



CITY COUNCIL MEETING AGENDA

Monday, June 10, 2024 @ 6:00 PM

Mayor: Andrew Rudlang **City Clerk:** Krista Okerman
City Council: **City Attorney:** Brad Person
Jerimey Flategraff (Mayor Pro-Tem)
Roman Siltman
Ryan Barnett
Melissa Haff

City of Jenkins
33861 Cottage Avenue
Jenkins, MN 56474
(218) 568-4637

Join Zoom Meeting
<https://zoom.us/join>
Meeting ID: 353 029 2895
Password: 56474
Dial by location: (312) 626-6799 (US Chicago)

NOTE: Printed materials relating to agenda items are available for public inspection in a three-ring binder on table by Council Chamber entrance.

1. Call to Order – Pledge of Allegiance
2. Roll Call
3. Agenda Additions/Deletions
4. Consent Agenda
 - a. Agenda
 - b. Pre-written payroll, check #'s 24407-24418; **\$5,202.89**
 - c. Proposed check #'s 24419-244428 and EFT's; **\$8,181.70****TOTAL EXPENSES = \$13,384.59**

5. Open Forum

Note: This is a time to address the City Council regarding items that are not on the agenda. Please wait for the Mayor to acknowledge you. State your name, address and topic you wish to discuss for the record. No response or action will be immediately taken to citizen request other than to refer the matter to City staff for further research and a written report back to the City Council.

PLEASE NOTE THAT PUBLIC COMMENT MAY BE LIMITED TO 3 MINUTES PER PERSON.

6. Solar Energy CUP
7. Bean Estates Preliminary Plat
8. Ebnet Development Variance and CUP
9. Unfinished Business
10. New Business
11. Reports of Officers, Committees, Staff
 - a. Mayor's Report
 - b. Clerk's Report
 - c. Parks Report
 - d. Roads Committee
12. Miscellaneous/Communication
13. Adjournment

Fund Name: All Funds

Date Range: 05/29/2024 To 06/06/2024

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
06/04/2024	Payroll Period Ending 06/01/2024	024407	5/19 - 6/1/24 pay priod	N	Council/Town Board	100-41110-106-	\$ 230.87
	Total For Check	024407					\$ 230.87
06/04/2024	Payroll Period Ending 06/01/2024	024408	5/19 - 6/1/24 pay priod	N	Clerk	100-41425-101-	\$ 732.16
	Total For Check	024408					\$ 732.16
06/04/2024	Payroll Period Ending 06/01/2024	024409	5/19 - 6/1/24 pay priod	N	Payroll Administration	100-41501-131-	\$ 380.60
	Total For Check	024409					\$ 380.60
06/04/2024	Payroll Period Ending 06/01/2024	024410	5/19 - 6/1/24 pay priod	N	Council/Town Board	100-41110-106-	\$ 230.87
	Total For Check	024410					\$ 230.87
06/04/2024	Payroll Period Ending 06/01/2024	024411	5/19 - 6/1/24 pay priod	N	Council/Town Board	100-41110-106-	\$ 230.87
	Total For Check	024411					\$ 230.87
06/04/2024	Payroll Period Ending 06/01/2024	024412	5/19 - 6/1/24 pay priod	N	Clerk	100-41425-101-	\$ 1,092.05
	Total For Check	024412					\$ 1,092.05
06/04/2024	Payroll Period Ending 06/01/2024	024413	5/19 - 6/1/24 pay priod	N	Payroll Administration	100-41501-131-	\$ 356.15
	Total For Check	024413					\$ 356.15
06/04/2024	Payroll Period Ending 06/01/2024	024414	5/19 - 6/1/24 pay priod	N	Payroll Administration	100-41501-131-	\$ 431.95
	Total For Check	024414					\$ 431.95
06/04/2024	Payroll Period Ending 06/01/2024	024415	5/19 - 6/1/24 pay priod	N	Public Works/Maintenance	100-43102-103-	\$ 931.92
	Total For Check	024415					\$ 931.92
06/04/2024	Payroll Period Ending 06/01/2024	024416	5/19 - 6/1/24 pay priod	N	Council/Town Board	100-41110-106-	\$ 277.05
	Total For Check	024416					\$ 277.05
06/04/2024	Payroll Period Ending 06/01/2024	024417	5/19 - 6/1/24 pay priod	N	Public Works/Maintenance	100-43102-103-	\$ 77.53
	Total For Check	024417					\$ 77.53
06/04/2024	Payroll Period Ending 06/01/2024	024418	5/19 - 6/1/24 pay priod	N	Council/Town Board	100-41110-106-	\$ 230.87
	Total For Check	024418					\$ 230.87
Total For Selected Checks							\$ 5,202.89

Date Range : 5/28/2024 To 6/7/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
05/28/2024	Metro Sales Inc.	INV2532550 Acct NoCO46 contract lease	2423	\$65.81			
					100-41425-209-	Clerk	\$65.81
05/29/2024	Widseth Smith Nolting & Assoc., Inc	Whitetail Hollows DA Amdmt, rvw SW calc, recon paving req w/Andrsn Bros, sub/base deflect	2424	\$3,187.25			
					301-43101-303-	Highways and Streets	\$3,187.25
05/29/2024	Auto Value	parts	2425	\$58.96			
					100-43126-221-	Road and Bridge Equipment	\$58.96
06/03/2024	Cascade Computers	Contract Inv 43618	2426	\$44.90			
					100-41425-209-	Clerk	\$44.90
06/03/2024	Betty Guenin	Cleaning Services	2427	\$100.00			
					100-41940-310-	General Government Buildings and Plant	\$100.00
06/03/2024	AT & T Mobility	cell phone-Roger	2428	\$30.00			
					100-43102-321-	Public Works/Maintenance	\$30.00
06/03/2024	Breen & Person, LTD.	legal services	2429	\$200.00			
					100-41610-304-	City/Town Attorney	\$200.00
06/04/2024	City of Pequot Lakes	Police Contract Invoice #2371	2430	\$3,433.33			
					100-42110-315-	Police Administration	\$3,433.33
06/04/2024	Pequot Lakes Sanitation	garbage service	2431	\$45.34			
					100-41940-384-	General Government Buildings and Plant	\$45.34
06/04/2024	Eldon Cichy	Repair water line for Veterans Park well	2432	\$195.00			
					100-45202-401-	Park Areas	\$195.00
06/07/2024	Schrupp Excavating	Inv 20240415 2hrs grading 5/30/24 (Drake)	2433	\$270.00			
					100-43101-405-	Highways and Streets	\$270.00

