

LeSauk Township Regular Meeting
June 27, 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, Jeff Westerlund and Shawn Omann, Clerk Marlyce Plante and 14 interested parties.

ABSENT: Treasurer Josh Bentley.

AGENDA APPROVAL: SUPV HEIM MOTIONED TO ACCEPT THE AGENDA AS AMENDED WITH THE ADDITION OF JERRY WESTHOFF & RORY MROZEK, SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0

OPEN FORUM-

Jerry Westhoff-Mel Preusser Plat – Mr. Westhoff represented Mel & Mary Preusser who would like to split their 5-acre parcel into two equal 2 ½ acre lots. Mr. Preusser has an accessory building located on the south end of the 5-acre parcel which will be on the new lot, and without a primary residence located on it. Mr. Preusser will need a conditional use permit for the lot the accessory building is located on. Mr. Westhoff stated this had been discussed with the Town Board approximately 1 ½ years ago, but Mr. Preusser was not ready at that time to begin the platting process, but now is ready.

The Town Board reviewed the public hearing fee for a conditional use permit and the escrow account for platting. He was informed the public hearing fee is now \$400, non-refundable, and the escrow account was increased from \$3000 to \$6000. Mr. Westhoff will share this information with Mr. Preusser and will be in contact with Clerk Plante when he is ready to begin the process.

RORY MROZEK – SITE PLAN APPROVAL – MONARCH MEADOWS PLAT #3

Mr. Mrozek came before the Town Board for a site plan approval for 394 Pine Ridge Road which is a new lot of Monarch Meadows Plat #3. The site plan met all necessary setbacks and it was the consensus of the Town Board to approve the site plan.

MINUTES:

SUPV WESTERLUND MOTIONED TO ACCEPT AS AMENDED THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 13, 2017, SECOND BY SUPV OMANN, MOTION CARRIED 3-0.

**PUBLIC HEARING – SHAWN OMANN DBA RIVIERA VISTA LLC –
CONDITIONAL USE PERMIT**

Chairman Heim read the public hearing notice for Shawn Omann DBA Riviera Vista LLC who has applied for a Conditional Use Permit to construct an accessory building up to 1440 square feet and place a utility shed on a vacant lot that is adjacent to his primary residence. The lot is located on Riviera Road. The hearing was open to the floor. Mr. Omann recused himself as a Town Board member and was represented by Attorney Gary Leistico of the Rinke Noonan Law Firm.

Atty Leistico reviewed with those present that Mr. Omann would like to construct an accessory building up to 1440 square feet and place a utility building on a vacant lot that is adjacent to his lot where his primary residence is located.

Rob Jahnke, 3554 Riviera Road – Mr. Jahnke is in favor of the conditional use permit stating there are many buildings on empty lots along Riviera Road. He also felt there should be no restrictions on the “like color and kind” siding for the building as required within the zoning ordinances.

Rita Knuesel, 3400 Riviera Road - Ms. Knuesel is a neighbor to the Omann’s and wanted to state her support allowing the Omann’s to construct the accessory building they would like.

John Krehbiel, 1573 Riverside Ave – Mr. Krehbiel, a prior township supervisor, discussed the history of the past two years regarding Mr. Omann’s attendance at township meetings to discuss a building he placed on a vacant lot adjacent to his home without a conditional use permit. Mr. Krehbiel provided the following list of conditions he felt the Town Board should place on Mr. Omann’s conditional use permit.

1. Septic site plan for future home building entitlement.
2. Ghost site plan of all estimated impervious surfaces be supplied to comply with 14-030.
3. Size of accessory building will dictate size of future building entitlement 15-090.
4. Siding must match style of homes North & South of property which is lap siding 15-020.
5. Future home building entitlement must match color of accessory building.
6. Stearns County to issue building permit if future home is built less than 75 feet from road right of way.
7. Property owner is on probation for ordinance violation and must record approved CUP before accessory & utility shed can be placed on the empty lot.

Clerk Plante received and read the following as written testimony for the public hearing:

Shawn Wensel, 3229 Riviera Road – Mr. Wensel stated, as a neighbor, he is in support of Mr. Omann’s plan for an accessory building.

Troy Hoekstra, 3439 Riviera Road – Mr. Hoekstra stated he is in support of the accessory building Mr. Omann would like to construct.

Atty Leistico reviewed the conditions that Mr. Krehbiel had provided and suggested, stating they are willing to work with the Town Board. Reviewing the conditions one by one, many were items that were not necessary or controlled by another authority.

