

**Agenda for Public Hearings
City of Clear Lake
Tuesday June 20, 2023**

7:00 PM: Call Public Hearing to Order

TO FOLLOW: **The Purpose of the public hearing is to make an amendment to Ordinance #908 which will extend the trade area to include the Clear Lake/Clearwater Food Shelf.**

TO FOLLOW: Public Participation

Adjournment

CITY OF CLEAR LAKE
SHERBURNE COUNTY, MINNESOTA
ORDINANCE No. 908

**AN ORDINANCE AUTHORIZING AND REGULATING THE CONDUCT
OF LAWFUL GAMBLING**

The City Council for the City of Clear Lake hereby ordains:

Section 1: Ordinance 908 relating to regulation of gambling shall read as follows:

Section 908.01: **ADOPTION OF STATE LAW BY REFERENCE.** The provisions of Minn. Stat. ch. 349, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, provisions relating to sales, and all other matters pertaining to lawful gambling are hereby adopted by reference and are made a part of this ordinance as if set out in full. It is the intention of the Council that all future amendments of Minn. Stat. ch. 349, are hereby adopted by reference or referenced as if they had been in existence at the time this ordinance was adopted.

Section 908.02: **PURPOSE.** The purpose of this ordinance is to regulate lawful gambling within the City of Clear Lake to prevent its commercialization, to ensure the integrity of operations, and to provide for the use of net profits only for lawful purposes.

Section 908.03: **DEFINITIONS.** In addition to the definitions contained in Minn. Stat. § 349.12, as it may be amended from time to time, the following terms are defined for purposes of this ordinance:

BOARD, as used in this ordinance, means the State of Minnesota Gambling Control Board.

CITY means the City of Clear Lake.

COUNCIL means the City Council of the City of Clear Lake.

ORGANIZATION, as used in this ordinance, a fraternal, religious, veterans or other nonprofit entity which has been in existence for at least three years, has at least 15 active voting members and is not in existence solely for the purpose of conducting gambling.

PREMISES PERMIT, as used in this ordinance, means a permit granted by the Board for each premises where lawful gambling is to be conducted.

TRADE AREA, as used in this ordinance, means the City of Clear Lake, Clear Lake Township and to the Clear Lake-Clearwater Food Shelf.

Section 908.04: **LAWFUL GAMBLING PERMITTED.** Lawful gambling is permitted within the city provided it is conducted in accordance with Minn. Stat. §§ 609.75-.763, inclusive, as they may be amended from time to time; Minn. Stat. §§ 349.11-.23, inclusive, as they may be amended from time to time; and this ordinance.

Section 908.05: **COUNCIL APPROVAL.** Lawful gambling authorized by Minn. Stat. §§ 349.11-.23, inclusive, as they may be amended from time to time, shall not be conducted unless approved by the Council, subject to the provisions of this ordinance and state law. Excluded or exempt gambling activities as authorized by Minn. Stat. § 349.166, as it may be amended from time to time, shall be exempt from Council approval.

Section 908.06: **APPLICATION AND LOCAL APPROVAL OF PREMISES PERMITS.**

- A. Any organization seeking to obtain a premises permit from the Board shall file with the city clerk an executed, complete duplicate application, together with all exhibits and documents accompanying the application as will be filed with the Board.
- B. Organizations applying for a state-issued premises permit shall pay the city an application fee as set forth in the City's fee schedule.
- C. Upon receipt of an application for issuance of a premises permit, the city clerk shall transmit the application and investigation form to the county sheriff for review and recommendations.
- D. The applicant shall be notified of the date on which the Council will consider the recommendation.
- E. The Council shall be resolution approve or disapprove the application within 60 days of receipt of the application.

Section 908.07: **RESTRICTIONS ON ISSUANCE OF A PREMISES PERMIT.** The Council reserves the right to deny an application for issuance or renewal of a premises permit for any of the following reasons:

- A. Violation by the gambling organization of any state law, state rule or city ordinance relating to gambling in the last three years.
- B. The organization has not been in existence for at least three consecutive years prior to the date of application.
- C. The organization has fewer than 15 active voting members.