Date Range : 5/28/2024 To 6/7/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
06/05/2024	State of IA	CSE 5/19 - 6/01/24 Pay Period	EFT2466803	\$60.00			
					100-41425-175-	Clerk	EFT \$60.00
06/05/2024	PERA	05/19 - 06/01/24 pay period	EFT752521	\$491.11			
					100-41425-115-	Clerk	\$90.96
					100-43102-115-	Public Works/Maintenance	\$76.40
					100-41501-121-	Payroll Administration	EFT \$263.09
					100-41425-115-	Clerk	\$60.66
Total For Selected Claims				\$8,181.70			\$8,181.70

Date

Application: Conditional Use Permit to Install a Rooftop Solar Panel Array

Applicants: Planet Solarity LLC

Property Address: 32912 Paul Bunyan Trail Dr

Background Information

The applicant proposes to install a solar panel array on the roof of the AmericInn hotel. The AmericInn hotel is located at 32912 Paul Bunyan Trail Dr. The property falls within the Highway Business Zoning District (C2). The solar array plans include a total of 144 modules in 4 separate areas of the southeast facing roof fields.

Subject Property



Notification Requirements:

A notification of the hearing's date, time, and place shall be published in the municipality's official newspaper at least ten (10) days before the hearing. In addition, persons who own property situated wholly or partly within 350 feet of the subject property shall receive similar individual notifications by mail.

Action:

Notice was provided to the official newspaper that the City of Jenkins Planning Commission will meet on June 3, 2024, at 6:00 p.m. at Jenkins City Hall located at 33861 Cottage Avenue. to consider a conditional use permit outlined in this report. Additionally, properties within 350 feet of the subject property were notified via mail. Parcel ID data and taxpayer addresses were used to determine the mailing notification. Reasonable efforts were made to meet the requirements outlined in the notification requirements of the Zoning Ordinance.

Highway Business District (C-2)

Per the city code, Solar Energy Systems are allowed with a CUP in the Highway Business District. See **150.038 LAND USE MATRIX**

Project Description

The applicant proposes to install a 3999 sq. ft solar panel array covering approximately 20216.61 sq. ft of the roof area. The array will consist of 144 modules designed to maximize energy capture and efficiency. The panels will be mounted on a racking system and angled to optimize solar exposure.

Zoning and Land Use Analysis

The property is zoned Highway Business District, where solar panel installations are permitted as a conditional use. The proposed project is consistent with the zoning district's objective as listed in the land use matrix. The installation does not appear to interfere with adjacent land uses, including the highway.

Environmental Impact Assessment

The solar panel installation is expected to have positive environmental impacts by reducing the hotel's dependence on non-renewable energy sources and lowering its carbon footprint.

Visual and Aesthetic Considerations

The solar panel array will be installed flush with the rooftop, ensuring minimal visual disruption. Given the hotel's proximity to the highway, the panels will be largely out of sight from street-level views.

Safety and Compliance

The proposed installation will adhere to all relevant MN State building and electrical codes as listed in the 'General Notes' section of the site plan submitted by the applicant.

Findings:

Staff provides the following findings of fact for consideration:

1. The subject property in which the solar panel is to be installed is zoned C-2 Commercial.
2. The applicant is proposing install solar panel array on the rooftop of the AmericanInn hotel building located at 32912 Paul Bunyan Trail Drive in the city of Jenkins MN.
3. The use is identified in the land use matrix as a Conditional Use in the C2 district. However, the zoning ordinance does not provide for a performance standard for solar energy systems.
4. The proposed solar array plans include a total of 144 modules in 4 separate areas of the south and southeast facing roof fields.
5. The modules are approximately 90 inches by 45 inches in size into L feet brackets at the upper and lower portions of panels.
6. The unit weight of the solar array is 2.342.psf with the total area of the array covering approximately 20 percent of the roof area of the structure.
7. The applicant proposes to install a 3999 sq. ft solar panel array covering approximately 20216.61 sq. ft of the roof area.
8. As included in the site plan submitted, the applicant provided a review of the load capacity of the existing structure by a licensed engineer.
9. The subject property is abutting the highway 371.
10. Notification requirements for the CUP application were met.
11. Other findings as identified by Planning Commission or City Council

Conditions for Considerations

1. The project must meet all local, state, and federal building and electrical codes.
2. The installation must incorporate adequate safety features and be maintained regularly to ensure continued safe operation.
3. The panels should be installed in a manner that minimizes visual impact from surrounding properties and the highway.
4. Construction must adhere to city noise ordinances and aim to minimize disturbances to hotel guests and neighboring properties.
5. The solar panel array will be installed flush with the rooftop, ensuring minimal visual disruption. Given the hotel's proximity to the highway, the panels will be largely out of sight from street-level views.
6. All fees are paid.

Public Hearing:

The Planning Commission held a public hearing on this Conditional Use Permit at their June 3rd meeting. The required publication and notification of property owners within a 350-foot radius was completed. The purpose of the public hearing is to develop a factual record as to whether the applicant meets the relevant criteria and/or ordinances. At the hearing, the public is given the opportunity to speak as well. There was no written or in-person public comment. The City Council is not required to take any further comment. ***If*** the Council chooses to take any further comment, the following should be adhered to in order to keep the meeting running efficiently:

1. Persons will only be allowed to speak ***after*** they have been recognized by the presiding officer.
2. Place a time limit the persons are allowed to speak.

