

VERGAS COUNCIL
PUBLIC HEARING MEETING MINUTES
VERGAS EVENTS CENTER & ZOOM
Thursday, December 29, 2022

The City Council of Vergas met at 6:30 pm, on Thursday, December 29, 2022, at the Vergas Event Center and on a Zoom for a hybrid public hearing with the following members present: Acting Mayor Natalie Fischer, Council Members: Rebecca Hasse, Paul Pinke and Bruce Albright. Absent: Julie Bruhn. Also present: Clerk/Treasurer Julie Lammers, Dean Haarstick, Josh Hanson, Sherri Hanson, Shelly Bunkowske, Keith Bunkowske, Loren Menz, Engineer Jeff Kuhn, Attorney Tom Winters, Neil Strawhorn, Terri Usher and Shane Poss.

Acting Mayor Natalie Fischer called the Public Hearing to order and reviewed items to consider the proposed Water and Sewer Variance on parcel 82000500024000 (Lawrence Lake Acres); changes to Ordinance 91.02 regarding Dogs and Cats; Ordinance 71.04 regarding declaration of snow emergency; parking requirements and Ordinance 72.03-72.07 Snowmobiles of the Vergas, Minnesota Code of Ordinances.

Engineer Jeff Kuhn reviewed the requirements of a variance for the City to be able to grant. The public hearing is used to provide facts to satisfy all three of the statutory factors, the city needs to grant a variance. 1. Use property in a reasonable manner: The first practical difficulties factor is that the property owner proposes to use the property in a reasonable manner. This means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean the land cannot be put to any reasonable use whatsoever without the variance. 2. Circumstances unique to the property: The second practical difficulties factor is that the landowner's plight is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the property; that is, to the land and not caused by the landowner. The statute further states that economic considerations alone cannot create practical difficulties. 3. Maintain essential character of the locality: The third practical difficulties factor is that the variance, if granted, will not alter the essential character of the locality. In addition to the three-factor practical difficulties test, a city evaluating a variance application should make findings as to: whether or not the variance is in harmony with the purposes and intent of the ordinance, and whether or not the variance is consistent with the comprehensive plan.

1. Proposed Water and Sewer Variance on parcel 82000500024000 (Lawrence Lake Acres); Current ordinances states:

§ 52.06 CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS.

(C) New Dwelling Unit or Buildings. Each lot, piece or parcel of property in the City of Vergas, abutting on any street, avenue or alley in which a municipal water main is laid, and upon which a new dwelling unit or any other buildings is to be constructed, is required to be connected with the municipal water system of the City provided the dwelling unit or building served is within 200 feet of the edge of the street closest to the dwelling unit or building.

§ 51.018 MANDATORY INSTALLATION OF SERVICE CONNECTION TO PUBLIC SEWER.

(C) *Structures Where Service Not Previously Available.* As the public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 365 days, in compliance with this chapter, and within 35 days thereafter any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom of any such private wastewater disposal system shall be broken to permit drainage, and the tank, pit, or vault shall be filled with suitable material. The public sewer system will be considered available when the property to be serviced is adjacent to the public sewer or when any structure on the property that generates wastewater is within 200 feet of the public sewer.

Variance requests private wells and drain fields.

Developer Josh Hanson stated the development is supported by the City of Vergas Comprehensive plan by providing rental and low-income housing. Hanson has looked at many avenues for public water and sewer and it

is not fiscally feasible to put in for 24 lots in this large of an area.

Loren Menz stated he was forced to hook up to water and sewer and to his standpoint this is not consistent. For three years he paid for city water and did not have it, having this allowed would not be consistent. Ordinances are ordinances and a variance is a permission to break the law. He also stated the ordinance is in place and it should be withheld.