D. The applicant failed to pay the investigation fee.

Section 908.08: ORGANIZATIONS AND PREMISES ELIGIBLE.

- A. No premises will be approved unless the organization meets the definition of an organization as set forth in Section 908.03.
- B. Only upon demonstration that no other organizations from within the trade area show an interest in a lawful gambling premises permit in Clear Lake shall outside organizations be given an opportunity to hold a premises permit within the City.
- C. If more than one organization within the trade area applies for a premises permit for the same location, priority shall be given first to the applicant with the least number of approved premises permits within the city and second to the applicant who submitted its application first.

Section 908.09: NOTIFICATION OF MATERIAL CHANGES TO APPLICATION. An organization holding a state-issued premises permit shall notify the city within ten days in writing whenever any material change is made in the information submitted on the application.

Section 908.10: EXPENDITURES BY GAMBLING ORGANIZATIONS.

- A. Each organization licensed to conduct gambling within the city shall expend 50% of its lawful purpose expenditures on lawful purposes conducted within the city's trade area.
- B. This section applies only to lawful purpose expenditures of gross profits derived from gambling conducted at a premises within the city's jurisdiction.
- C. An organization that conducts gambling on fewer than five days in a calendar year is exempt from the requirements of this section.

Section 908.11: RECORDS AND REPORTING.

- A. Organizations licensed by the Board conducting lawful gambling shall file with the city clerk one copy of all records and reports required to be filed with the Board, pursuant to Minn. Stat. ch. 349, as it may be amended from time to time, and rules adopted thereto, as they may be amended from time to time. The records and reports shall be filed on or before the day they are required to be filed with the Board.
- B. Organizations licensed by the Board shall file a report with the city proving compliance with the trade area spending requirements imposed by Section 908.10. Such report shall be made on a form prescribed by the city and shall be submitted annually.

Section 908.12: **HOURS OF OPERATION.** Lawful gambling shall not be conducted between 2:00 a.m. and 8 a.m. on any day of the week.

Section 908.13: **PENALTY.** Any person who violates any provision of this ordinance; Minn. Stat. §§ 609.75-609.763, inclusive, as they may be amended from time to time; or Minn. Stat. §§ 349.11-349.21, as they may be amended from time to time; or any rules promulgated under those sections, as they may be amended from time to time, shall be guilty of a misdemeanor and subject to a fine of not more than \$1,000 or imprisonment for a term not to exceed 90 days, or both, plus in either case the costs of prosecution. In addition, violations shall be reported to the Board and recommendation shall be made for suspension, revocation, or cancellation of an organization's license.

Section 2: Effective Date. This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance.

ADOPTED by the City Council of the City of Clear Lake this ____ day of _____, 2023.

CITY OF CLEAR LAKE

Tim Goenner
Acting Mayor

Attest:

Kari Koren
City Clerk

**AGENDA FOR PUBLIC HEARING
CITY OF CLEAR LAKE
TUESDAY JUNE 20, 2023 AT 7:00 P.M.**

7:00 PM: Call Public Hearing to Order

The purpose of the public hearing is to review the proposed variance request and Planned Unit Development amendment requested by LGI Homes – Minnesota.

The variance request is to allow a 28' front setback (as opposed to 30')

Legal description of said twin home lots are –

Lots 1-10, Block 1 of Parkside

Lots 1-6, Block 4 of Parkside

Lots 1-28, Block 1 of Parkside Second Addition

And

Lots 1-22, Block 2 of Parkside Second Addition

The amendment to the current PUD zoning ordinance to permit a building coverage to not exceed 31% (as opposed to 30%).

TO FOLLOW: Public Participation

No discussion from Council – you will need to adjourn this meeting and discuss at the regular council meeting.