3. Limit the topic to the agenda items.

Once again, audience members do not have the statutory right to take an active part in Council discussion at meetings.

Recommendation

The Planning Commission unanimously recommended approval of the Condition Use Permit based on the above eleven findings and with the six listed conditions. The applicant is entitled to the Conditional Use Permit if they meet both the general and specific standards that our zoning ordinances sets. In this case the standards have been met, so staff is recommending approval as well. (Please see attached Resolution #24-06-287.)

Action requested:

The Council should review the information in this report and consider the Planning Commission recommendation. The City Council may approve or deny the Conditional Use Permit. If the Council action is for denial, it should be with findings cited. If Council action is for approval, it should be with findings and conditions cited.

**CITY OF JENKINS
RESOLUTION #24-06-288
APPROVING A CONDITIONAL USE PERMIT FOR
PLANET SOLARITY LLC**

WHEREAS, Planet Solarity LLC (“Applicant”) has submitted an application for a Conditional Use Permit for a solar energy system at 32912 Paul Bunyan Trail Drive in the City of Jenkins, Minnesota; and

WHEREAS, the property is legally described as follows:

Lot 4, Block 1 Whitefish Crossing, together with an easement of record.

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on June 3, 2024, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of Jenkins considered the Planning Commission’s recommendations at its June 10, 2023 meeting;

NOW, THEREFOR, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF JENKINS, CROW WING COUNTY, MINNESOTA, that it does hereby approve the request of Planet Solarity LLC for a Conditional Use Permit, based upon the Jenkins, MN Code of Ordinances, Title XV Land Usage, Chapter 150.283 which provides the standards for granting a Conditional Use Permit. The City Council’s Findings related to the standards are as follows:

1. The subject property in which the solar panel is to be installed is zoned C-2 Commercial.
2. The applicant is proposing install solar panel array on the rooftop of the AmericanInn hotel building located at 32912 Paul Bunyan Trail Drive in the city of Jenkins MN.
3. The use is identified in the land use matrix as a Conditional Use in the C2 district. However, the zoning ordinance does not provide for a performance standard for solar energy systems.

4. The proposed solar array plans include a total of 144 modules in 4 separate areas of the south and southeast facing roof fields.
5. The modules are approximately 90 inches by 45 inches in size into L feet brackets at the upper and lower portions of panels.
6. The unit weight of the solar array is 2.342.psf with the total area of the array covering approximately 20 percent of the roof area of the structure.
7. The applicant proposes to install a 3999 sq. ft solar panel array covering approximately 20216.61 sq. ft of the roof area.
8. As included in the site plan submitted, the applicant provided a review of the load capacity of the existing structure by a licensed engineer.
9. The subject property is abutting the highway 371.
10. Notification requirements for the CUP application were met.

FURTHER BE IT RESOLVED that the following conditions of approval of the Conditional Use Permit shall be met:

1. The project must meet all local, state, and federal building and electrical codes.
2. The installation must incorporate adequate safety features and be maintained regularly to ensure continued safe operation.
3. The panels should be installed in a manner that minimizes visual impact from surrounding properties and the highway.
4. Construction must adhere to city noise ordinances and aim to minimize disturbances to hotel guests and neighboring properties.
5. The solar panel array will be installed flush with the rooftop, ensuring minimal visual disruption. Given the hotel's proximity to the highway, the panels will be largely out of sight from street-level views.
6. All fees are paid.

Adopted by the Jenkins City Council this 10th day of June, 2024.

Andrew J. Rudlang, Mayor

ATTESTED:

Krista A. Okerman, Jenkins City Clerk-Treasurer

Applicants: Richie and Bethany Bean

Property Address: 4028 County Rd 145

Lot size: 14.95 acres

Zoning classification: AG (Agricultural)

Request: Preliminary Plat

Background Information

The applicants are Richie and Bethany Bean, and they requesting to subdivide an existing 14.95-acre parcel into four parcels. The subject property has an existing structure at the SW corner of the plat, and they are proposing a lot split that would result in 3 additional lots. The property is zoned Ag and the minimum lot requirement for a single-family development is 2 acres.

Staff Findings

1. The subject property is located at 4028 CR 145, CITY OF Jenkins, MN
2. The land area is 13.20 acres while the road area is 1.75 acres. This amounts to 14.95 acres in total
3. The SW corner is with an existing structure (appears to be a single-family home with driveway access off the CR 145.
4. The proposed lot 4 of the plat features a delineated wetland area.
5. Proposed lot sizes meet the minimum lot size requirements in Ag zoning district.
6. Per the engineering comments, lot 3 and lot 4 will have access off CR 145 while lot 1 will access off Cemetery Road.
7. All setback lines are marked and meets city of Jenkins zoning requirements.
8. Per the engineering comments, septic and water supply wells appear to be feasible for each lot proposed.
9. Buildable areas for lot 1, 3, and 4 are 1.56 acres, 1.55 acres, and 1.26 acres respectively.
10. Lot 4 layout respects the wetland boundaries and includes appropriate buffer zones.
11. Copies of Crow Wing County Site Suitability Assessments for all proposed lots have been submitted by the applicants.

Conditions for Consideration:

- Based on the proposed lot splits, there will be 3 lots that will access off CR 145 and one lot will access off Cemetery Road. The proposed lot accessing from Cemetery Road will be sufficiently set back from the intersection for a new driveway entrance. The City should review the need for a culvert when a driveway permit is requested. The County may comment on the lots accessing the County roadway.
- There are no proposed public improvements noted for this plat; therefore, no development agreement or escrow is necessary.
- Septic systems and water supply wells appear to be feasible for each lot based on the submittals.
- Stormwater management for each lot at the impervious coverage limits should be feasible for each lot. The typical runoff anticipated from a full impervious buildout should be

submitted with the building permits to demonstrate that stormwater can be managed on each lot.

