MAHTOMEDI PLANNING COMMISSION
AGENDA
JANUARY 8, 2020
6:30 P.M.

1. CALL TO ORDER

2. APPROVAL OF THE AGENDA

3. APPROVAL OF THE DECEMBER 11, 2019 REGULAR PLANNING COMMISSION MEETING MINUTES

4. PUBLIC HEARINGS

   a. CONSIDER APPROVAL – Request from Erin and Steve Berens for a conditional use permit in order to allow for a reduction in the front yard setback requirement and an increase in allowable building coverage for the purpose of constructing an attached garage at 1157 Park Avenue and described as PID 20.030.21.32.0030

5. STAFF REPORT – None Scheduled

6. UPDATE - CITY COUNCIL AND OTHER COMMISSION ACTIVITIES AND INFORMATIVE ITEMS.

7. ADJOURNMENT
To: Members of the Planning Commission  
From: Scott Neilson, City Administrator  
Date: January 2, 2020  
Subject: PLANNING COMMISSION MEETING JANUARY 8, 2020

The meeting of the Mahtomedi Planning Commission will be held on **Wednesday, January 8, 2020, 6:30 p.m. at the Mahtomedi City Hall.** Please contact me at 651-426-3344 if you will be unable to attend this meeting. In addition to reviewing the material below, please visit the site(s) that are subject to the business items and contact staff if you have any questions or require additional information prior to the meeting.

**APPROVAL OF AGENDA**

The agenda, as presented or modified, is in order for adoption by the Commission.

**APPROVAL OF MINUTES**

The minutes of the December 11, 2019 regular Planning Commission meeting are enclosed on pages [Page Numbers] for your review. These minutes, as presented or modified, are in order for adoption by the Commission.
MAHTOMEDI PLANNING COMMISSION  
MEETING MINUTES  
DECEMBER 11, 2019

Chairperson Alex Rogosheske convened the regular Planning Commission meeting at 6:30 p.m. with the following members in attendance: Chantell Knauss, Dan Soler, Greg Maples and Susan Stewart. Also in attendance were Planner Erin Perdu and Office Assistant Luann Tembreull.

APPROVAL OF THE AGENDA

Commissioner Stewart moved, and Commissioner Maples seconded the motion to approve the agenda as presented. The motion was unanimously approved.

APPROVAL OF THE NOVEMBER 13, 2019 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Soler moved, and Commissioner Stewart seconded the motion to approve the minutes of the November 13, 2019 regular Planning Commission meeting as written. The motion was unanimously approved.

4. PUBLIC HEARINGS

4a. CONSIDER APPROVAL – Request from Erin and Steven Berens for a conditional use permit in order to allow for a reduction in the front yard setback requirement and an increase in allowable building coverage for the purpose of constructing an attached garage at 1157 Park Avenue and described as PID 20.030.21.32.0030

Chair Rogosheske introduced the item and stated that since there was a problem with getting notices out to neighboring residents within 350 feet of the proposed property, this item would need to be postponed until the January 8, 2020 Planning Commission meeting.

Chair Rogosheske opened the public hearing to the audience for commentary.

Hearing none, the public hearing was continued and brought back to the commission for discussion.

Upon motion by Commissioner Knauss, seconded by Commission Soler, all members voting in favor, this item will be heard on January 8, 2020 at the regular Planning Commission meeting.
MAHTOMEDI PLANNING COMMISSION MEETING MINUTES
December 11, 2019

5. STAFF REPORT

5a. CONSIDER APPROVAL – 2020 Commission Meeting Schedule

The Planning Commission has held its meetings on the second Wednesday of the month at 6:30 p.m. Unless the Commission would prefer another meeting night, staff would recommend continuing that practice in 2020.

Upon motion by Commissioner Stewart, seconded by Commissioner Knauss, all members voting in favor, the Planning Commission approved the 2020 meeting schedule as amended with the change in the April meeting to be moved to Thursday, April 9th, 2020.

