

1 **MINUTES**
2 **EMILY PLANNING COMMISSION/BOARD OF ADJUSTMENT**
3 **REGULAR MEETING**
4 **February 4, 2025**

6 **1. CALL TO ORDER**

7 The meeting was called to order by Commissioner Johnson at 6:00 pm.

9 **2. Pledge of Allegiance was recited.**

11 **3. ROLL CALL**

13 PRESENT: Dave Johnson, Pat Rheaume, Mark Mosman, and Lynn Bartel
14 Council: Greg Koch (Liaison) and Gary Hanson
15 City Attorney: Tom Pearson
16 Staff: Steve Jones, Zoning Administrator (Sourcewell), Sue Fahrendorff , Zoning Clerk

18 **4. ELECTION CHAIRPERSON AND VICE-CHAIRPERSON**

20 **COMMISSIONER JOHNSON NOMINATED COMMISSIONER RHEAUME AS**
21 **CHAIRPERSON OF THE PLANNING COMMISSION BOARD OF ADJUSTMENTS.**
22 **ALL VOTED IN FAVOR 4-0. COMMISSIONER RHEAUME IS CHAIRPERSON.**

24 **COMMISSIONER BARTEL NOMINATED COMMISSIONER JOHNSON AS VICE-**
25 **CHAIRPERSON OF THE PLANNING COMMISSION BOARD OF ADJUSTMENTS.**
26 **ALL VOTED IN FAVOR 4-0. COMMISSIONER JOHNSON IS VICE CHAIRPERSON.**

28 **5. ADDITIONS OR DELETIONS TO AGENDA**

29 None

31 **MOTION MADE BY COMMISSIONER JOHNSON TO ADOPT THE AGENDA AS**
32 **PRESENTED. SECONDED BY COMMISSIONER MOSMAN. ALL VOTED IN**
33 **FAVOR. MOTION CARRIED 4-0.**

35 **6. OPEN FORUM**

36 None

38 **7. PUBLIC HEARINGS**

- 39 a. Conditional Use Permit application for Northern Lights over Roosevelt Lake
40 Homeowners Association modifying conditions of an existing Final Plat. The subject
41 property is located at Twilight Court and Evening Star Lane. PID 21030546.
42 Tom Pearson, City Attorney, provided a brief summary and background on the
43 Conditional Use Permit (CUP) for Northern Lights HOA. Pearson stated the original
44 CUP was never filed; therefore, he has recreated a draft with a combination of conditions
45 from the original and 2024 modification. Discussion regarding northbound right turn
46 lane and a southbound bypass lane off of HWY 6 at the Smokey Hollow Road
47 intersection. Lynn Kosloske, HOA Treasurer, stated per MnDOT, that access was not
48 required, instead MnDOT required the HOA to put in a driveway access to cross HWY 6,

49 which was installed by the HOA in 2024. Commissioner Johnson requested the HOA
 50 provides notification to the city of any MnDOT requests. Discussion regarding water
 51 mitigation, erosion, and application of mulch on the trail going towards the lakeshore.
 52 Kosloske stated there has not been any erosion since the mulch was installed in 2024.
 53 Pearson stated he will make changes to the draft CUP regarding water mitigation.
 54 Discussion regarding the ATV's and UTV's utilizing the trails to cross over HWY 6 to the
 55 driveway access. HOA has been working with Over-the-Hills Gang ATV Club to stop
 56 nonresidents from using the area within the HOA as a trail system.
 57 Discussion regarding the parking area for ATV's, UTV's, and golf carts. MnDOT will be
 58 removing existing parking signs and replacing them with signs that state daytime only
 59 parking.
 60 Pearson will make revisions to the draft CUP as discussed and present it to the Planning
 61 Commission at the March meeting.
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63 MOTION BY COMMISSIONER JOHNSON TO HAVE CITY ATTORNEY MAKE
64 CHANGES AS DISCUSSED AND PRESENT FINAL CUP TO THE MARCH 4,
65 2025 PLANNING COMMISSION MEETING. SECONDED BY
66 COMMISSIONER MOSMAN. ALL VOTED IN FAVOR. MOTION CARRIED
67 4-0.
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69 8. APPROVAL OF MINUTES

- 70
 71 a. December 3, 2024 Regular Meeting Minutes.
 72

73 MOTION BY COMMISSIONER BARTEL TO APPROVE MINUTES AS PRESENTED.
74 SECONDED BY COMMISSIONER JOHNSON. ALL VOTED IN FAVOR. MOTION
75 CARRIED 4-0.
 76

77 9. LAND USE ORDINANCE SUBCOMMITTEE MEETING UPDATE

78 Commissioner Johnson provided a brief update on the subcommittee meeting. The
 79 subcommittee meeting continued with discussion of variances verbiage. Jones and
 80 Fahrendorff will work on sample ordinance revisions and permit application, and
 81 present at the next subcommittee meeting in March.
 82