- The final plat should include the dedication language for all public rights-of-way being dedicated for public use for both Cemetery Road and CR 145.
- All fees are paid.

Public Hearing:

The Planning Commission held a public hearing on this Preliminary Plat at their June 3rd meeting. The required publication and notification of property owners within a 350-foot radius was completed. The purpose of the public hearing is to develop a factual record as to whether the applicant meets the relevant criteria and/or ordinances. At the hearing, the public is given the opportunity to speak as well. The City Council is not required to take any further comment. ***If*** the Council chooses to take any further comment, the following should be adhered to in order to keep the meeting running efficiently:

1. Persons will only be allowed to speak ***after*** they have been recognized by the presiding officer.
2. Place a time limit the persons are allowed to speak.
3. Limit the topic to the agenda items.

Once again, audience members do not have the statutory right to take an active part in Council discussion at meetings but can at the Council's discretion.

Recommendation

The Planning Commission unanimously recommend approval of the preliminary plat citing the above findings and with the conditions listed. Staff agrees with the Planning Commission recommendation as well.

Action requested:

The Council should review the information in this report and consider the Planning Commission recommendation. The City Council may approve, deny or table the Preliminary Plat. If the Council action is for denial, it should be with findings cited. If Council action is for approval, it should be with findings and conditions cited. If Council action is to table the item, staff would like direction on what further information you would like provided.

PRELIMINARY PLAT
BEAN ESTATES

EXISTING DESCRIPTION - (As per Oct. 1st - 974523 Parcel 113: 28290320)

[illegible]

LAND AREA:
1320 ACRES

ROAD AREA:
1.75 ACRES

MINIMUM LOT REQUIREMENTS:

MINIMUM LOT AREA	=	2 Acres
MINIMUM LOT WIDTH	=	150 feet

WETLAND:

Delimited by Mitch Brinks, Certified National
Delimited #1007, on 5/18/2023.

OWNER-DEVELOPER:
Richard & Bethany Beon

SITE LOCATION:
4028 County Road 145
Paquot Lakes, MN, 55472

PARCEL No
26260528

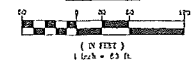
ZONED:
Agricultural District

SURVEYOR:
ARRO Land Surveying of Brainerd, INC.
20396 Division Road
Brainerd, MN 56401
(218) 820-2738

PREPARED:
XX/XX/XXXX



GRAPHIC SCALE



LEGEND

EDGES FROM FISH PAIR SET
AND MATCHED WITH RUS 3225 CAT.
EDGES FROM SURVEY MEASUREMENT
EDGES FROM COASTLINE MEASUREMENT
EDGES THROUGH PERENNIAL
EDGES VIOLIN POLE
EDGES HILL
EDGES SLOPE CLEANOUT
EDGES DEGRADED WETLAND
EDGES ON THE SURFACE
EDGES STRANDS SURFACE
EDGES COASTLINE SURFACE
EDGES 1 FOOT CONTIGUOUS (6000)

BEARING IDENTIFICATION

$\mathcal{L}(\mathbf{y}|\mathbf{X}) = \prod_{i=1}^n \mathcal{L}(y_i|\mathbf{X}_i)$

I hereby certify that this subject, John W. Johnson, was prepared for one or more years to receive a diploma from the University of Minnesota, and that, in accordance with the provisions of the laws of Minnesota, I have signed this diploma.

Dated this _____ day of _____, 19____.

By: _____
 Joseph W. Smith, Vice-Chancellor of the Univ.

PRELIMINARY PLAT
Part of the NW1/4 SW1/4
Sec. 26, T.137, R.28
Crow Wing County, MN

CLIENT: Richard & Bethany Bean

[illegible]

Application: Variance Request for Lot Size Reduction to Construct a Duplex

Applicants: Ted and Kimberly Ebnet of Ebnet Development LLC

Zoning Classification: R-R (Rural Residential)

Lot Size: 2.3 acres

Required Lot Size: 3 acres.

Variance Requested: Permission to construct a duplex on a 2.3-acre lot where the minimum required lot size is 3 acres, per § 150.027 RURAL DISTRICT (RR).

Background Information

The applicants, Ted, and Kimberly Ebnet have submitted a request for a variance to allow the construction of a duplex on their 2.3-acre lot located at Pleasant Acres: Lot 3, Block 1, Ellis Rd, city of Jenkins. The subject property is situated within an R-R (Rural Residential District), where the zoning ordinance stipulates a minimum lot size of 3 acres for the construction of duplexes.

Findings of Fact: Property Description

1. The subject property is a 2.6-acre parcel located on Ellis Rd within a low-density residential neighborhood.
2. The surrounding land uses include single-family homes, some of which are on lots of varying sizes.
3. The immediate vicinity is characterized by low-density residential development, and a few Agricultural uses consistent with the semi- rural zoning designation per the city ordinance.
4. The property is currently vacant and has no existing structures.

Findings of Fact: Zoning Ordinance Requirements

1. According to the R-R zoning regulations, the minimum lot size required for constructing a duplex is 3 acres.
2. The intent of this requirement is to ensure sufficient space for residential structures and associated amenities while maintaining the character and density of the neighborhood.

Findings of Fact: Uniqueness of the Property

1. The property is unique in that it is only slightly smaller than the required 3-acre minimum, with a deviation of 0.7 acres.
2. The lot's size and shape do not significantly differ from other properties in the vicinity, but the minor shortfall is a specific characteristic affecting the applicants' ability to comply with the zoning requirement.

Findings of Fact: Impact on Surrounding Area

1. The proposed duplex is designed to be compatible with the architectural character and scale of the surrounding neighborhood.
2. The minor reduction in lot size is not expected to adversely impact existing residential nature, density, or property values of the adjacent properties.

Findings of Fact: Hardship and Practical Difficulty

1. Strict adherence to the 3-acre minimum lot size requirement would impose a practical difficulty on the applicants, preventing them from making reasonable use of their property.
2. The hardship is not self-created, as the lot size is a pre-existing condition.