2020 Planning Commission Meeting Schedule:
January 8            July 8
February 12          August 12
March 11             September 9
April 9 (Thursday)   October 14
May 13               November 10 (Tuesday)
June 10              December 9

6. UPDATE - CITY COUNCIL AND OTHER COMMISSION ACTIVITIES AND INFORMATIVE ITEMS.

7. ADJOURNMENT

There being no further discussion, Commissioner Stewart moved, and Commissioner Soler seconded the motion to adjourn the regular Planning Commission meeting at 6:36 p.m. The motion was unanimously approved.

Respectfully submitted by Luann Tembreull, Office Assistant.

APPROVED:

ALEX ROGOSHESKE
CHAIRPERSON

ATTESTED:

LUANN TEMBREULL
OFFICE ASSISTANT
4a. **CONSIDER APPROVAL** – Request from Erin and Steve Berens for a conditional use permit in order to allow for a reduction in the front yard setback requirement and an increase in allowable building coverage for the purpose of constructing an attached garage at 1157 Park Avenue and described as PID 20.030.21.32.0030.

**ACTION TO BE CONSIDERED:** To recommend the City Council approve or deny a request from Erin and Steve Berens for a conditional use permit to allow for a reduction in the front yard setback requirement and an increase in allowable building coverage for the purpose of constructing an attached garage at 1157 Park Avenue and described as PID 20.030.21.32.0030.

**FACTS:**
- The City is in receipt of an application from Erin and Steve Berens for the requests outlined above.
- The application has been reviewed by City staff and consultants and is in order for consideration at this time.

**BACKGROUND:**
- City Planner's report on pages 1-7
- Location map on page 8
- Application on pages 9-15
- Resolution approving the conditional use permit on pages 16-17
CITY OF MAHTOMEDI MEMORANDUM

To: Planning Commission Members
Scott Neilson, City Administrator

From: Erin Perdu, AICP, City Planner
Hannah Rybak, City Planner
John Sachi, City Engineer

Date: December 20, 2019
Planning Commission Regular Meeting January 8, 2020

WSB Project No. 015141-000

Request: Request for approval of a conditional use permit to allow for a reduction in the front yard setback requirement and an increase in allowable building coverage within the R1-E Historic Mahtomedi District for the purpose of constructing a new attached garage at the property located at 1157 Park Avenue, PID: 20.030.21.32.0030.

GENERAL INFORMATION
Applicant/Owner: Erin & Steve Berens
Location: 1157 Park Ave.
Existing Land Use / Zoning: Single-Family Residential; zoned R1-E – Historic Mahtomedi District & Shoreland Overlay District
Surrounding Land Use / Zoning: North: Single-Family Residential; zoned R1-E: Historic Mahtomedi District & Shoreland Overlay District
East: Lake access parcels; zoned R-1E – Historic Mahtomedi District & Shoreland Overlay District
South: Single-Family Residential; zoned R-1E – Historic Mahtomedi District & Shoreland Overlay District
West: Single-Family Residential; zoned R1-E: Historic Mahtomedi District & Shoreland Overlay District

Comprehensive Plan: The 2040 Comprehensive Plan guides this property for LowDensity Residential land use.

Deadline for Agency Action:
Application Date: 11-12-2019
60 Days: 01-11-2019
Extension Letter Mailed: N/A
120 Days: 03-11-2020

CONSIDERATIONS RELATING TO THE REQUEST
1. **Overview.** The Applicants wish to construct an attached garage to the existing home on the property. Currently the home is rented out to tenants, and the property owners reside elsewhere. They wish to cease renting the property and reside there year-round. The home was originally constructed 1920 as a summer cabin. In order to make the property their fulltime home, the Applicants need to construct a garage.

