

. LeSauk Township Regular Meeting  
October 24, 2017

The regular meeting of the LeSauk Township Board of Supervisors was called to order by Chairman Dan Heim at 7:00 p.m. in the Town Hall.

**PRESENT: Supervisors Dan Heim, Shawn Omann and Jeff Westerlund, Clerk Marlyce Plante and 10 interested parties.**

**ABSENT: Treasurer Josh Bentley**

**AGENDA APPROVAL:** SUPV OMANN MOTIONED TO ACCEPT THE AMENDED AGENDA ADDING JOHN KREHBIEL TO THE OPEN FORUM, UDERMANN EXTENSION REQUEST TO NEW BUSINESS, SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0

**OPEN FORUM:**

**John Krehbiel** – Mr. Krehbiel had the following questions for the Town Board: 1. Omann Site Plan review that was on the 8-8-17 meeting agenda. 2. Who's suggestion was it to allow Mr. Omann to receive a public hearing fee at half-price or \$200. 3. Who, on the Town Board, has read the Sartell Ordinances?

The Town Board addressed the questions stating they reviewed Mr. Omann's site plan at the 8-8-17 meeting and at the meeting Mr. Omann recused himself when discussing the site plan and his concerns about #10 of the resolution that stated there would be no outside storage allowed. Supv Heim motioned to contact Attorney Gilchrist questioning whether #10 could be removed from the resolution that was voted on and passed. At the 8-22-17, Supv Omann was not present. Supv Heim & Westerlund were of the consensus to allow Mr. Omann a public hearing fee of \$200 if he chooses to re-apply for an amended conditional use permit. Atty Gilchrist stated a condition of the approved resolution could not be removed and Mr. Omann would need to re-apply for an amended conditional use permit. It was noted that Mr. Omann informed the Board he would be reapplying, but would pay the full \$400 public hearing fee. The present board supervisors stated they have read portions of Sartell's ordinances, but not in its entirety.

**STEVE WENO – PUBLIC HEARING – VARIANCE**

Chairman Dan Heim read the public hearing notice for Steve Weno, 319 Rosewood Road, requesting a variance to construct an accessory building in his side yard. The hearing was opened to the floor.

Mr. Weno stated to the Town Board his request to construct an accessory building in his side yard and not the rear yard as allowed by township ordinances, is due to the limited area he has on his parcel. A good portion of his rear yard is located within Stearns County Road 1 road right of way and he would like to retain as many mature oaks in his rear yard as possible.

**Patti Gabrielson, 313 Rosewood Road** – Ms. Gabrielson spoke against the construction of the accessory building which would be next to her property and due to the topography map, the Weno house was built above grade. She states they have drainage problems now and with the increased amount of impervious property and 2-4 foot grade difference, it would cause more drainage issues. She was also concerned on how they are going to access the building.

No written or oral testimony was sent to the Town Clerk and with no further comments from the floor, SUPV OMANN MOTIONED TO CLOSE THE PUBLIC HEARING, SECOND BY SUPV

WESTERLUND, MOTION CARRIED 3-0. A brief discussion was held by the Town Board questioning whether the drainage could be alleviated.

**SHAWN OMANN DBA RIVERIA VISTA LLC – PUBLIC HEARING – CONDITIONAL USE PERMIT** – (Please note that Supv Omann recused himself from the Town Board)

Chairman Dan Heim read the public hearing notice for Shawn Omann DBA Riviera Vista LLC, requesting an amended Conditional Use Permit to construct an accessory building on a vacant lot. The hearing was opened to the floor.

Mr. Omann stated the reason he has re-applied for an amended conditional use permit that was passed on June 27, 2017, was in order to correct an error in the ordinance number cited in the resolution and address condition #10 which states there would be no outside storage allowed. He was concerned that condition #10 would be unreasonably difficult to follow, stating that any item outside of the building could appear to violate the condition.

Mr. Omann stated that condition #8 in the resolution which states the applicant shall comply with all Federal, State and Local laws, rules and Ordinances, as well as the township existing abandoned vehicle/property ordinance are significant safeguards already in place to prohibit any type of outside storage.

**Mark Bromenschenkel, 3301 Riviera Road** – Mr. Bromenschenkel stated he had nothing against Mr. Omann's request, but suggested an Interim Use Permit vs. a Conditional Use Permit. Since nothing is currently in the townships ordinances for an Interim Use Permit, the Town Board stated they are limited to the Conditional Use Permit process.