Keith Bunkowske questioned pollution control. Hanson stated there is a MPCA plan in place and a permit in place. Lots along the lake are a minimum of 150 feet. This is a general development lake and requires the 150 foot lot minimum. The City minimum lot size is 6,000 square feet in the city. When homes are built in Vergas, they are covered by the City zoning for lots within 500 feet of lake shore under both lakeshore and zoning. Shelley Bunkowske asked what is the why, for this variance, Pinke stated it was all based on feasibility. Kuhn asked attorney if it could strictly be based on feasibility. Winters stated that yes cost can be the answer to all three questions, but all three questions will need to be considered before a decision is made. Hasse stated the committee has looked at every possible thing to make water/sewer possible for the city.

Questioned of where road was going to be laid out was discussed. The road will connect to Glenn and W Lake Streets. Dean Haarstick questioned the quality of the water in this area as homes located on W Lake Street have very rusty water. Sewer drain fields will need to be repaired or replaced every 15 years, do property owners want to take care of this?

Lammers read letter sent from Greg Schmidt. Terri Usher commented, we have a local business owner willing to take on this development for the betterment of Vergas offering single affordable lots in Vergas. Live in Vergas, shop in Vergas. Families will build and bring others to the amazing Village of Vergas. This variance will offer opportunities for many.

Ordinance 91.02 regarding Dogs and Cats; changes ordinances to license cats.

Fischer reviewed the change to this ordinance is adding cats.

Menz commented regarding cats not being able to run freely with collars on – they will either remove or get hung. Haarstick stated if the City gets rid of all the feral cats, we will have a mice issue in the city. Currently we also have an issue with the amount of rabbits in the city. Lammers reviewed a phone call from a resident stating they had no issue with the change in ordinance but would like to know what the city plans to do with all the feral cats running around town. Purpose of this ordinance is for public safety and assurance for vaccinations for both cats and dogs.

Ordinance 71.04 regarding declaration of snow emergency; parking requirements.

Fischer reviewed changes to ordinance and there was no comments from the public. Comment was made that a snow emergency needs to be a major event and not meant to be used every time it snows.

Ordinance 72.03-72.07 Snowmobiles

Fisher reviewed changes to the ordinance which was outdated and rewritten by the planning commission.

Lammers reviewed one phone call she took regarding the ordinance. They wondered what could be done with the snowmobiles riding on the boulevard they tend to ride outside of the right-of-way. They have spoken with the county regarding this concern and calling sheriff who will not be able to get here in time there is not much can be done.

Public Hearing adjourned at 7:32.

Julie Lammers
City Clerk-Treasurer

Response to questions needing to be answered to be approved by Council. Answers are provided by Natalie Fischer after the meeting.

1. Use property in a reasonable manner **The first practical difficulties factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance.** It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line, or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable. RELEVANT LINKS: League of Minnesota Cities Information Memo: 3/1/2021 Zoning Decisions Page 3 2. Circumstances unique to the property
 - I think this is covered. Obviously, he plans is to use the property in a reasonable manner.
2. **The second practical difficulties factor is that the landowner's plight is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property;** that is, to the land and not personal considerations of the landowner. The statute further notes that economic considerations alone cannot create practical difficulties.
 - There were no personal considerations for the landowner – we really wanted the water and sewer to work and pushed for it. We looked at every avenue to get water/ sewer out there. The property is unique – not prime property at all. Also, it is not adjoining to any current water and sewer lines. The lots behind it have private water/ sewer. It would not be sellable as it is, specifically into housing lots. It will take a lot of work to make it into something that will be appealing for a person to buy a lot – and yes, economic considerations are part of it...cannot stand alone but can be included. We should grow and we will be impacted by the sales of this via taxes and supporting downtown businesses.
3. **Maintain essential character of the locality** The third practical difficulties factor is that the variance, if granted, will not alter the essential character of the locality. This factor generally contemplates whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.
 - Again – obviously will maintain essential character and loyalty – will not alter. Our own lots on Scharf avenue are larger and made them more sellable than if they were at a normal city lot size.