Findings of Fact: Minimum Variance Necessary

The requested variance is the minimum necessary to allow the construction of the duplex, given the small size deviation of 0.4 acres.

Findings of Fact: No Detriment to Public Welfare

1. Granting this variance will not be detrimental to public welfare or injurious to other properties in the area.
2. The duplex will be constructed in compliance with all other zoning and building regulations, ensuring safety and aesthetic harmony.

Conditions for Considerations

1. Has the applicant established practical difficulties, as defined by the city code, in complying with the official control?
2. Does the requested deviation from the minimum lot size requirement for a duplex in R-R district still conforms with the general purposes and intent of the zoning ordinance and the comprehensive plan? and
3. Will the variance potentially result in land use not permitted in the R-R zoning district?

Planning Commisison Action

Variances are not required to be reviewed by the City Council unless the applicant is appealing a Planning Commission decision. After a public hearing was held at the June 3, 2024 meeting and public testimony was held, the variance was approved on a 4-1 vote. Attached is a draft Resolution for your review.

Action requested

A motion to approve Resolution #24-06-289

**CITY OF JENKINS
RESOLUTION NO. 24-06-289**

**A RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS FOR APPROVAL
FOR VARIANCE APPLICATION OF EBNET DEVELOPMENT LLC AT LOT 3,
BLOCK 1, PLEASANT ACRES.**

FACTS

1. Ebnet Developemnt LLC is the owner of a parcel of land located at Lot 3, Block 1 Pleasant Acres, Jenkins, Minnesota, 56472.
2. The subject property is legally described as found on Exhibit A; and,
3. Ebnet Development LLC has applied to the City for a variance to the lot size requirement to build a duplex as described on Exhibit B
4. The proposal would vary from the required lot size of 3 acres Jenkins Ordinance §150.027 RURAL RESIDENTIAL DISTRICT (RR) in that the existing lot size is 2.33 acres creating a .7 acre deviation.
5. Following a public hearing on the application, the Jenkins Planning Commission has recommended approval of the variance on June 3, 2024.
6. The City Council of the City of Jenkins reviewed the requested variance at its Meeting of June 10, 2024.

APPLICABLE LAW

7. Minnesota Statute Section 462.357, subd. 6 provides:
 - a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.

- b. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.
“Practical difficulties,” as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.
- 8. City Ordinance allows variances considering the following:
 - a. The applicant establishes that there are practical difficulties, as defined in this chapter, in complying with the official control;
 - b. The deviation from this chapter with any attached conditions will still be in harmony with the general purposes and intent of this chapter and the Comprehensive Plan; and
 - c. The variance will not create a land use not permitted in the zone.
- 9. City Ordinance requires a minimum of 3 acres for a duplex.

CONCLUSIONS OF LAW

- 10. The requested variance is in harmony with the purposes and intent of the ordinance because the intent of the lot size requirement is to ensure sufficient space for residential structures and associated amenities while maintaining the character and density of the neighborhood.
- 11. The requested variance is consistent with the comprehensive plan because promoting a variety of housing and redevelopment of housing for a range of densities, types and price points is one of the Jenkins Comprehensive Plan’s Guiding Principles.
- 12. The property owner does propose to use the property in a reasonable manner because the surrounding land uses include single-family homes, some of which are on lots of varying sizes.
- 13. There are unique circumstances to the property not created by the landowner because the lot’s size and shape do not significantly differ from other properties in the vicinity, but the minor shortfall is a specific characteristic affecting the applicants’ ability to comply with the zoning requirement.
- 14. The variance will maintain the essential character of the locality because the minor reduction in lot size is not expected to adversely impact existing residential nature, density, or property values of the adjacent properties.
- 15. The minor reduction in lot size is not expected to adversely impact existing residential nature, density, or property values of the adjacent properties.

16. The hardship is not self-created, as the lot size is a pre-existing condition
17. The duplex will be constructed in compliance with all other zoning and building regulations, ensuring safety and aesthetic harmony.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JENKINS, MINNESOTA AS FOLLOWS:

The application to issue a variance to allow Ebnet Development LLC deviation to build a duplex on 2.3 acres so as to deviate from the required 3 acres is hereby approved.

Passed by the City Council of Jenkins, Minnesota this 10th day of June, 2024.

Andrew J. Ruldang, Mayor

Attested:

Krista A. Okerman, City Clerk

STAFF REPORT

Applicants: Ted and Kimberly Ebnet of Ebnet Development LLC

Property Address: Lot 3, Block 1, Pleasant Acres, Ellis Rd, City of Jenkins

Lot size: 2.3 acres

Zoning classification: Rural Residential (R-R)

Request: Conditional Use Permit to Construct a Duplex

Background Information

The applicants, Ted, and Kimberly Ebnet have submitted a request for a Conditional Use Permit (CUP) to allow the construction of a duplex on their 2.3 -acre property located at Lot 3, Block 1, Pleasant Acres, in the Rural Residential (RR) District of Jenkins, MN. The R-R District is intended to be semi-rural in character and to allow low density residential and compatible agricultural uses in shore land and non-shoreland areas. However, duplexes are permitted as a conditional use subject to public hearing review, recommendation of the Planning Commission and approval and issuance of CUP by City Council.

Zoning and Ordinance Requirements

Under the Jenkins Zoning Ordinance, the Rural Residential (RR) District permits duplexes with a Conditional Use Permit. The criteria for granting a CUP include compatibility with surrounding uses, consistency with the comprehensive plan, and ensuring that the use will not adversely affect the health, safety, and welfare of the community.