**John Krehbiel, 1573 Riverside Ave.** – Mr. Krehbiel questioned whether the Town Board were aware of why the City of Sartell does not require conditional use permits on vacant lots – he noted the City of Sartell has a Community Service Officer who drives around the city looking specifically for violations of zoning issues and if issues are found, property owners are given 7 days to resolve and if not done, receive a \$100 per day fine. Mr. Krehbiel discussed several township properties which have had abandoned property/vehicles issues and the township has spent a lot of time and money to rectify these situations. Mr. Krehbiel questioned whether the Town Board should create another possibility by issuing the conditional use permit for Mr. Omann.

Mr. Krehbiel also stated his concern on the fact the conditional use permit goes with the property – what happens if Mr. Omann chooses to sell the property.

**Rob Jahnke, 3554 Riviera Road** – Mr. Jahnke stated he supports Mr. Omann's request to remove #10 condition stating the #8 condition would cover any issue that may occur. The issue of selling the property would be moot since any new property owner would also need to abide by #8 which states they must comply with all Federal, State and Local Laws as well as the abandoned vehicle/property ordinance the township has in place.

**Duane Rasmussen, 3348 Riviera Road** – Mr. Rasmussen lives directly across from the Omann property and has no issues with Mr. Omann receiving an amended conditional use permit.

**Rita Knuesel, 3400 Riviera Road** – Ms Knuesel, who is a neighbor and also owns a parcel across Riviera Road, has no problem with the amended conditional use permit.

**Diane Mahon, 3400 Riviera Road** – Ms. Mahon had no concerns with Mr. Omann receiving an amended conditional use permit, also stating his home and yard are kept very nice at all times.

**Steve Schwartz, 2559 7<sup>th</sup> Ave. No.** – Mr. Schwartz questioned if the parcels would be joined, there would not even be a need to apply for a conditional use permit. He questioned what happens if the property were to be sold. He had no problem with the removal of #10.

**John Krehbiel, 1573 Riverside Ave. No.** – Mr. Krehbiel questioned the town board vote on the Bromenschenkel parcel who applied for a conditional use permit for an accessory building on a vacant lot. The vote was 3-0 in favor of the Bromenschenkel conditional use permit. The Bromenschenkel permit resolution has the #10 condition, why should the Omann C.U.P. be different. The Town Board were of the opinion the comparison was not similar since the Bromenschenkel parcel is agricultural and vacant, Omann's parcel is in a residential area and next to a parcel that his home is located on.

Mr. Krehbiel also gave a list of property owners near the Omann parcel who own vacant lots across Riviera Road from their property or it is adjacent to their property.

SUPV HEIM MOTIONED TO CLOSE THE OMANN PUBLIC HEARING, SECOND BY SUPV WESTERLUND, MOTION CARRIED 2-0.

The Town Board meeting was recessed to allow for the Joint Planning Board meeting.

The Town Board meeting was reconvened.

#### **STEVE WENO – VARIANCE**

Mr. Weno stated to the Town Board that he wished to withdraw his application for a variance due to the neighbor's concerns regarding possible drainage issues.

#### **OMANN DBA RIVIERA VISTA LLC – CONDITIONAL USE PERMIT**

SUPV HEIM MOTIONED TO APPROVE RESOLUTION 2017-27 GRANTING THE AMENDED CONDITIONAL USE PERMIT TO SHAWN OMANN DBA RIVIERA VISTA LLC, SECOND BY SUPV WESTERLUND, MOTION CARRIED 2-0.

**CHUCK ERTL – TOWNSHIP DITCH MOWING AND BRUSH CUTTING** – Mr. Ertl came before the Town Board to discuss trimming by the 30<sup>th</sup> Avenue Bridge on Labor Day. The town board discussed with him the tree & brush trimming that is being done throughout the township by Able Tree Service. Mr. Ertl will bring his invoice for the township ditch mowing to the next meeting.

#### **MINUTES**

SUPV OMANN MOTIONED TO ACCEPT AS AMENDED THE MINUTES OF THE OCTOBER 10, 2017 MEETING, SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0.

**ATTORNEY REPORT** – Supv Heim received an email from Attorney Troy Gilchrist who stated the Comprehensive Design portion of the Township Ordinances & Sub-Division Regulations, could be eliminated since it is written mainly for city sub-division regulations. This will be discussed at the next scheduled work session when reviewing the draft of the zoning & sub-division regulations.

