

Chair Larry Murphy
Connie Steiner
Mike Netland
Brian Madsen

City of Menahga
Planning and Zoning Commission Meeting
6:00 pm Thursday, July 11, 2024

City Council Chambers
115 2nd Street NE
www.cityofmenahga.com

Agenda

A. Call to Order

B. Roll Call

C. Pledge of Allegiance

D. Approve the Agenda

E. Approval of Minutes

- Minutes of May 2, 2024 Regular Meeting
- Minutes of May 7, 2024 Work Session

F. Public Hearing – None

G. New Business

- 1.
- 2.

H. Old Business

1. Review Updated Land Use Ordinance Chapter 151
2. Issued Land Use Permits
- 3.

I. Adjournment

**City of Menahga
Planning & Zoning Minutes
Thursday, May 2, 2024**

A. Call to Order

The Menahga Planning and Zoning Commission held their Regular Monthly Meeting on Thursday, May 2, 2024.

Chairman Larry Murphy called the meeting to order at 6:00 pm.

B. Roll Call

Comprising a quorum of the commission, the following members were present:

Larry Murphy, Connie Steiner, Mike Netland and Brian Madsen

Also, present were City Clerk/Treasurer Brett Gagnonpalick , Administrative Assistant Jensine Kurtti and Jake Huebsch from Sourcewell.

C. Pledge of Allegiance

D. Approval of the Agenda

Main Motion: To add Fee Schedule under New Business #1.

Moved by:	Netland
Seconded by:	Madsen
Action:	Motion carried by a 4-0 vote
In favor:	Murphy, Netland, Madsen, Steiner
Opposed:	None.

E. Approval of Minutes

The minutes from April 4, 2024 Regular Meeting, April 9, 2024 Work Session, and April 24, 2024 were presented.

Main Motion: To approve the minutes from April 4, 2024 Regular Meeting, April 9, 2024 Work Session, and April 24, 2024 Work Session as presented.

Moved by:	Steiner
Seconded by:	Madsen
Action:	Motion carried by a 4-0 vote
In favor:	Murphy, Netland, Madsen, Steiner
Opposed:	None.

F. Public Hearing – None

G. New Business

1. Fee Schedule

The commission reviewed the current Fee Schedule, so that it would reflect the items in the new Land Use Ordinance. It was decided that the City will allow any accessory structure (shed) less than 200 square feet to be allowed at no charge, but the landowner must sign a sheet acknowledging the setback requirements when locating their shed. Jake Huebsch also asked about consolidating the Subdivision/Plat fee of \$400 and Final Plat fee of \$100 into one fee of \$500.

Main Motion: To approve the updates to the Fee Schedule for Platting and Accessory Structures (sheds).

Moved by:	Netland
Seconded by:	Madsen
Action:	Motion carried by a 4-0 vote
In favor:	Murphy, Netland, Madsen, Steiner
Opposed:	None.

H. Old Business

1. Review Updated Land Use Ordinance

Jake Huebsch presented an updated copy of the Land Use Ordinance Chapter 151 to the commission. This revised draft came after the two Work Sessions that had been held by the commission in April. It was decided that the commission will hold another Work Session on the Ordinance on May 7, 2024 at 1 pm. The subject of cannabis was discussed and by consensus the commission felt its use should be addressed in the new ordinance.

Hopefully, after the May 7th Work Session it will be finalized and updated. Then the update will be given to the City Council Members during the week of May 13th for review, and the council will comment on the draft at their May 28, 2024 Council Meeting. Once finalized, it will be a matter of scheduling a Public Hearing with the Planning Commission, and back to the council for final approval. There will be a tight schedule to the process due to publishing requirements and meeting dates. The hope is that the updated Zoning Map can be approved at the same meeting.

2. Issued Land Use Permits

Jake Huebsch reported that two permits had been given in 2024, one for a lot split for Bolton, and a house for Richard Haataja. Jake mentioned that there was a pending application for landscaping on Spirit Lake, and a demolition permit for Brian Pettow.

I. Adjournment

Main Motion: To adjourn the meeting at 7:02 pm.

Moved by:	Steiner
Seconded by:	Madsen
Action:	Motion carried by a 4-0 vote
In favor:	Netland, Madsen, Murphy, Steiner
Opposed:	None.

Administrative Assistant Jensine Kurtti

Chairman, Larry Murphy

**City of Menahga
Planning & Zoning Minutes
Tuesday, May 7, 2024**

Call to Order

The Menahga Planning and Zoning Commission held a Work Session Meeting on Tuesday, May 7, 2024. The purpose of the meeting was to review Menahga Ordinance Chapter 151. Chairman Larry Murphy called the meeting to order at 1:00 pm.

Roll Call

Comprising a quorum of the commission, the following members were present:

Larry Murphy, Connie Steiner, Mike Netland and Brian Madsen

Also, present were City Clerk/Treasurer Brett Gagnonpalick, Administrative Assistant Jensine Kurtti and Jake Huebsch from Sourcewell.