The existing home is situated in the center of the buildable area of the lot, approximately eighteen (18) feet from the front property line. The only practical location for a garage to be constructed would be attached to the front of the home. They have proposed a six hundred twenty-two (622) square foot garage, with a zero (0) foot setback. The request for a zero (0) foot setback is because there is not much space in front of the home. In order to be functional, the garage would need to use all the space that the property offers. The proposed garage would meet minimum side yard setback requirements.

The Applicants’ plans for the property also include the addition of a front entry porch and porch off the back of the existing home. The front entry porch is twenty-four (24) square feet. The rear porch is one hundred eighty-nine (189) square feet. While both porches meet all setback requirements, they have been included in this request because they will increase the building coverage of the property.

The conditional use permit has been requested to allow for:

- A front yard setback of zero (0) feet, where twenty (20) feet is required
- An increase in allowable building coverage of 1%; 30.2% coverage where 29.2% is allowed

**R1-E & Shoreland District Requirements**

<table>
<thead>
<tr>
<th></th>
<th>District Requirement</th>
<th>Proposed Garage</th>
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<tbody>
<tr>
<td>Front setback</td>
<td>20 feet</td>
<td>0 feet</td>
</tr>
<tr>
<td>North side setback</td>
<td>5.8 feet</td>
<td>6.7 feet</td>
</tr>
<tr>
<td>South side setback</td>
<td>5.8 feet</td>
<td>15.8 feet</td>
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<tr>
<td>Building height</td>
<td>25 feet</td>
<td>To match existing house. Less than 25 ft.</td>
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<td>Building coverage</td>
<td>29.2% max.</td>
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<tr>
<td>Impervious surface coverage</td>
<td>35% max.</td>
<td>31.6%</td>
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2. **Ordinance Authority.**

*Chapter 11, Section 11.01, Subdivision 11.5, Section D* provides minimum lot requirements in the R1-E District.

*Chapter 11, Section 11.01, Subdivision 11.5, Section A(2)(d)(2)* explains the application of conditional use procedure in the context of the unique R1-E Zoning District.
Chapter 11, Section 11.01, Subdivision 8.21, Section C1 provides the approval criteria for requests for conditional use permits as follows:

a. Conforms to the District and conditional use provisions and all general regulations of this Ordinance.

b. Does not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards in Provision D: Performance Standards herein.

c. Is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

d. Produces a total visual impression and environment which is consistent with the environment of the District and neighborhood in which it is located.

e. Organized vehicular access and parking to minimize traffic congestion in the District.

f. Promotes the objectives of this Ordinance and the overall Comprehensive Land Use Plan of the City.

3. Consistency of the Request with the Standards for Granting a Conditional Use Permit

a. Conforms to the District and conditional use provisions and all general regulations of this Ordinance.

   The proposed garage conforms to all regulations, apart from the front yard setback and building coverage increase for which the CUP has been requested. While there is a small request for additional building coverage, the maximum impervious surface coverage of the property would not be exceeded with this request. **Criterion met.**

b. Does not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards in Provision D: Performance Standards herein.

   The proposed attached garage will not create any dangerous, injurious or noxious conditions and complies with the required performance standards. Staff does not anticipate that the setback reduction will cause any safety issues for drivers on the adjacent street. The additional building coverage will not have any impact on neighboring properties. **Criterion met.**

c. Is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

   The proposed garage addition would be similar to other garages in the area. The historic district is unique, and many other homes and garages have reduced and zero (0) foot setbacks. The setback reduction’s impact is mitigated by the boulevard area, which is approximately twenty-six (26) feet in width, running between the front property line and the street. **Criterion met.**

d. Produces a total visual impression and environment which is consistent with the environment of the District and neighborhood in which it is located.