83 10. NEW BUSINESS

- 84 a. After-the-fact Permit Fee for a septic system. Brian Ronayne 40107 E. Emily Dr. PID
 85 21260571. Mr. Ronayne stated he hired a contractor to install his septic system but
 86 assumed the contractor would apply for the septic permit. He didn't know the septic
 87 system was installed until he received an email from the zoning office stating there was
 88 no permit application. After-the-fact fees are 10 times the permit fee of \$260.00 which is
 89 \$2,600.00. An application fee was paid on 1-2-2025, so the remaining balance is
 90 \$2,340.00. Attorney Pearson stated he believed Mr. Ronayne honestly assumed the
 91 contractor he hired to install the septic system would obtain the permit prior to
 92 installation. Attorney Pearson's recommendation was that the City Council waive the
 93 After-the-fact fee. Discussion regarding a contractor's responsibility and if the City could
 94 penalize a contractor for installing a septic system without permit verification. (This is
 95 the second time this particular contractor has not verified with the property owner that a
 96 permit was obtained.) Attorney Pearson stated our ordinance states the permit
 97 application is the property owner's responsibility.

MINUTES

Emily Planning Commission
 February 4, 2025

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MOTION BY COMMISSIONER JOHNSON TO RECOMMEND THE CITY COUNCIL REDUCE THE PENALTY TO \$1,300 AFTER-THE-FACT PERMIT FEE. MOTION DIED FOR LACK OF A SECOND.

MOTION MADE BY COMMISSION BARTEL TO RECOMMEND THE CITY COUNCIL WAIVE THE AFTER-THE-FACT PERMIT FEE. SECONDED BY COMMISSIONER MOSMAN. COMMISSIONERS BARTEL, RHEAUME AND MOSMAN VOTED IN FAVOR. COMMISSIONER JOHNSON OPPOSED. MOTION CARRIED 3-1.

- b. 2025 Planning Commission regular meeting dates approval.

MOTION MADE BY COMMISSIONER JOHNSON TO ACCEPT THE REGULAR MEETING DATES AS PRESENTED. SECONDED BY COMMISSION MOSMAN. ALL VOTED IN FAVOR. MOTION CARRIED 4-0.

- c. Planning Commission to discuss a requirement in the land use permit process regarding city road condition prior to construction.

Greg Koch, Council Liaison, stated the City Council had a discussion at their December 2024 meeting regarding damage to a city road during construction. City Council requested the Planning Commission have a discussion regarding changes to the permit application process to provide proof of before and after photos documenting the condition of the city road. Discussion of how to prove a contractor actually did the damage would require a video or photo of the damage being done. Commissioner Rheaume asked if the property owner is liable for the damages. Jones stated that it would be difficult to prove damage was done by a specific contractor unless you had visually witnessed the damage. Jones stated time and money spent by staff to monitor the road conditions during construction would not benefit the city. Koch stated the City Council has other options they could explore regarding road damage that would not result in using staff resources.

- d. Planning Commission to discuss interpretation of City Ordinance regarding number of guest houses allowed on a parcel.

Jones stated our ordinance does not clearly define how many guest houses or quarters are allowed on a parcel. This question came up when a property owner asked if he could have two living quarters in addition to a dwelling on their property. Jones asked for interpretation from the Planning Commissioners on what they believe is the intent of the code and should the code be changed at some point to reflect that intent. This topic will be discussed at the next Land Use Ordinance Subcommittee meeting in March.

- e. Education & Training Opportunities for Planning Commissioners.

Commissioner Rheaume encouraged all Planning Commissioners that have not attended in the past to attend these training sessions.

152 f. Variance Scenario-Julie & Mike Smithson 21930 County Rd 1. PID 21220560.
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154 Julie Smithson attended the meeting via Zoom and provided background information
 155 on her variance scenarios of a kitchen expansion lakeside or addition towards the
 156 roadside. Smithson stated her property is very long and narrow and would require a
 157 variance for either addition. She also stated that they would like to create a 3 season
 158 porch under the existing deck and possibly adding a detached garage with bunk house
 159 above. Jones stated the septic system will need to be reviewed for compliance prior
 160 to moving forward with a variance application.
 161

162 **11. OLD BUSINESS**

163 None
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165 **12. P & Z ADMINISTRATOR'S REPORT**

166 Recap and summary of permits issued for 2024.
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168 **13. ADJOURNMENT**

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 170 **MOTION BY COMMISSIONER BARTEL TO ADJOURN THE MEETING.**
 171 **SECONDED BY COMMISSIONER JOHNSON. ALL VOTED IN FAVOR 4-0.**
 172 **MOTION CARRIED**
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174 The meeting adjourned at 7:45 pm.
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176 Respectfully submitted,
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180 Sue Fahrendorff,
 181 Zoning Clerk