Review of Ordinance 151 Land Usage

Jake Huebsch led the group in reviewing line-by-line section 151.01, making changes and corrections as needed. The group reviewed the entire section ending with 151.71. Huebsch will update the changes and send an updated copy to Jensine Kurtti to forward to the City Council and the Planning Commission. Discussion on a timeline of completion of the ordinance and scheduling a Public Hearing was discussed. Huebsch will send a final copy to Kurtti by May 10th, Final comments and action from City Council at May 28th Work Session, Advertise in Review Messenger for Public Hearing June 5th, Public Hearing will be held by Planning and Zoning Commission on June 20th, City Council will take action on the Land Use Ordinance at their Work Session/Special Meeting on June 24th, and Public Notice will be in the June 26th Review Messenger. The updated Zoning Map will be approved at the same time as the Land Use Ordinance.

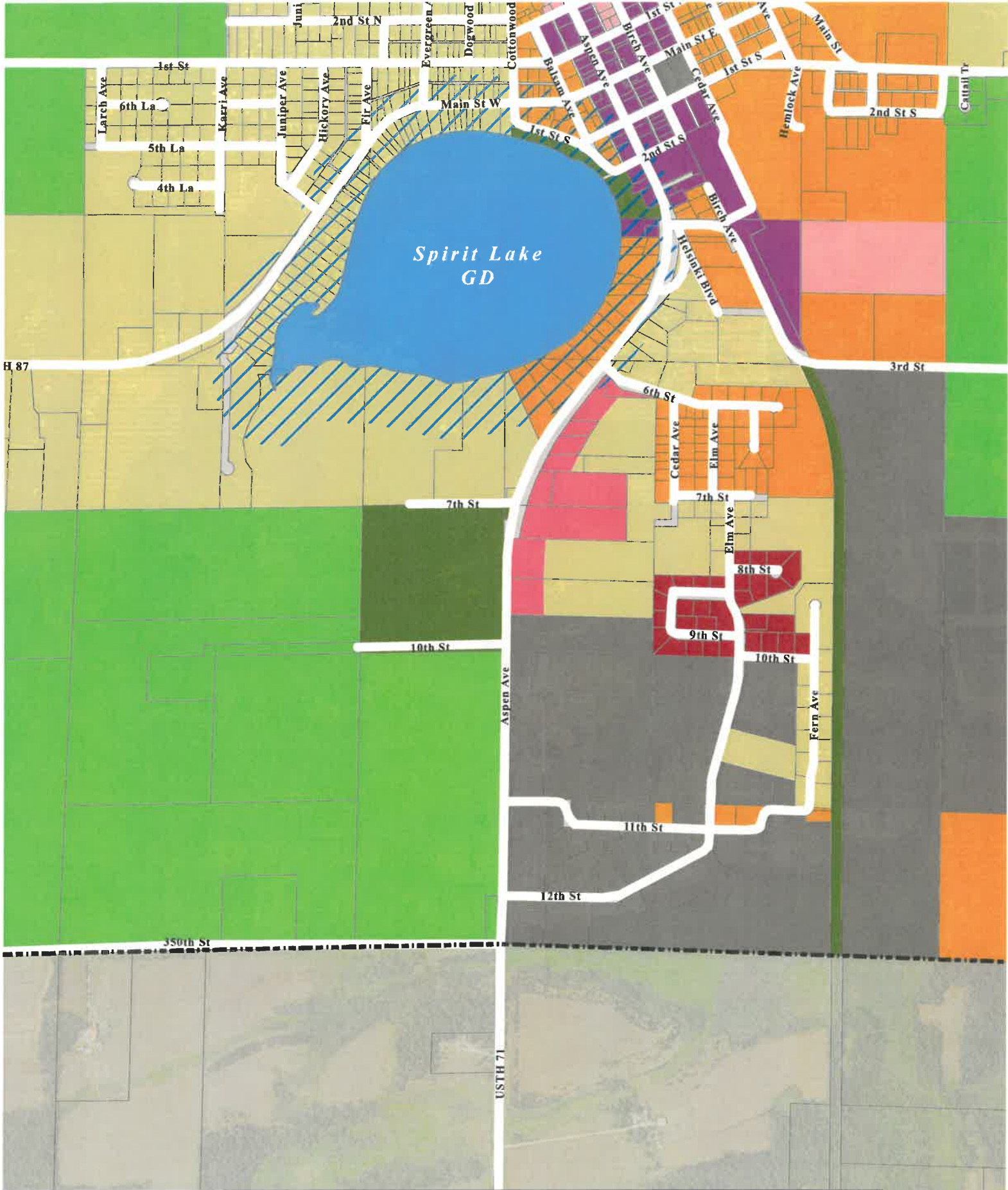
Adjournment

Main Motion: To adjourn the meeting at 3:17 pm.

Moved by:	Steiner
Seconded by:	Madsen
Action:	Motion carried by a 4-0 vote
In favor:	Netland, Madsen, Murphy, Steiner
Opposed:	None.