Adjournment of Public Hearing

CITY OF CLEAR LAKE

Contact Kari Koren, Clerk-Treasurer
P.O. Box 298
Clear Lake, MN 55319
TEL 320-743-3111
FAX 320-743-4307
E-MAIL cityofclearlake@frontiernet.net



CHECK ITEM(S) REQUESTED:

VARIANCE
REZONE
TEXT AMENDMENT

CONDITIONAL USE
SUBDIVISION REVIEW
OTHER FUD AMENDMENT - PARKSIDE

APPLICANT INFORMATION

NAME LGI HOMES - MINNESOTA, LLC
ADDRESS 2850 CUTTERS GROVE AVE. SUITE #207
CITY, STATE, ZIP ANDER, MN 55303
TELEPHONE 612-840-3438 / Jay Ross

PROPERTY INFORMATION

ADDRESS OF PARCEL CHURCH STREET / CHERRY ST. / WALNUT STREET
PROPERTY ID# _____
LEGAL DESCRIPTION LOTS 1-10, BLOCK 1; LOTS 1-6, BLOCK 4 PARKSIDE PLUS ALL LOTS OF PARKSIDE 2nd ADD.
CURRENT ZONING DISTRICT PUD R-3

PLEASE DESCRIBE THE REASON FOR YOUR REQUEST: As PART OF THE FLEXIBILITY ALLOWED WITH FUD ZONING WE REQUEST A FRONT YARD SETBACK (MINIMUM) OF 28' VERSUS 30' AND A REVISED MINIMUM BUILDING COVERAGE (MAXIMUM) BASED ON SUBMITTED HOUSE PLANS

Would not exceed 31%

SIGNATURE Jay Ross

DATE MAY 31, 2023

ADMINISTRATIVE

- FEE OF \$ 500.00 PAID
- PUBLIC HEARING SCHEDULED FOR 6/20/23
- NOTICE SENT TO NEWSPAPER
DATE OF PUBLICATION 6/7/23
- NOTICE SENT TO ADJACENT PROPERTIES 6/7/23
- FINDINGS OF FACT PERFORMED

- CITY COUNCIL ACTION
- YES
- YES, WITH ATTACHED CONDITIONS
- NO

NOTATIONS:

REASON FOR DENIAL IF APPLICABLE:

**CONSENT
AGENDA
ITEMS**

**City of Clear Lake
Council Meeting
June 5, 2023**

Council Members: Tim Goenner, Karen White, Kristin Brandt, Stefany Janish and Chad Nelson

Members Absent: None

Guests: Patriot Newspaper Reporter Mark Kolbinger, City Resident Ron Juenemann, Bud Stimmler, Derek Kent from CMP Attachments and Mike Kampmeyer with New Energy Equity

City Staff: Clerk Kari Koren and Public Works Director Dustin Luhning

Mayor Goenner called the Council meeting at 7:03 P.M.

Agenda Approval

- **Motion made by Brandt, seconded by Janish to approve the June 5th Council meeting Agenda with no changes. Motion was approved by majority vote of all members present.**

Consent Agenda Items Approval

- Mayor Goenner requested a motion for the approval of the consent agenda items.
Motion made by Janish, seconded by Nelson to approve the following June 5th Council meeting consent agenda items.
 - **Minutes from the May 2023 Council Meetings**
 - **May 2023 accounts receivables/expenditures and EFT's**
 - **Resolution #23-07****Motion was approved by majority vote of all members present.**

Public Hearing #1 – Gambling Ordinance #908

- **Motion made by White, seconded by Brandt to approve the Gambling Ordinance #908. Motion approved by majority vote of all members present.**

Public Hearing #2 – Variance Request for CMP Attachments

- **Motion made by Brandt, seconded by Nelson to grant CMP Attachments with the following variances –**
 - **7' variance on Moorhouse Ave. to be used for right of way purposes**
 - **39.4' set back variance along State St.****Motion approved by majority vote of all members present.**

High Water Usage – Resident Kopteka

- City Resident Holly Kopetka requested some sort of subsidy to help with her high water/sewer bill. Holly stated that they had a faulty toilet in their basement which was not discovered for some time. City Staff assisted Holly in trying to figure out what was causing the high-water usage and after a month it was finally discovered. Member White stated that in the past the Council will take a three-month average for the sewer usage and bill for the average instead of the full sewer charges. **Motion made by White, seconded by Janish to reduce the Kopetkas sewer charges by taking the past three normal sewer charge averages and to remove all late fees. Motion was approved by majority vote of all members present.**

