The overall proposed density 0.30 dwelling units per acre.
- 267 5. Each property will be served by a private well and on-site septic  
268 system.
- 269 6. Storm water collection has been considered; a 10-foot drainage and  
270 public utility easement will be dedicated adjacent to each of the  
271 surround streets.
- 272 7. All surrounding public streets are fully improved.
- 273 8. Park Dedication fees have been paid in full.
- 274 9. The subject final plat conforms to the preliminary plat approved on  
275 August 7, 2018.

276  
277 Seconded by Jacobson, all members voting "Aye", motion carries.  
278

- 279 **b. Nisswa Avenue/Nisswa Circle Road Vacation Petition: petition to vacate a**  
280 **portion of platted right-of-way known as Nisswa Avenue and a portion of**  
281 **Nisswa Circle in the Nisswa Lake Estates Subdivision.**  
282 **Property Location: generally located on the 70 feet northwest of the**  
283 **intersection of Nisswa Avenue with Nisswa Circle.**  
284 **Applicant/Property Owner: Lee & Penny Anderson – Chad Conner from**  
285 **WSN (present)**  
286

287 McGeough read his staff report into the record.  
288

289 Hallan stated that the easement for the sewer force main may need to go to the  
290 west more. The easement needs to cover all city step systems.

291  
292 Laufman stated she was looking at the Shoreland Development section of the  
293 ordinance as a guideline and it states that a Permanent Private Maintenance  
294 Agreement is required. Is this something that is needed?  
295

296 Conner stated that the Anderson Family has been maintaining this part of the  
297 road for the past 40 years.

298  
299 Swanson questioned who is the owner of the property? The application states  
300 Lee & Andy Anderson who is applying for the road vacation. Owner states  
301 Katherine & Lee Anderson on all legal documents and application states Lee  
302 & Penny Anderson. Are Katherine and Penny the same person? This is  
303 confusion and would like clarification. Conner stated he was unsure and will  
304 check on this. McGeough stated he will bring this up and check with the City  
305 Attorney.  
306

307 Jacobson stated that in order to vacate we must go back to the original owners  
308 who granted the easement, unless it was sold or transferred from the original  
309 owner. He suggests that the city attorney look into this to ensure that it is done  
310 correctly. This should be added as a condition. Conner stated that the  
311 easement was granted by Lee Anderson to the City in the 1980's.  
312

313 Mann has concerns if there ever is a security gate put in how would  
314 emergency vehicles or sewer trucks get in?  
315

316 **Motion:** Laufman motioned to recommend to City Council the approval of  
317 this Nisswa Avenue / Nisswa Circle Road Vacation with the following  
318 conditions:

- 319 1. If an entrance gate would be installed in the future the property owner  
320 would need to come in for a Conditional Use Permit.
- 321 2. A legal name review must be completed to verify property owners, as  
322 it shows different owners within the documentation.
- 323 3. City Attorney must confirm original easement owners.  
324

325 Seconded by Beaver, all members voting "Aye", except Mann voting "Nay",  
326 motion carries.  
327  
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## 329 **10. Old Business: None**

## 330 331 332 **11. Planning & Zoning Administrator's Report** 333

334 Mann stated he brought up some items a month ago and would like to discuss  
335 these as well. Laufman suggested that they be added to the Commission  
336 Discussion Items.  
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**a. Permits**

Mann questions a few permits as they look to be the same specs but have different charges:

- 18-053 has no Estimate Project Value – Structure Fee of \$350.00 – Address Fee \$75.00
- 18-052 has a Project Value of \$177,810 - Structure Fee of \$3500.00 - Address Fee \$75
- 18-051 has Project Value of \$177,810 – Structure Fee of \$350.00 – Address Fee \$7500.00

McGeough stated the correct structure fees should be \$350.00 and address fee is \$75. He will correct.

Beaver noted that permit 18-058 has no property owner listed. McGeough stated he will update.

Laufman questioned if height, colors, screening were included in the application for permit 18-059. McGeough stated he believes they had a height listed. He can include this information in the future. Laufman questioned if McGeough went on-site, as it was not listed on the site visits report. McGeough believes he went out there. Laufman thought that Water Accessory Structures had to have a 75 foot setback from the OHW. McGeough stated this is acceptable as it is only used for storage of life jackets, skis, and other boating equipment; referencing 4.8.16 and 4.4.1 sections. Beaver stated the ordinance doesn't state where it can be located if it is allowed. She stated it should be listed in the setback chart. Mann thought no structures could be built within the 75 foot setback from the OHW. Laufman would like to discuss this further and would like it to be added to the list of Commission Discussion Items.

**b. Conditions**

Laufman questioned if we are doing any follow up with this list of conditions. Mann had the same thought and would like to see this list updated.

Dawn Music (audience) is a resident on West Linden. She questioned why Grand View Lodge was continuing to have new permits issued if these conditions have not been fulfilled for the Garden Cottages. Beaver stated that many applications haven't been followed up on or enforced. McGeough stated he will work with Mark Ronnei to get these cleaned up. Beaver believes that conditions should be monitored on a regular basis. McGeough stated he was working with the City Administrator to get a part-time employee to assist with enforcing conditions. Jacobson stated he would like to get some funds in the budget for 2019 to get some help on enforcement. McGeough will add this request to his staff report to the city council. Jacobson stated we should send a letter stating these conditions must be met or administrative fees will be issued. Mann would like this letter to go out within the next 10 days. Mann thinks the spa should be put on hold until these conditions have been satisfied.



