



**AGENDA ITEM # 6.2**

**REPORT TO CITY COUNCIL**

**Report Prepared by: Dawn Bittner and Justin Burslie**

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**Date:** October 1, 2019

**Subject:** Final Plat of The Range

**Report:** Please see attached Council Report.

**Council Action Requested:** Council motion adopting the attached resolution approving the Final Plat of The Range, based on the 11 Findings of Fact, 1 condition, and 11 requirements.

COUNCIL REPORT

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**Application:** Final Plat of The Range

**Applicant:** Dan and Lauri Helbling

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**Background Information:** The applicant is proposing to subdivide property along Little Walnut Lane into 15 single-family residential building sites and one commonly owned lot (greenspace). The property is zoned “Rural Residential” and is located within the “Residential-Golf Course Community Overlay District”. The City Council approved the Preliminary Plat of The Range on May 7, 2019. This Final Plat application is the final step in the subdivision process.



The applicant has complied with the 13 Conditions of approval of Preliminary Plat, including payment of the Park Dedication Fee. The applicant has also fulfilled the Final Plat requirements contained in the Ordinance. All documents are acceptable to the City Attorney.

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**Planning Commission Recommendation:** The Planning Commission unanimously recommends the City Council approve the Final Plat of The Range, based on the following Findings of Fact:

1. The development of the subdivision and planned unit development are in substantial conformance with the approved Preliminary Plat, site plan and elevations that govern the general location of lots, roadways, buffers, infiltration basins and improvements dated April 8, 2019.
2. The Final Plat agrees with the Preliminary Plat. The design has not changed since Preliminary Plat approval.
3. The City Engineer has reviewed and approved the excavation, grading or other terrain disturbance, and final plans for all infrastructure.
4. The applicant has complied with Conditions 4, 7 and 8 as they are included in the Declaration.
5. Lot 16 (greenspace) shall not contain any structures. The Water Utility Plan indicates 3 flushing hydrants with 2" connection for fire hose.
6. The cluster sewer system design conforms to Minnesota Pollution Control Agency Standards (Chapter 7080 – 7083 of the Minnesota Administrative Rules) and the design has been reviewed and approved by Tom Espersen, a licensed Advanced Inspector per Minnesota Rules.
7. The City Engineer has reviewed and approved the cluster water system conforms to the Minnesota Department of Health Rules and Regulations MHD 210 – 230 "Water Well Construction Code".
8. The review by the City Attorney is pending.
9. The developer has paid a park dedication fee in the amount of \$14,040.00.
10. The developer has not provided financial security in the amount of \$281,250.00, which represents 125% of the estimated cost of the uncompleted improvements.
11. An independent plat review dated September 19, 2019 from Terry L. Freeman (License Number 21367) has been submitted. The plat review states the plat meets the requirements of Minnesota Platting Statutes, Chapter 505 and the Professional Surveyors (MSPS) and Minnesota Association of County Surveyors (MACS) manuals.

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Based on the Findings of Fact presented in this report, the planning commission recommends approving the application, subject to the following conditions:

1. All documents must be acceptable to the City Attorney prior to Council approval of this Final Plat.

In addition, before the final plat is signed by the city the applicant shall update/provide the following:

- a) "Pumphouse details" referenced on Sheet 3 and Sheet 4 of the plans for the water distribution system.
- b) A copy of submittals (and response) to the Minnesota Department of Health regarding the water well, pumphouse and water distribution system.
- c) A copy of the Construction Stormwater General Permit from the Minnesota Pollution Control Agency (MPCA).
- d) Updated erosion control plan to include a double row a silt fence or a combination bio-rolls (bio-logs) and silt fence located on the west/south side of Unit 1 to the east side of Unit 2.

- e) Updated stormwater management plan to include a 6-inch to 12-inch tall vegetated (mowable) berm outside of the toe of sloped areas to prevent direct stormwater runoff to wetlands and adjacent properties.
- f) Updated specifications on the private road/driveway which includes pavement thickness.
- g) A financial security in the amount of \$281,250.00, which represents 125% of the estimated cost of the uncompleted improvements.
- h) An updated development agreement including the amount of the financial security (see "g" above)- *per email dated September 11, 2019 from city attorney.*
- i) Exhibits identified in development agreement- *per email dated September 11, 2019 from city attorney.*
- j) The final plat must be in the name of the same entity as the development agreement. If the intent is for that entity to be Resort Development LLC (the entity listed in the Development Agreement), the registration for that LLC will need be renewed as it is currently listed as inactive on the Secretary of State's website- *per email dated September 11, 2019 from city attorney.*

Before permits are issued for the development the applicant shall provide the following:

- k) Copies of all required plumbing permits for the dwelling units from the MN Department of Labor and Industry.
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September 19, 2019

City of Pequot Lakes

**RE: THE RANGE**

City Council

I have reviewed and checked the proposed final plat of THE RANGE in regard to the mathematical correctness and the requirements of the most current: Minnesota Platting Statutes, Chapter 505 and the Professional Surveyors (MSPS) and Minnesota Association of County Surveyors (MACS) manuals.

The plat dedication which includes the legal description, dedication statements, owner's signatures and the other approving signatures conforms to the plat drawing and information provided to form. This independent plat review does not include a title review to confirm the use of the proper plat boundary description or ownership of the subject property being platted.