   The proposed garage will match the home and will be consistent with the character of the area. The large right-of-way area will provide the impression that the garage is set back further. **Criterion met.**
e. Organized vehicular access and parking to minimize traffic congestion in the District. The request will not create any additional traffic in the area as the use of the property will remain the same. **Criterion met.**

f. Promotes the objectives of this Ordinance and the overall Comprehensive Land Use Plan of the City. The conditional use permit request is consistent with the objectives of the Zoning Ordinance and Comprehensive Plan. The properties within the R1-E Historic Mahtomedi District often have unique situations such as this one. The lack of a garage constitutes a hardship to residing on property year-round in Minnesota. **Criterion met.**

**4. Engineering Considerations.**

The City Engineer has reviewed the application and has the following comments:

The boulevard area from Park Ave is adequate for a full-size car, so I have no concerns with the zero-front setback. I do not anticipate any issues with the grading plan around the garage, porch or deck, and as always, that is required at the time of the building permit.

**RECOMMENDATION**

Based on the findings in this report and submitted plans, staff recommends **approval** of the requested conditional use permit.

**POTENTIAL ACTION**

1. **Request Additional Information and Continue the Meeting.** The Applicant appears to have provided enough information for the Planning Commission to make a recommendation to approve or deny the request. Should the Planning Commission request additional information from the Applicant, the Planning Commission should continue the meeting until a later time.

2. **Recommend Approval (with or without conditions) of the Request.**

3. **Recommend Denial of the Request.**

**ATTACHMENTS**

- Exhibit A: Location Map
- Exhibit B: Applicants' Application
- Exhibit C: Draft Resolution of Approval
APPLICATION FOR CONSIDERATION OF REQUEST
CITY OF MAHTOMEDI, MINNESOTA

STREET ADDRESS OF PROPERTY: 1157 Park Ave.

LEGAL DESCRIPTION OF PROPERTY: See attached survey.

OWNER: Name Emily Steve Berens
Address 1157 Park Ave., Mahtomedi, MN 55115
Phone: Home (612) 274-1287
Business (651) 212-0697
Fax

APPLICANT: (If other than owner)
Name
Address
Phone: Home   Business   FAX

Type of Request
- Rezoning
- Minor Subdivision
- Concept Plan Review
- Conditional Use Permit
- Plan for Subdivision (more than 3 lots)
- Final Plat
- Site Plan Amendment to Ordinance
- Interim Use Permit
- Administrative Site Plan Review
- Appeal of an Administrative Decision

Description of Request: Conditional use permit to allow for a 0 foot front yard setback, where 20 feet is required and 29.9% building coverage, where 29.2% is allowed.

IF POSSIBLE, OBTAIN THE SIGNATURES OF ALL ADJACENT PROPERTY OWNERS:

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Information Provided:
- Preliminary Plat
- Grading/Drainage Plan
- Utilities Plan
- Site Plan
- Landscape Plan
- Building Elevation
- Sign Plan
- Registered Land Survey
- Narrative of Project
- Copy of Property Deed(s) (For Conditional Use Permit Applications)
  Certification that property taxes are current

(SEE OTHER SIDE)
APPLICATION FOR CONSIDERATION OF REQUEST
CITY OF MAHTOMEDI, MINNESOTA

STREET ADDRESS OF PROPERTY: 1157 Park Ave.

LEGAL DESCRIPTION OF PROPERTY: See attached survey.

OWNER: Name Erin Berens Address 1157 Park Ave., Mahtomedi, MN 55115
Phone: Home (651) 276-1287 Business (651) 212-0097 FAX

APPLICANT: (if other than owner)
Name __________________________ Address __________________________
Phone: Home __________________________ Business __________________________ FAX __________________________

Type of Request
- Rezoning
- Conditional Use Permit
- Site Plan
- Interim Use Permit

Minor Subdivision
- Plan for Subdivision (more than 3 lots)
- Amendment to Ordinance

Concept Plan Review
- Final Plat

Description of Request
Conditional use permit to allow for a 0 foot front yard setback, where 20 feet is required and 29.9% building coverage, where 29.2% is allowed.

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Information Provided:
- Preliminary Plat
- Grading/Drainage Plan
- Utilities Plan
- [X] Site Plan
- Landscape Plan
- Building Elevation
- Sign Plan
- [X] Registered Land Survey
- Narrative of Project
- [X] Copy of Property Deeds (For Conditional Use Permit Applications)
  Certification that property taxes are current

(SEE OTHER SIDE)
As the applicant, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project.