387 He would like the Density Calculations reviewed for accuracy. Haecker stated  
388 that many letters need to be sent based on this list of conditions not fulfilled.  
389 The City Attorney should be consulted for potential violations on a CUP and  
390 what can be done.

391  
392 Mann has concerns for the capacity of our city sewer due to the rate the  
393 Garden Cottage is building at, as it is higher than the expected rate. Hallan  
394 stated that he is working with city staff on this and the future sewer expansion.

395  
396 Mann stated that Sullivan’s Storage property still has their For Sale sign up.  
397 This was supposed to be removed. McGeough stated he would follow up with  
398 Sullivan.

399

400 **c. Correspondences**

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402 **d. Violations**

403

404 Jacobson stated that there is still equipment after several months for the  
405 violation on Nashway Rd.

406

407

408 **12. Commission Discussion Items**

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410 **a. Comprehensive Plan**

411

412 Jacobson stated that we will need another public hearing before we can  
413 approve. McGeough stated that we are only looking at the verbiage at this  
414 point. Pictures and graphs will need to be added and sent to the county for  
415 approval before we can approve.

416

417 Laufman stated on page 4 it should be “water quality”, not “ground water”,  
418 within the entire paragraph.

419

420 Beaver noted that on page 3 under Budget Limits “it’s” should be “its”, no  
421 apostrophe.

422

423 Mann stated that we should call out to the council that if they approve they are  
424 approving the need to work on the housing section on page 20 VII: Housing  
425 within the next 12 months.

426

427 Laufman believes that the information on page 17 for Wi-Fi and fiber optics  
428 should be listed under Infrastructure section. Just add a few paragraphs. She  
429 volunteered to work with the City Administrator to complete this change.

430

431 **b. Planning Commission Member Vacancies/Recruitment**

432

433 Jacobson stated we are losing three members in January or February 2019.  
434 Beaver stated that we should change the meeting to an evening starting in  
435 2019. She suggests a 6pm start time. Hallan stated he is busy the third

436 Thursdays of the month. Commission agrees to start January 2019. This will  
437 also give staff time to discuss and see what works for them. Bring this  
438 information back to finalize at the next planning commission meeting.  
439

440

**c. Prioritization of Future Discussion Items**

441

442 Hacker would like to get everyone's top list of items on what we should talk  
443 about next. Mann stated that some of these could be short discussions and to  
444 maybe start with them; A, C, I. Swanson agrees to start with some of the  
445 shorter discussion items; A, I, J, J, P. Wentler questioned if any of these items  
446 would be better discussed at a subcommittee level as this has worked well in  
447 the past. Beaver stated Vacation Rental by Owner is a growing issue and how  
448 do we deal with. Beaver thought that Sketch Plan Process could be a short 15  
449 minute conversation. Planning commission agrees to remove letter P:  
450 Existing aesthetics around the Nisswa round-about.

451

452 Jacobson noted that the new bank going in at Sportland Corners will be  
453 coming soon and this could be a fast moving application.

454

**d. Grand View Lodge Density Calculation**

455

456 Mann had some concerns that the density document that was provided by  
457 Grand View Lodge was not accurate or up to date. He sent Mark Hallan the  
458 letter enclosed in the packet for him to review. Hallan stated that Chad Conner  
459 and he are reviewing the letter from Mann and Density Calculations. They  
460 will review with staff and the city ordinances.

461

**e. Variance request accompanied by the owner – requestor**

462

463 Haecker would like to have a statement added to the application that states  
464 that they must attend or have a representative attend the planning commission  
465 meeting. The commission agrees with this.

466

**f. Shoreland Planned Unit Development (Section 4.10.1)**

467

468 Laufman stated this needs to be reviewed as there are many parts that don't  
469 match up within the ordinance. Beaver stated she will review and propose a  
470 new draft.

471

**g. Food Truck**

472

473 McGeough provided a letter today from the City Attorney in regards to Food  
474 Trucks. Jacobson stated we should discuss and work on this in the next few  
475 months. Is having the business come in and get a permit one time a year.

476

477

**13. Future Commission Discussion Items**

478

**a. Mobile Food Vendors**

479

- 485 b. Vacation Rental by Owner (VRBO)
- 486 c. Sketch Plan Review Process
- 487 d. Enforcement (Section 4.14)
- 488 e. Zoning Code/Building
- 489 f. Zoning Code/Building Code Inspector
- 490 g. Highway 371 Corridor Development (4.8.3)
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- 498 o. House Keeping/Ordinance Corrections
- 499 p. Pro-active vs. Reactive Commission
- 500 q. Existing aesthetics around the Nisswa round-about

501

#### 14. Adjourn

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503

504 **Motion:** Mann motioned to adjourn the September 11, 2018 meeting at 12:00pm,

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

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508

509 Respectfully submitted,

510

511

512 \_\_\_\_\_  
Maggi Wentler, Deputy City Clerk