Solar Amendment to Interim Use Permit (IUP)

- Clerk Koren advised the Council that the solar company has major concerns with planting the coniferous trees close together, per original interim use permit conditions set by the Council. Per the solar company's landscape architects, the trees will potentially die as they will crowd each other out. After much review and discussions, it was suggested to plant one row of trees around the solar array site, 16 feet apart as measured from trunk to trunk, except where said trees abut neighboring parcels there shall be a second row of trees planted 16 feet apart and staggered with the first row. **Motion made by Brandt, seconded by Nelson to approve the provided amendment to the IUP. Motion was approved by majority vote of all members present. Mayor Goenner abstained from the vote due to a conflict of interest.**

Employee Report – Public Works Director Dustin Luhning

- Luhning advised the Council about the water quality complaints in the Hunter Lake Bluffs Development last month. The water main from Hwy 10 to the development is a long run and over the winter sediment built up and once residents started watering their lawns it was disrupting the sediment in the water main and affecting residents' water. The Public Works Employees were able to respond immediately and flushed the hydrants in that area which resolved the discolored water.
- Luhning is still waiting for a special MnDOT approved sign post for the speed sign, he is hoping to have it installed within the month.
- Member Brandt requested that the weeds be taken care of at the Hunter Lake Bluffs entrance monument.

Clerk

- Clerk Koren advised the Council that a city resident requested a portable toilet at the Hunter Lake Bluffs Park. Some members were concerned with the possibility of it being vandalized. Public Works Director Luhning advised the council that the last time there was a portable toilet at this location the company who serviced the toilet stated that it was not being used and for the costs to maintain the toilet was not ideal. It was decided to order a portable toilet for the time being and if there are no issues it will be up to Luhning's discretion to leave it there or not.
- Member White has noticed a lot of dogs at this park and requested that a "no pets allowed" sign is installed.
- Clerk Koren requested to change the July's regular council meeting due to the Fourth of July Holiday. Clerk Koren also advised the Developers of Parkside is requesting variances for their twin home lots due to the sizes of the proposed homes. The Developer is in a time crunch and would like to get a meeting scheduled sooner rather than later. It was decided to move July's regular meeting up to June 20th.

Adjournment

- **Motion made by Brandt, seconded by Janish to adjourn the Council Meeting at 7:33 P.M. Motion was approved by majority vote of all members present.**

Tim Goenner, Mayor

Kari Koren, City Clerk

**Public Hearing Minutes
June 5, 2023
City of Clear Lake**

The purpose of the public hearing is to review/approve proposed variance request from CMP Attachments to allow him to construct a new addition on to his current building to better his production.

COUNCIL PRESENT: Tim Goenner, Karen White, Kristin Brandt, Stefany Janish and Chad Nelson

CITY STAFF: City Clerk Kari Koren and Public Works Director Dustin Luhnig

OTHERS PRESENT: Patriot Newspaper Reporter Mark Kolbinger, Bud Stimmler, City Resident Ron Juenemann, Derek Kent with CMP Attachments and Mike Kampmeyer with New Energy Equity

CMP Attachments Owner Derek Kent is requesting a 7' variance on Moorhouse Ave for Right of Way purposes and a 39.4' variance on State St for the required setback.

Mayor Goenner called the public hearing to order at 7:03 P.M.

Motion made by White, seconded by Nelson to adjourn the public hearing at 7:03 P.M., motion approved by majority vote of all members present.

Tim Goenner, Mayor

Kari Koren, City Clerk

**Public Hearing Minutes
June 5, 2023
City of Clear Lake**

The purpose of the public hearing is to review/approve proposed Ordinance #908 which will regulate lawful gambling within the City of Clear Lake.