#### **BUILDING INSPECTOR REPORT –**

**George Fedor Property** - Supv Heim has been in contact with Janet Retka, insurance adjustor for George Fedor property, regarding the damage done to several of his utility sheds. Mr. Fedor is questioning whether he would be able to place a pre-made 12 X 24 shed on his property. Mr. Fedor is also questioning

whether he can repair fencing on his property that was damaged. Sam DeLeo, is in the process of surveying the Fedor property to determine where the property lines are and how far away the present fence is located from property lines.

**Andrew Carlson** – Building Inspector, David Barsody, was in contact with Supv Heim questioning whether the site plan for the cabin Mr. Carlson is constructing had been approved and whether it is located in Stearns County Shoreland. Supv Heim informed Mr. Barsody the site plan was approved and the property is not in Shoreland.

## **SUPERVISORS REPORT**

### **Jeff Westerlund-**

**New Cold Patch** – Supv Westerlund reported that Jon Kothenbeutel contacted him informing him new cold patch will be delivered to the City of Sartell on 10-25-17.

**17<sup>th</sup> St. No.** – Supv Westerlund reported he was in contact with ASTECH questioning when 17<sup>th</sup> Street (Udermann area) will be completed. Since this is a small project and ASTECH has been busy completing other projects, it was not completed when they had said it would be. He was told it will be done on Friday, October 27<sup>th</sup>, 2 loads of Class 5 (40 tons) will be placed on 17<sup>th</sup> Street No., it will then be bladed and roller/packed.

**CMWEA (Central Minnesota Water Education Alliance)** – Supv Westerlund attended a CMWEA meeting sponsored by the Johnson Group which is a company that does various social media and advertising. Various groups, such as, CMWEA and MNDOT are invited to attend.

### **Dan Heim-**

**John Kothenbeutel – Signage** - Supv Heim worked with Mr. Kothenbeutel on placement of a 3-sign post located on 40<sup>th</sup>/Pinecone & 55<sup>th</sup> Avenue.

**40<sup>th</sup> Street Sign & Stop Sign** – When working with Mr. Kothenbeutel, Supv Heim was informed some street signs in the city of Sartell are being placed with the Stop sign. This will save on the number of poles etc. that are used when replacement of signs are being done. Supv Heim will be meeting with John Peterson, Sign Solutions, and at that time will question whether this is legal if it is a regulatory sign or any type of sign.

**Cold Patch** – Mr. Kothenbeutel, City of Sartell's road maintenance supervisor, informed Supv Heim that he ordered twice the amount of cold patch.

**Cindy VanderWeyst & Randy Sabart – 30<sup>th</sup> Avenue** – Ms. VanderWeyst & Randy Sabart are the City of St. Stephen's Mayor and the City of St. Stephen's engineer. Supv Heim discussed with them the townships grant application for possible money for the upgrade of 30<sup>th</sup> Avenue.

**Kyle Harnett – Omann Conditional Use Permit** – Supv Heim was contacted by Kyle Harnett, Attorney with Kennedy & Graven, questioning him on the resolution of the Omann C.U.P.

**George Fedor** – Mr. Fedor is having his property surveyed by Sam DeLeo. Discussion was held on what the correct road right of way setback is on County Road 1. Supv Omann will contact Stearns County to determine whether it is 120, 100 or 80 feet and report at the next meeting.

**Alex Udermann** – Mr. Udermann contacted Supv Heim regarding an extension of the variance & conditional use permits they received.

**ASTECH Inc – Doug Welk – 17<sup>th</sup> St. No.** -Supv Heim spoke with Doug Welk of ASTECH Inc. regarding the 17<sup>th</sup> St. No grading. Supv Westerlund reported on this in his supervisor's report.

**Bob Schefers** – Mr. Schefers spoke with Supv Heim regarding his plans to split and possibly plat his parcel on 6<sup>th</sup> St. So. He would like to construct a patio home and sell his present home.

**Annual Government Center Meeting** – SUPV HEIM MOTIONED TO HOLD THE ANNUAL GOVERNMENT CENTER MEETING WITH THE CITY OF SARTELL ON MONDAY, NOVEMBER

6, 2017 BEGINNING AT 5:30 P.M. IN THE TOWN HALL, SECOND BY SUPV OMANN, MOTION CARRIED 3-0.