A field inspection to confirm placement of the required boundary, plat and lot corners has not been performed. Based on these conditions I find the plat to conform to the above statutes, regulations and publications.

I hereby certify that this report was prepared by me or under my supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Sincerely,

Northern Engineering and Consulting, Inc.

Terry L. Freeman  
Professional Land Surveyor  
License Number 21367

**CITY OF PEQUOT LAKES  
RESOLUTION NO. 19-\_\_\_**

**RESOLUTION APPROVING THE FINAL PLAT OF THE RANGE**

**WHEREAS**, the City of Pequot Lakes is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, Daniel J. and Lauri J. Helbling, 5850 Little Walnut Lane, Pequot Lakes, MN (Applicants) have submitted an application to the City of Pequot Lakes (City) for a Final Plat of The Range, a copy of which is on file in the City of Pequot Lakes Planning & Zoning Department; and

**WHEREAS**, the City of Pequot Lakes Planning Commission held a public hearing on April 18, 2019 to consider The Range Preliminary Plat; and

**WHEREAS**, the Pequot Lakes Planning Commission has submitted its report and recommendation concerning the Preliminary Plat as part of a memorandum to the City Council for the May 7, 2019 City Council Meeting; and

**WHEREAS**, the Pequot Lakes Planning Commission adopted a motion recommending approval of the Preliminary Plat; and

**WHEREAS**, the City Council reviewed the Preliminary Plat request at its May 7, 2019 meeting and adopted a motion approving the Preliminary Plat; and

**WHEREAS**, the Pequot Lakes Planning Commission held a public hearing on September 19, 2019 to consider the Final Plat for The Range consisting of fifteen single-family residential lots and one commonly owned lot (greenspace); and

**WHEREAS**, on September 19, 2019 the Pequot Lakes Planning Commission adopted a motion to recommend that the City Council approve the Final Plat for The Range with one condition and eleven additional revision/submittal requirements; and

**WHEREAS**, the City Council reviewed the recommendation of the Planning Commission and the Final Plat of The Range at a meeting held on October 1, 2019; and

**NOW, THEREFORE**, based upon the testimony elicited and information received, the City Council makes the following:

**FINDINGS**

1. The development of the subdivision and planned unit development are in substantial conformance with the approved Preliminary Plat, site plan and elevations that govern the general location of lots, roadways, buffers, infiltration basins and improvements dated April 8, 2019.
2. The Final Plat agrees with the Preliminary Plat. The design has not changed since Preliminary Plat approval.
3. The City Engineer has reviewed and approved the excavation, grading or other terrain disturbance, and final plans for all infrastructure.
4. The applicant has complied with Conditions 4, 7 and 8 as they are included in the Declaration.
5. Lot 16 (greenspace) shall not contain any structures. The Water Utility Plan indicates 3 flushing hydrants with 2" connection for fire hose.
6. The cluster sewer system design conforms to Minnesota Pollution Control Agency Standards (Chapter 7080 – 7083 of the Minnesota Administrative Rules) and the design has been reviewed and approved by Tom Espersen, a licensed Advanced Inspector per Minnesota Rules.
7. The City Engineer has reviewed and approved the cluster water system conforms to the Minnesota Department of Health Rules and Regulations MHD 210 – 230 "Water Well Construction Code".
8. The review by the City Attorney is pending.
9. The developer has paid a park dedication fee in the amount of \$14,040.00.
10. The developer has not provided financial security in the amount of \$281,250.00, which represents 125% of the estimated cost of the uncompleted improvements.
11. An independent plat review dated September 19, 2019 from Terry L. Freeman (License Number 21367) has been submitted. The plat review states the plat meets the requirements of Minnesota Platting Statutes, Chapter 505 and the Professional Surveyors (MSPS) and Minnesota Association of County Surveyors (MACS) manuals.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council does hereby approve the Final Plat of The Range with no conditions.

**BE IT FURTHER RESOLVED THAT**, the following conditions of approval of the Final Plat shall be met:

1. All documents must be acceptable to the City Attorney prior to Council approval of this Final Plat.

In addition, before the final plat is signed by the city the applicant shall update/provide the following:

- a) "Pumphouse details" referenced on Sheet 3 and Sheet 4 of the plans for the water distribution system.
- b) A copy of submittals (and response) to the Minnesota Department of Health regarding the water well, pumphouse and water distribution system.

- c) A copy of the Construction Stormwater General Permit from the Minnesota Pollution Control Agency (MPCA).
- d) Updated erosion control plan to include a double row a silt fence or a combination bio-rolls (bio-logs) and silt fence located on the west/south side of Unit 1 to the east side of Unit 2.
- e) Updated stormwater management plan to include a 6-inch to 12-inch tall vegetated (mowable) berm outside of the toe of sloped areas to prevent direct stormwater runoff to wetlands and adjacent properties.
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- h) An updated development agreement including the amount of the financial security (see "g" above)- *per email dated September 11, 2019 from city attorney.*
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Before permits are issued for the development the applicant shall provide the following:

- k) Copies of all required plumbing permits for the dwelling units from the MN Department of Labor and Industry.

Adopted by the City Council of the City of Pequot Lakes this 1<sup>st</sup> day of October, 2019.

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James Tayloe  
Mayor

ATTEST:

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Nancy Malecha  
City Administrator