Owner's Signature

11/9/19

Date

Applicant's Signature

11/9/19

Date

BElOW IS FOR USE BY CITY OFFICIALS

Application received with fee of $2,500.00 on 11-12-19 by

Amount of cash deposit for City consultant costs $1,500.00

Action by Planning Commission

on

Action by City Council

on

(Revised January 2011)
EXHIBIT "A"

All that part of Lot 6, Block 1, East Shore Park, Washington County, Minnesota, according to the plat thereof on file of record in the office of the Register of Deeds in and for said County, described as follows: Beginning at a point on the west line of said Lot 6, distant 40 feet north of the southwest corner of said Lot 6; thence north along said west line 10 feet to the Northwest corner of said Lot 6; thence east along the northerly line of said Lot 6 to the northeast corner of said Lot 6; thence southerly along the easterly line of said Lot 6; 62.7 feet to a point; thence at an angle of 90 degrees 40 minutes to the right a distance of 105 feet to a point; thence westerly in a straight line to the point of beginning. Together with a perpetual easement for the benefit of grantee, its heirs and assigns, and their invitees, for all lakeshore purposes and access to White Bear Lake over, across and upon that part of Lot 6 lying northerly of the south line of said Lot 6 extended west to White Bear Lake and southerly of a line which if extended would run in a straight line from the southwest corner of Lot 5 in said Block 1 to the point of intersection of the northerly line of said Lot 5 and the southerly line of said Lot 6 both extended westerly, subject to all existing rights and easements of any and all owners of land in said East Shore Park in, to and upon the easterly 15 feet of said Lot 6, according to the plat thereof on file and of record in Register of Deeds of Washington County, Minnesota.
Exhibit B

Berens Conditional Use Permit Request for 1157 Park Avenue, Mahtomedi, MN 55115

- Pre-Application Meeting 7/10/19 with Hannah Rybak, City Planner and John Sachi, Senior Project Manager to discuss variance process.
- Obtained legal description of the property, survey completed, blueprint of proposed garage addition and four season porch. 10/9/19 Erin met with Hannah and John for input on proposed plan. Obtained proof of property tax payments.
- Made changes to plan to reduce conditional use permit requests (no longer requesting any side yard setbacks as proposed garage and porch/deck meet side yard setback minimum of 10% of lot width, measured at front building line).
- Our proposed maximum building coverage is 29.9% (zoning code is 29.2% based on our 10/2019 survey) resulting in a minor .7% conditional use permit request for maximum building coverage.

- Due to the property's unusual lot dimensions a request for 0 front yard setback is requested to allow a garage to be added. Compliance with the zoning laws would cause undue hardship as there is not enough room to add a garage and meet the current setback minimum requirement. The property was originally a summer cabin and we intend to reside there permanently if we can add a garage. If not, we will most likely continue to rent it out. The proposed construction is necessary for reasonable use of the property; offering us much needed storage space as there is not a basement on property.
- The proposed construction represents the least intrusive solution possible by attaching the garage to the house; we are losing a bedroom but able to meet the -0- front yard setback.
- Since these are special circumstances and there are several examples of area conditional use permits that have been approved in the historic district, specifically the following addresses: 626, 629, 705, 713, 721 & 1158 Park Avenue as well as 14 Hickory.
- Approving the conditional use permit allowing us to add a garage and four season porch would be consistent with the character of the neighborhood. The configuration of the lot dictates that the zoning regulations simply be relaxed. The proposed construction would not alter the historic charm of the neighborhood; we have kept the design of the garage to be the same height as the house and plan to match the white Hardy plank exterior to maintain similar aesthetics.
RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A FRONT YARD SETBACK REDUCTION AND INCREASE IN ALLOWABLE BUILDING COVERAGE FOR A PRINCIPAL STRUCTURE ON THE PROPERTY LOCATED AT 846 PARK AVE., PID 20.030.21.32.0030