**Jeff Rasmussen – Zoning Maps & Plat Books** – Supv Heim received two 11 X 17 plat books and a large map with the current township zoning. The zoning map will also be available in a pdf form and can be posted on the townships website.

**Jerry Westhoff – Preusser Property** – Supv Heim will contact Jerry Westhoff regarding a For Sale sign on the Preusser property. The property has yet to be split and platted.

**Wellhead Protection Meeting** – Supv Heim attended the Wellhead Protection Meeting on October 12<sup>th</sup>. He thought there should only be one or two meetings remaining to complete the process of reviewing wellheads in the area.

### **Shawn Omann-**

**Ken & Shelly Davis – Speed on Riviera Road** – Supv Omann informed Mr. & Mrs. Davis of the process to change the speed on township streets. No further action will be taken.

**Tree Trimming on Riviera Road** – Supv Omann spoke with township resident Mark Bromenschenkel, who thanked the township for trimming the pine trees on Riviera Road.

**Township Clean Up Day Dumpster** – Supv Omann reported he had spoken to a township resident who questioned not having a dumpster during township clean-up day. He missed the use of the dumpster to dispose of just garbage. The town board will discuss this closer to the 2018 clean-up day.

### **OLD BUSINESS**

**Sign Solutions Update** – Supv Heim will be meeting with John Peterson of Sign Solutions on Wednesday, October 25<sup>th</sup>.

**Able Tree Service** – Supv Westerlund reported that Mr. Blommer of Able Tree Service began the tree & brush trimming in the township on October 19<sup>th</sup>.

### **NEW BUSINESS – CORRESPONDENCE**

**Township Ordinance Work Session** – SUPV OMANN MOTIONED TO SET THE NEXT WORK SESSION FOR REVIEWING TOWNSHIP ORDINANCES & SUB-DIVISION REGULATIONS FOR OCTOBER 30, 2017, BEGINNING AT 6:30 P.M. AT THE TOWN HALL, SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0.

**Udermann Variance & Conditional Use Permit Extension** – Supv Heim received a letter from Alex Udermann requesting an extension of the variance & conditional use permit due to fact the mobile homes they will be placing on the property have been ordered and will not be completed before winter. SUPV HEIM MOTIONED TO ALLOW AN EXTENTION OF ONE YEAR FROM THE DATE OF THE ISSUANCE OF THE VARIANCE AND CONDITIONAL USE PERMIT TO MEADOWBROOK FARMS-ALEX UDERMANN, SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0. Supervisor Heim will inform Mr. Udermann of the extension period allowed by the Town Board.

**Snow & Ice Policy** – This will be placed on the next meeting's agenda for review. Clerk Plante will email copy of the policy to the town board for review prior to the next meeting.

### **OCTOBER ROAD REPORT**

Supv Heim reviewed his October road report stating he drove the roads on Monday, October 23<sup>rd</sup>, with all roads in relatively good driving conditions. He discussed the larger potholes on 40<sup>th</sup> Street and 30<sup>th</sup> Avenue.

**Road Work Signage for Town Board Supervisors** – Discussion was held regarding the possible purchase of warning signs to be placed on the roads when the supervisors are filling potholes or doing any other type of road work. Clerk Plante will contact M-R Signs to see if they have portable road work signs that could easily be put up on either side of the area where the supervisors are working. She will email Supv Heim with the pricing etc.

**Pine Ridge Road & Spruce Court Sign** – Supv Heim reported these signs have been damaged and new ones should be ordered through M-R Sign Co. Clerk Plante will place the order for the new street signs and depending on pricing, Men Working or Road Work Ahead warning signs.

**Michael Kirchoff – 5<sup>th</sup> Ave. No. – 911 Sign** – Supv Heim reported Mr. Kirchoff is the only resident on 5<sup>th</sup> Avenue who has not moved his 911 sign. He will try to contact him by phone.

## **VOUCHERS**

SUPV HEIM MOTIONED TO PAY ALL VOUCHERS IN THE AMOUNT OF \$547.18 (CHECK #12733 THRU CHECK #12737), SECOND BY SUPV OMANN MOTION CARRIED 3-0.

## **ADJOURNMENT**

There being no further business, SUPV OMANN MOTIONED TO ADJOURN, SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0.

Respectfully submitted,

*Marlyce L. Plante (s)*

Marlyce L. Plante  
LeSauk Township Clerk