COUNCIL PRESENT: Tim Goenner, Karen White, Kristin Brandt, Stefany Janish and Chad Nelson

CITY STAFF: City Clerk Kari Koren and Public Works Director Dustin Luhnig

OTHERS PRESENT: Patriot Newspaper Reporter Mark Kolbinger, Bud Stimmler, City Resident Ron Juenemann, Derek Kent with CMP Attachments and Mike Kampmeyer with New Energy Equity

Mayor Goenner called the public hearing to order at 7:00 P.M.

Clerk Koren read the purposes of the public hearing, as follows –

The purpose of the public hearing is to review/approve proposed Ordinance #908 which will regulate lawful gambling within the City of Clear Lake.

Clerk Koren advised the Council that the Lions have reviewed the proposed ordinance and they are ok with moving forward with having it approved.

Motion made by White, seconded by Nelson to adjourn the public hearing at 7:01 P.M., motion approved by majority vote of all members present.

Tim Goenner, Mayor

Kari Koren, City Clerk

**AMENDMENT TO DEVELOPMENT AGREEMENT
BETWEEN CITY OF CLEAR LAKE AND LGI HOMES - MINNESOTA, LLC.
(PARKSIDE 2ND ADDITION)**

AND

**SECOND AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN CITY
OF CLEAR LAKE AND LGI HOMES – MINNESOTA, LLC, AS SUCCESSOR
TO CLEAR LAKE PARKSIDE, LLC.**

This Amendment is by and between the City of Clear Lake, Minnesota, and LGI Homes – Minnesota, LLC (Developer), parties to that Development Agreement dated November 30, 2022, concerning the development of Parkside 2nd Addition (Phase 2 Agreement), and parties to that Development Agreement dated March 3, 2006, originally between the City and Clear Lake Parkside, LLC (Phase 1 Agreement).

Recitals

- A. Consistent with Zoning Code section 24.02(M)(1), the front yard setback under the Phase 1 Agreement and Phase 2 Agreement is 30 feet. Pursuant to Zoning Code section 47.07(A), the lot coverage maximum is 30%.
- B. With respect to the front yard setback and lot coverage maximum, no distinction is made in the Development Agreements between single-family home lots and twin-home lots.
- C. Due to the size and shape of the proposed twin homes, the Developer seeks to modify the front-yard setback and the lot coverage maximum for certain twin-home lots in Parkside 2nd Addition and the original Parkside addition.

Agreement

1. The above recitals are incorporated herein as if fully set forth.
2. Notwithstanding any existing provisions of the Phase 1 and Phase 2 Agreements, the front yard setback for twin-home lots is hereby reduced from 30 feet to 28 feet.
3. Pursuant to a variance granted contemporaneously with approval of this Amendment, the maximum lot coverage for twin-home lots is increased from 30% to 31%.
4. These changes to the front yard setback and lot coverage maximum apply only to the following parcels:
 - a. Lots 1-10, Block 1, Parkside
 - b. Lots 1-6, Block 4, Parkside
 - c. Lots 1-28, Block 1, Parkside 2nd Addition

d. Lots 1-22, Block 2, Parkside 2nd Addition

- 5. All other terms of the Phase 1 Agreement and Phase 2 Agreement remain unchanged.
- 6. This Amendment shall run with the land and may be recorded against the parcels set forth in paragraph 4.

Approved by the Clear Lake City Council the _____ day of _____, 2023.

CITY OF CLEAR LAKE

By: _____
Tim Goenner, Mayor

Attest:

Kari Koren, Clerk-Treasurer

STATE OF MINNESOTA)
) ss.
COUNTY OF SHERBURNE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by the Mayor and the City Clerk, of the City of Clear Lake, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

Notary Public

Approved by the Developer the _____ day of _____, 2023.

LGI Homes-Minnesota, LLC

By: _____

Title: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____ and _____, who acknowledged such act to be done under the express authority of LGI Homes-Minnesota, LLC, the above-named Developer.

Notary Public

THIS INSTRUMENT DRAFTED BY:

Joseph J. Langel
Ratwik, Roszak & Maloney, P.A.
444 Cedar Street, Suite 2100
St. Paul, MN 55044
(612) 339-0060

LEGAL DESCRIPTIONS PROVIDED BY DEVELOPER

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