Administrative Assistant, Jensine Kurtti

Chairman, Larry Murphy



Jensine Kurtti

From: Jake Huebsch <Jake.Huebsch@sourcewell-mn.gov>
Sent: Wednesday, June 12, 2024 3:27 PM
To: Jensine Kurtti
Subject: FW: Shoreland Question

From: Burkett, Jed <JBurkett@lmc.org>
Sent: Wednesday, June 12, 2024 3:24 PM
To: Jake Huebsch <Jake.Huebsch@sourcewell-mn.gov>
Subject: RE: Shoreland Question

EXTERNAL

Hi Jake,

This is a surprisingly tricky question for which I don't have a straightforward answer. And I can't provide specific legal advice. The city attorney should provide specific legal advice to the city.

Looking at statute, rule and DNR web site it seems as if every local government with shoreland must have a shoreland ordinance that complies with the state's shoreland rules. Indeed, if you look at this DNR web page on adopting and amending shoreland ordinances, the very first sentence states:

“Local governments with shoreland must have a shoreland ordinance that complies with the state's shoreland rules.”

https://www.dnr.state.mn.us/waters/watermgmt_section/shoreland/adopt-amend-ordinances.html

But it seems there are communities out there with shoreland that may not have shoreland ordinances. And apparently the DNR historically did not necessarily require them for some communities.

The relevant statute for cities is Minn. Stat. Sec. 103F.221: <https://www.revisor.mn.gov/statutes/cite/103F.221>
Subd. 1 of the statute sets forth DNR authority to review shoreland ordinances for compliance with state rule.
Subd. 2 of the statute provides DNR can adopt a shoreland ordinance for a municipality that does not have one.

The rule dealing with shoreland ordinance adoption is Minn. Rule 6120.2800:

<https://www.revisor.mn.gov/rules/6120.2800/>

Subp. 3 of the rule provides for implementation flexibility for various special circumstances. It's a pretty extensive provision but it may provide explanation as to why some communities were not necessarily required to adopt shoreland ordinance in strict conformity with DNR standards and criteria. Subp. 3.A. sets forth a list of special circumstances:

A. Special circumstances may include the following situations:

- (1) where shorelands have been developed with an assortment of urban land uses for many years and much of the development does not meet the standards in parts 6120.2500 to 6120.3900;
- (2) cities with central business districts located within shorelands;
- (3) cities whose only shorelands are along rivers classified as tributary;
- (4) small cities that have not had, and do not anticipate, much development activity within shorelands;
- (5) counties or portions of counties with topography or vegetation characteristics that would make use of particular minimum state standards impractical;
- (6) shorelands that are managed under other water and related land resource management programs authorized by state or federal legislation with goals compatible with Minnesota Statutes, sections 103F.201 to 103F.221, and parts 6120.2500 to 6120.3900; or

(7) individual lakes or systems of lakes that are being managed under standards developed specifically for these water resources after a comprehensive study and planning effort.

<https://www.revisor.mn.gov/rules/6120.2800/#rule.6120.2800.3>

And the rule goes on to detail possibility of alternative management standards or approaches.

As you can see, it's a lot, and it doesn't provide much clarity.

One idea would be to reach out the DNR to get their perspective or explanation. At the bottom of the web page linked above is the contact information for Dan Petrik, Land Use Specialist, and Matt Bauman, Floodplain and Shoreland Planner. I believe they would likely have some insight on this issue. Or perhaps your area hydrologist could help:

https://files.dnr.state.mn.us/waters/area_hydros.pdf

I hope this reply is helpful. It is provided for general informational purposes and is not intended as specific legal advice. Please consult the city attorney for specific legal advice.

Thanks,

Jed

Jed Burkett
Land Use Loss Control Attorney
Phone: (651) 281-1247
jburrkett@lmc.org

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From: Jake Huebsch <Jake.Huebsch@sourcewell-mn.gov>
Sent: Wednesday, June 12, 2024 2:08 PM
To: Burkett, Jed <JBurrkett@lmc.org>
Subject: Shoreland Question

You don't often get email from jake.huebsch@sourcewell-mn.gov. [Learn why this is important](#)

Hey Jed,

Quick question: If a city never adopted (nor was required to) the DNR shoreland ordinance, is it required to follow it? This is for the City of Menahga.

Thanks,
Jake

Jake Huebsch | Community Development Administrator

Office: 218-895-4205 | Cell: 507-508-0004
Website: sourcewell-mn.gov

Jensine Kurtti

From: Derks, Danica (DNR) <Danica.Derks@state.mn.us>
Sent: Monday, June 10, 2024 3:16 PM
To: Jensine Kurtti
Subject: Shoreland District

Hi Jensine,

For reference, Minnesota Statute 103F.205, Subd. 4. Shoreland. "Shoreland" means land located within the following distances from the ordinary high water elevation of public waters: (1) land within 1,000 feet from the normal high watermark of a lake, pond, or flowage; and (2) land within 300 feet of a river or stream or the landward side of a floodplain delineated by ordinance on the river or stream, whichever is greater." It is not possible to remove land from shoreland as defined per MN Statute and Rule.

I look forward to meeting with you on Wednesday.

Regards,
Danica

Danica Derks

Area Hydrologist | Division of Ecological and Water Resources

Minnesota Department of Natural Resources

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Park Rapids, MN 56470

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