Staff Findings

1. The subject property is a vacant 2.3-acre lot located on Ellis Rd, city of Jenkins.
2. Surrounding properties are predominantly single-family houses on large lots, consistent with the Rural Residential zoning.
3. The 2.3-acre lot is below the lot size requirement for a duplex in the Rural Residential district. However, the applicant has petitioned the Planning Commission to vary from this requirement.
4. The proposed design incorporates rural architectural features that blends with the existing neighborhood character.
5. A driveway access is being proposed at the southwest corner of the lot (at the curve area of Ellis Rd).
6. The applicant is proposing a 100 feet setback from a drain field.
7. The applicant is proposing a 50 feet side setback.
8. Traffic impact is expected to be very minimal due to the low density of the area and the sufficient parking provided on-site.

Conditions for Considerations

The following conditions must be met:

1. The use or development is an appropriate conditional use in the land use zone.
2. The use or development, with conditions, conforms to the comprehensive land use plan.
3. The use with conditions is compatible with the existing neighborhood.
4. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance, or prosperity of the City.

Public Hearing:

The Planning Commission held a public hearing on this Conditional Use Permit at their June 3rd meeting. The required publication and notification of property owners within a 350-foot radius was completed. The purpose of the public hearing is to develop a factual record as to whether the applicant meets the relevant criteria and/or ordinances. At the hearing, the public is given the opportunity to speak as well. The City Council is not required to take any further comment. ***If*** the Council chooses to take any further comment, the following should be adhered to in order to keep the meeting running efficiently:

1. Persons will only be allowed to speak ***after*** they have been recognized by the presiding officer.
2. Place a time limit the persons are allowed to speak.
3. Limit the topic to the agenda items.

Once again, audience members do not have the statutory right to take an active part in Council discussion at meetings but can at the Council's discretion.

Recommendation

The Planning Commission unanimously recommends approval of the Conditional Use Permit citing the above findings and with the conditions listed. Staff agrees with the Planning Commission recommendation as well.

1. The property will be served by adequate infrastructure, including sewer and well systems, which will be installed in compliance with all applicable regulations. A copy of these plans must be submitted for city records.
2. Adequate landscaping and screening will be provided to minimize visual impact on neighboring properties.
3. Must comply with all applicable zoning, building, and environmental regulations.
4. Maximum building height must be 35 feet.
5. The use and development must meet all state, local, and federal regulations.
6. A minimum 50' setback be maintained from the surrounding properties.
7. All fees are paid.

Action requested:

The Council should review the information in this report and consider the Planning Commission recommendation. The City Council may approve, deny or table the CUP. If the Council action is for denial, it should be with findings cited. If Council action is for approval, it should be with findings and conditions cited. If Council action is to table the item, staff would like direction on what further information you would like provided.

Conditional Use Permits are required to be filed with the County. I have drafted a Resolution for your consideration.

**CITY OF JENKINS
RESOLUTION #24-06-290
APPROVING A CONDITIONAL USE PERMIT FOR
EBNET DEVELOPMENT LLC**

WHEREAS, Ebnet Development LLC (“Applicant”) has submitted an application for a Conditional Use Permit for a duplex to be constructed on Lot 3, Block 1, Pleasant Acres, located on Ellis Road in the City of Jenkins, Minnesota; and

WHEREAS, the property is legally described as follows:

Lot 3, Block 1 Pleasant Acres.

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on June 3, 2024, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of Jenkins considered the Planning Commission’s recommendations at its June 10, 2023 meeting;

NOW, THEREFOR, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF JENKINS, CROW WING COUNTY, MINNESOTA, that it does hereby approve the request of Ebnet Development LLC for a Conditional Use Permit, based upon the Jenkins, MN Code of Ordinances, Title XV Land Usage, Chapter 150.283 which provides the standards for granting a Conditional Use Permit. The City Council’s Findings related to the standards are as follows:

1. The subject property is a vacant 2.3-acre lot located on Ellis Rd, city of Jenkins.
2. Surrounding properties are predominantly single-family houses on large lots, consistent with the Rural Residential zoning.
3. The 2.3-acre lot is below the lot size requirement for a duplex in the Rural Residential district. However, the applicant has petitioned the Planning Commission to vary from this requirement.

4. The proposed design incorporates rural architectural features that blends with the existing neighborhood character.
5. A driveway access is being proposed at the southwest corner of the lot (at the curve area of Ellis Rd).
6. The applicant is proposing a 100 feet setback from a drain field.
7. The applicant is proposing a 50 feet side setback.
8. Traffic impact is expected to be very minimal due to the low density of the area and the sufficient parking provided on-site.

FURTHER BE IT RESOLVED that the following conditions of approval of the Conditional Use Permit shall be met:

1. The use or development is an appropriate conditional use in the land use zone.
2. The use or development, with conditions, conforms to the comprehensive land use plan.
3. The use with conditions is compatible with the existing neighborhood.
4. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance, or prosperity of the City.
5. The property will be served by adequate infrastructure, including sewer and well systems, which will be installed in compliance with all applicable regulations. A copy of these plans must be submitted for city records.
6. Adequate landscaping and screening will be provided to minimize visual impact on neighboring properties.
7. Must comply with all applicable zoning, building, and environmental regulations.
8. Maximum building height must be 35 feet.
9. The use and development must meet all state, local, and federal regulations.
10. A minimum 50' setback be maintained from the surrounding properties.
11. All fees are paid.

Adopted by the Jenkins City Council this 10th day of June, 2024.

Andrew J. Rudlang, Mayor

ATTESTED:

Krista A. Okerman, Jenkins City Clerk-Treasurer

Cassandra Delougherty

From: Samantha Torkelson <storkelson82@live.com>
Sent: Thursday, June 6, 2024 10:03 AM
To: krista.okerman@cityofjenkins.com; cassandra.delougherty@cityofjenkins.com
Subject: For June 10 City Council Meeting

Members of the City Council,

Due to a planned trip I am unable to attend the board meeting, I am writing today in opposition of a duplex being built on Ellis Road. I have several questions listed below in relation to why I am opposed.