WHEREAS, the City of Mahtomedi received a request from the Applicants Erin and Steve Berens on November 12, 2019 for a conditional use permit to allow for the following deviations:

- a reduction in the required front setback from 20-feet to 0-feet; and
- an increase in allowable building coverage from 29.2% to 30.2%

The property is legally described as follows:

All that part of Lot 6, Block 1, East Shore Park, Washington County, Minnesota, according to the plat thereof on file of record in the office of the Register of Deeds in and for said County, described as follows: Beginning at a point on the west line of said Lot 6, distant 40 feet north of the southwest corner of said Lot 6; thence north along said west line 10 feet to the Northwest corner of said Lot 6; thence east along the northerly line of said Lot 6 to the northeast corner of said Lot 6; thence southerly along the easterly line of said Lot 6; 62.7 feet to a point; thence at an angle of 90 degrees 40 minutes to the right a distance of 105 feet to a point; thence westerly in a straight line to the point of beginning. Together with a perpetual easement for the benefit of grantee, his heirs and assigns, and their invitees, for all lakeshore purposes and access to White Bear Lake over, across and upon that part of Lot "A" in said Block 1 lying northerly of the south line of said Lot 6 extended west to White Bear Lake and southerly of a line which if extended would run in a straight line from the southwest corner of Lot 5 in said Block 1 to the point of intersection of the northerly line of said Lot 5 and the southerly line of said Lot 6 both extended westerly, subject to all existing rights and easements of any and all owners of land in said East Shore Park, to and upon the easterly 15 feet of said Lot "A", according to the plat thereof on file and of record in Register of Deeds of Washington County, Minnesota.

WHEREAS, the Applicants have requested a conditional use permit for a reduction in the required front yard setback, and an increase in allowable building coverage to allow for the construction of a new attached garage and two porches; and

WHEREAS, the proposed attached garage and porches meet all other zoning requirements for the R1-E Historic Mahtomedi District; and

WHEREAS, the Planning Commission reviewed and considered the request based on the related documents shown in the Applicants’ Application at their regular meeting on January 8, 2020; and

WHEREAS, the City Council acting as the Board of Adjustments and Appeals, reviewed and considered the reports, documents, testimony, and other materials presented; and
WHEREAS, the City Council, acting as the Board of Adjustments and Appeals, can approve a conditional use permit if it finds that the standards for granting a conditional use permit as described in Chapter 11, Section 8.21 C.1 a through f of the Mahtomedi City Code have been met.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the Applicants' request for a conditional use permit for a reduction in the required front yard setback and an increase in allowable building coverage.

The requested conditional use permit is consistent with all the standards for granting a conditional use permit as described in Section 11.01, Subdivision 8.21, C., 1, a through f of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested conditional use permit is justified for the following reasons:

1. Lack of a garage is a hardship for a residential property;

2. The proposal conforms to the District and conditional use provisions and all general regulations of the Ordinance;

3. The proposal does not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons;

4. The proposed attached garage is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties;

5. The proposed attached garage produces a total visual impression and environment which is consistent with the environment of the District and neighborhood in which it is located;

6. The proposal promotes the objectives of this Ordinance and the overall Comprehensive Land Use Plan of the City;

Adopted by the City Council of the City of Mahtomedi on ________________, 2020.

Judson Marshall, Mayor

Attested:

Jerene Rogers, City Clerk
MEETING DATE: January 8, 2020

5. STAFF REPORT – None Scheduled

6. UPDATE – CITY COUNCIL AND OTHER COMMISSION ACTIVITIES
   AND INFORMATION ITEMS.

A copy of the recent City Council and other City Commission minutes may be found on
the City’s website. If Commission members have questions regarding these or other City
activities, staff will be happy to respond to them.

7. ADJOURNMENT