

MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday, February 29, 2024

The Board of Adjustment convened in Special Meeting and Hearing session on Thursday, February 29, 2024 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: Roger Isdahl, Mark Halls, John Messenger, Ted Kamnegiesser and Russel Barkeim

Other Officials Present: David Green (Land & Resource Management Director), Jessica Hill (Deputy Land & Resource Director), Ariel Hughes (Land Use Specialist), and Shelley Retrum (Sr Administrative Associate)

Call to Order

The meeting was called to order by Chairman Isdahl at 6:02 p.m., he announces that this meeting will be recorded. Chairman Isdahl states the purpose of this Special Meeting and provides instructions for the conduct of the meeting. The appellant and staff will each have up to one hour to address the Board of Adjustment on the matter of the permits that were issued by Pope County's Director of Land and Resource Management, David Green. The appeal is specific to the issuance of a Shoreland Alteration Permit and a Floodplain Development permit that relate to the proposed CSAH 17 reconstruction project.

Appeal Hearings

Appeal of administrative decision regarding issuance of Shoreland Alteration Permit #23327 and Floodplain Permit #23328 by appellants Peters Sunset Beach, Inc., Pezhekee, Inc., and David W. Peters

Chairman Isdahl calls on Pope County to begin their presentations. The County is represented by attorney Gerry Von Korff who proceeds with a brief introduction followed by personal statements presented by Director Green and County Engineer Brian Giese. Green reiterated the standards used when making permitting decisions for projects located in Shoreland and Floodplain designated areas. Giese described the current condition of the road and the design considerations taken to address environmental and community concerns.

At the conclusion of each of the statements, Chairman Isdahl asks for *questions from the Board*. As there were none, the Chairman moved on to offering the appellant the opportunity to present their argument. Attorney James Peters presents the case challenging the issuance of the permits. Peters describes several concerns including that he thought that the County had relied on too narrow of a scope and didn't effectively look at all potential impacts that may result from the project. He also described concerns with the project information as presented to state agencies. Following his introductory comments, Peters introduces Mark Ronnei who testifies as to his experience in the resort development business. Following the Ronnei testimony, Peters introduces professional engineer Lynn Eaton who provides testimony in which a portion of his comments are that he concurs with some of the road design elements as presented. He did mention concerns with overall width as it relates to pedestrian safety.

Mr. Peters final witness is David Peters, whom is co-owner of Peters Resort with James. David discussed the history of the resort and the impact of the road throughout its history. He mentioned the culverts that were in place and the significance of their effectiveness to move water off of the site. David mentioned the resorts social and economic impact on the community and that with the road reconstruction project as designed that it may lead to the demise of the resort.

James Peters concludes the appellant's portion of the meeting by reiterating the issue that in the issuance of the permit that there was no consideration given to the impact to the resort specifically, including no setback measurements to existing structures or evidence of discussion about the safety of resort guests and

that the Findings were too limited because they didn't mention tourism and safety issues. Mr. Peters claims that the project doesn't meet MnDOT or ordinance standards for work in a shore impact zone and that the project is in fact a road widening project.

Chairman Isdahl sought questions from the Board members after each presentation. No questions were raised. A ten minute break was called at this time with the reconvene time set at 7:35 pm.

At the return from the break Chairman Isdahl sought rebuttal from the County. Brian Giese (Pope County Engineer) provided some rebuttal in defense of the credibility of his work and to the road design standards and review provided by other state agencies. Chairman Isdahl raised a question regarding the tile/culvert issues raised by the appellant. Giese responded that *the culverts are something that were installed by the county. A culvert by definition meaning an opening on each side of the roadway so that we have an open channel coming to the end of a culvert opening and that culvert opening going under the road and in this case opening to the lake. There is a culvert and then there is something called a tile. The tiles that Mr. Peters is referring to are private tiles. They extend outside of the road right-of-way. We do not have a record of who installed the tiles or when they were installed but they are certainly not fully installed by the county. The only portion that is within the county right-of-way is under that right-of-way. The vast majority of these tiles extend beyond the road right-of-way. The county never made a promise that we were going to replace the private tiles under the road. We sent the letter and stated if you want to proactively address these tiles that are getting older, we will permit you to do so. For all the culverts that we can physically inspect on each end, we looked at them and initially planned for all replacements and then took some off as we got closer and saw that this culvert is going to be able to last for the design length of this roadway. We decided to leave them in place rather than do a greater disturbance.* Following that response, Mr. Jay Squires (counsel for the Board) posed this question: *with the statements by the appellants addressing increases in speed with the safety of the road, is there going to be an increase in the speed limit proposed or will it remain the same?* Brian Giese replied *no, the speed limit will remain the same.* With no further questions from the Board, Gerry Von Korff presents his final comments. At the conclusion of the presentations, Chairman Isdahl opens the meeting up for public comment/input Bob Pozner comments *we are very concerned about the speed. We have grandkids and no one goes close to 30 mph.* Jeri Zuber comments *I own a cabin on the intersection of Selnes Road and Lakeshore Drive. At my cabin the road is 18 feet wide. So, I take issue with the width of the road. I have grandkids across the road and I see 95% of the people drive fine. There is that small percent that does not and with widening the road I think that small percent will increase. So, I would prefer to have the 22-foot-wide road and smaller gravel on the sides. I would also say, if you live in that area right next to Peters Resort and you live there in July, there are 25 people walking down the road. So, I question the need for the width.* With no other public input to be received, Chairman Isdahl closes the public hearing and comments that *we will officially close this hearing and we will schedule a decision at a later date. It is the goal of the Board to make a decision at our next monthly meeting. If this is too optimistic, we will schedule for another time and notify all parties of the time and date.*

Adjournment 8:07 p.m. Chairman Isdahl adjourns the Board of Adjustment meeting.

Respectfully submitted,



Shelley Retrum, Sr Administrative Associate
Pope County Land & Resource Management