1. How will having a multi home rental property effect our home values?
2. Will there be income and age restrictions on the tenants?
3. Who will be the property manager or contact when Mr. and Mrs. Ebnet are out of the area, state, or even country?
4. Will there be a common well and septic or will there be two separate wells and septic systems? Is the lot big enough for two if that is the case?
5. Does the square footage of the proposed building include garages? If no, where are the garages proposed to go?
6. Regarding questions 4 and 5, is the lot big enough to make all of the setbacks for the well and septic system?

In addition to these questions, I am disappointed that a variance was given to allow the duplex. Why have we had ordinances in place for so long when we will allow for variances to them? Regardless of the lot being 2.3 acres or 2.7, it's still not the required 3 acres for a conditional use permit. It's setting the precedence that our ordinances are easily overridden.

I know Mr. Ebnet says he has good intentions, and I believe that, but if he is to sell this rental unit at some point, how do we know that person would be a good landlord? I realize that's the case with any house, regardless of ownership, but a landlord is not on the premises and living in the same neighborhood.

Thank you,
Samantha Torkelson
3098 Ellis Road



AGENDA ITEM #

11C

REPORT TO CITY COUNCIL

Prepared by: Krista Okerman

Date: June 7, 2024

Subject: Parks Report

Report: The Park and Recreation Committee met and discussed the following:

1. Recycled plastic benches were researched. The City could participate in the recycled plastic portion of the program with the vendor that was contacted, but not purchasing the benches. Other options for benches are being considered.
2. Attendees at the meeting felt that a smaller Veterans monument at the City Park would be more cost effective, while still having a monument in place.
3. A dugout divider/privacy screen was donated to the ballfield by Aaron and Missy Haff.

From staff:

1. Public works can put up the flagpoles at Veterans Park. A location needs to be determined.
2. Some repairs and parts replacements were done on the well at Veterans Park.
3. Plumbing, Etc. is getting us a quote on fountain installation.
4. There was an incident at the park where some vandalism took place on the porta-potties. We are looking into reviewing the security cameras.

The Parks and Recreation Committee is recommending that the quote for resurfacing the basketball court from Lakes Pavement Maintenance be approved.

Budget Impact: \$1,764.00 from Gambling Fund

Council Action Requested:

1. Motion to approve the Lakes Pavement Maintenance quote.
2. Motion to approve Resolution #024-06-291 accepting donation.

* Resurfacing Basketball Court

Lakes Pavement Maintenance

28150 Hurtig Rd
Pequot Lakes, MN 56472
(218) 330-4918



Quote

Submitted On

4/30/2024

Quote for

Jenkins Veteran Memorial Park
Rick Mcclary
MN 371 & Veterans St
Jenkins, MN 56472

Payable to

Lakes Pavement Maintenance

Quote #

24-142

Quote Expiration

5/15/2024

Description	Qty	Unit price	Total price
Sealcoating	1	\$648.00	\$648.00
Sealcoating (2nd Coat)	1	\$550.80	\$550.80
Crack Sealing	1	\$565.20	\$565.20
	0	\$0.00	\$0.00
Notes:		Subtotal	\$1,764.00

\$1,764.00

Krista Okerman

From: Missy <mshequen@yahoo.com>
Sent: Wednesday, May 29, 2024 1:53 PM
To: Krista Okerman
Subject: Fwd: Order confirmed. We're processing your order now!

This is the divider Aaron and I purchased for dug outs at Jenkins ball park. Should have all the information if you need it for donation request. Diamond club will put it up and care for it.

Thanks,
Missy

Sent from my iPhone

Begin forwarded message:

From: The Home Depot <HomeDepot@order.homedepot.com>
Date: May 28, 2024 at 8:38:26 AM CDT
To: mshequen@yahoo.com
Subject: Order confirmed. We're processing your order now!



How does
get more done.

Order #: WJ56191872

Order Date: May 28, 2024

**Thanks Melissa, we're working hard to get
your order ready.**

We'll let you know your packages are shipped and live tracking codes are available.

You can cancel items before they enter the shipping process in [My Account](#).

Get the The Home Depot mobile app for the most premium shop experience.

[Manage my order](#)

[Download App](#)

Online orders may be canceled up
to 45 minutes after purchase.

Order Summary

Order Number: [WJ56191872](#)

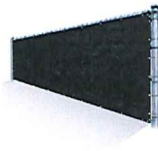
Order Date: May 28, 2024

Delivery



Processed Shipped Out For
Delivery Delivered

All items



**COLOURTREE 8 ft. x 6 ft. Black Privacy Fence Screen HDPE
Mesh Windscreen with Reinforced Grommets for Garden
Fence (Custom Size)**

Store SKU #1005688791

Internet #314384900

2 x \$49.99

\$99.98

Your Total

Subtotal	\$99.98
Delivery	FREE
Sales Tax	\$7.87
Total	\$107.85

Paid with PayPal

Purchase Information

CITY OF JENKINS
RESOLUTION NO. 24-06-291
A RESOLUTION ACCEPTING A DONATION TO THE CITY OF JENKINS

WHEREAS, the City of Jenkins is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts.

WHEREAS, the following persons and entities have offered to contribute the cash and/or equipment set forth below to the city:

<u>Name of Donor</u>	<u>Donation</u>
Aaron & Melissa Haff	Dugout divider/privacy fence valued at \$107.85

WHEREAS, the terms or conditions of the donations, if any, are as follows:

<u>Terms or Conditions</u>
For use at Jenkins Ball Field

WHEREAS, all such donations have been contributed to the city for the benefit of its citizens, as allowed by law; and

WHEREAS, the City Council finds that it is appropriate to accept the donations offered.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JENKINS, MINNESOTA AS FOLLOWS:

1. The donation described above are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.
2. The city clerk is hereby directed to issue receipts to each donor acknowledging the city's receipt of the donor's donation.

Adopted by the Jenkins City Council this 10th day of June, 2024.

Andrew Rudlang, Mayor

ATTESTED:

Krista A. Okerman, City Clerk-Treasurer



AGENDA ITEM #

11d

REPORT TO CITY COUNCIL

Prepared by: Krista Okerman

Date: June 7, 2024

Subject: Roads Committee

Report: The Roads Committee met on June 6th. The following items were discussed:

1. Quotes are being obtained to have 2" of gravel placed on Drake Circle.
2. The City should have commercial road specifications. We are requesting a quote from Widseth to develop those standards.
3. A request for a quote to update the City's Road Inventory Study from Widseth is being obtained with an option of having the roads classified. i.e. major arterial, minor arterial, collector.
4. If the Road Inventory Study quote from Widseth is approved, the Committee will revisit the City's Assessment Policy based upon information from the Study.
5. The Committee reviewed options on Lilac Street. It was determined that just patching the dip should be done at this time in the event further improvement should required a commercial standard specification.
6. Resident Debbie Siltman has requested to be on the roads committee (see attached letter). At this time, there are residents/community members that sit on the Parks and Recreation Committee. All other committees are made up of staff and/or councilmembers. Council action is necessary to establish committees either in the council's bylaws, by special resolution, or through a motion.

Recommendation:

The Roads Committee is recommending approval of that portion of the Anderson Brothers bid to pave the Lilac Street area in the amount of \$2,620.86 and to approve the Schrupp Excavating bid(s) in the total amount of \$5,108.00.

Budget Impact: \$7,728.86

Council Action Requested:

1. Motion to approve Anderson Brother quote.
2. Motion to approve Schrupp Excavating quote(s).



Anderson Brothers Construction Company
11325 State Highway 210
Brainerd, MN 56401
218-829-1768
218-829-7607 Fax

To:	City Of Jenkins	Contact:	Krista Okerman
Address:	33861 Cottage Avenue Jenkins, MN 56474	Phone:	218-568-4637
Project Name:	Pave	Fax:	218-568-5945
Project Location:	Pine Tree Street At T & Lilac Street At T	Bid Number:	
		Bid Date:	5/20/2024
Item #	Item Description		

Pine Tree St Area

2021.501	Mobilization
2104.505	Remove Bituminous Pavement
2112.502	Sub Grade Prep
2211.501	Aggregate Base Class 5
2360.501	Bituminous Wear Course

Total Price for above Pine Tree St Area Items: \$17,370.78

Lilac Street Area

2021.501	Mobilization
2104.505	Remove Bituminous Pavement
2112.502	Sub Grade Prep
2211.501	Aggregate Base Class 5
2360.501	Bituminous Wear Course

Total Price for above Lilac Street Area Items: \$26,773.20

Lilac St,Pave Only Area

2021.501	Mobilization
2360.501	Bituminous Wear Course

Total Price for above Lilac St,Pave Only Area Items: \$2,620.86

Total Bid Price: \$46,764.84

Notes:

- We are pleased to quote the following on the above-referenced project.
- **Pine tree:** the removal of approx. 445 sy bituminouse the regrading and suppliments of class-5 if needed.
- The placing of 3" compacted bituminouse wear course
- **Lilac st:** the removal of approx. 779 sy bituminouse the regrading and suppliments of class-5 if needed.
- The placing of 3" compacted bituminouse wear course
- **Lilac St paving only patch:** the placing of a 3" compacted wear course over a area being approx. 24' x 22ft the grading and shaping to be done by others.



P O Box 49
Pine River MN 56474

Estimate

Date	Estimate #
4/26/2024	2024-247

Name / Address
City of Jenkins 33861 Cottage Avenue Jenkins MN 56474

Customer's Phone Num...	Project
218-568-4637	Lilac Street

Description	Total
Cut and remove tar 20 ft by 24 ft (width of road) area	500.00
Excavate 5 feet soils 316 FL Excavator	600.00
Haul away unsuitable soil - 92 yards	552.00
92 yards Class 5	1,656.00
259 Bobcat and Compactor	600.00
Asphalt replacement not included.	
Road signage and traffic control not included.	

Thank you for the opportunity to provide this estimate to you. Please call Ray with any questions.

Total \$3,908.00

Phone #	Fax #	E-mail
218-587-4038	218-587-3473	schruppexcavating@gmail.com

Your signature grants acceptance of above estimate and provides approval for project to commence.

Signature _____

I T S

Date: May 21, 2024

*Interstate Traffic Signs Inc
P.O. Box 1635
Walker, MN. 56484
218 547 4900*

QUOTE Schrupp Excavtion

*Project # Lilac St
Location: Jenkins
County: Cass
State : MN
Start Date: 2024
Completion Date: 1-2 Days 2024*

Traffic Control L.S.

\$ 1200.00

- * *Price Includes those items in the Traffic Control Plans and/or those items Listed. Delivery Set up, Takedown, and Switches. If the Contractor Alters the Staging of the project which effects the Traffic Control Plans, Mobilization, TC Quantities and/or Description of Devices. The Contractor is responsible for those Charges and Cost ITS would incur.*

Please enclose a copy of this Quote in our Subcontract Agreement.

Contractor is responsible for a full time TC Supervisor, Servicing and Maintaining the Equipment, daily checks and for Individuals who will be available during Non-working hours.

- *Does Not Include Flagman, Flagman Signing, LS, LG Bump, Concrete Barrier, TMA's, PSS, PCMS TC Supervisor, Pavement Marking (Paint, Tape, TRPM's), Pav Marking Removal. incidental sign removal or incidental reinstall sign.*

- *Additional TC Devices Billed at ITS Pricing.*

- *All Prices Include Sales Tax.*

- *Retainage and/or Bond N/A, Special Changes to our Insurance Policy will be charged accordingly. 1.2% per \$ 1000.00.*

Quote Valid for 30 Days Post Letting Date.

This Company is an Equal Employment Opportunity Employer

***"ITS" The Right Choice
Veteran Owned Business/ Hub Zone DBE***

5/30/2024

I would like to get involved
with road and maintenance community

Debbie Selt