- Regulations of septic site plans are handled by Stearns County Environmental Services and are only required on lots when constructing a new primary residence.
- Mr. Omann is not exceeding the size limitations for an accessory building nor the impervious surface coverage.
- The condition to meet the siding style of homes to the North & South would be difficult since no one knows what future parcel owners would choose to do.
- Mr. Omann is aware of the fact the east portion of the lot is within the Stearns County Shoreland, which future property owners will be made aware of when this parcel is sold.
- Mr. Omann is not on probation for a township ordinance violation and it is irrelevant to Mr. Omann’s request for this conditional use permit.

Since no further testimony was forthcoming and repeated discussion was being held, the public hearing was closed.

PUBLIC HEARING – TOWNSHIP ORDINANCE 17-01 – FEEDLOT ORDINANCE

Chrm Heim read the public hearing notice regarding the review of a new ordinance regulating feedlots in LeSauk Township. Supv Heim stated the township was informed by Stearns County they would no longer be the regulating authority on feedlots, passing the authority to townships. Township Attorney Troy Gilchrist, drafted the feedlot ordinance which references the Stearns County Feedlot Ordinance. The public hearing was open to the floor.

John Krehbiel, 1573 Riverside Ave – Mr. Krehbiel questioned whether the draft of the ordinance was placed on the townships website for township residents to review and can ask questions. Supv Heim stated it was not required, only publishing the notice in the legal section of the townships newspaper, the St. Cloud Times.

No questions or comments were heard from the floor and the public hearing was closed.

SUPV WESTERLUND MOTIONED TO APPROVE FOR RECOMMENDATION TOWNSHIP ORDINANCE 17-01 REGULATING OF FEEDLOTS IN LESAUK TOWNSHIP, SECOND BY SUPV OMANN, MOTION CARRIED 3-0.

The township meeting was recessed for the Joint Planning Board meeting.

The township meeting was reconvened.

Omann Conditional Use Permit

Supv Heim and Supv Westerlund reviewed the testimony that was given during the public hearing and throughout the Joint Planning Board meeting. Supv Heim stated Mr. Omann meets the size limitations and has provided a site plan that meets all setbacks and he is not required to have a septic site plan. Supv Heim discussed the siding which should be of like kind and color to the primary residence. Since this is a vacant lot with no primary residence to match it to, requiring the siding to be of an earth tone color would be a possible solution.

Supv Westerlund stated there has been a lot of unfortunate history between Mr. Omann & Mr. Krehbiel and would like to have this matter settled without further issues while remaining friends with both. He felt the recommendations for conditions brought forth by Mr. Krehbiel were adequately answered and addressed by Attorney Leistico and the Town Board.

SUPV WESTERLUND MOTIONED TO APPROVE RESOLUTION 2017-15 ALLOWING A CONDITIONAL USE PERMIT FOR SHAWN OMANN DBA RIVIERA VISTA LLC WITH THE CONDITION THE SIDING OF THE ACCESSORY BUILDING BE EARTHTONE IN COLOR, SECOND BY SUPV HEIM, MOTION CARRIED 2-0.

Alex & John Udermann – The Udermann's provided an engineer's drawing of the placement of two mobile homes and septic tanks, one for Alex and the other for Jake Udermann. To fit the mobile homes, along with their septic systems, the Udermann's will need a variance from the front yard setbacks for the mobile homes and septic tanks. They will also need a conditional use permit to have more than one primary residence on a parcel.

Discussion was held whether two separate variance and conditional use permit applications are needed and who would complete the applications since the mobile homes & septic systems would be located on the Meadowbrook Farm parcel which is owned as a partnership. Would the application(s) need to be signed by both owners? Supv Heim will contact Attorney Gilchrist with these questions and will then let the Udermann's know.

ATTORNEY REPORT:

Town Code Edits – Supv Heim received the updated edits of the Town Code just prior to the meeting. Clerk Plante will forward the code to other town board members.

Solar Ordinance - Supv Heim reported Attorney Gilchrist stated the solar panels that are being placed on a home at 305 Rosewood Road would be approved per county ordinance. Supv Heim will email building inspector David Barsody. Supv Heim will ask Attorney Gilchrist to include language regarding solar panels in the township zoning ordinance.

Zimmerman Property Clean Up – Attorney Gilchrist suggested giving the Zimmerman's until the 30th of June as stated in the certified letter. If the "chicken coop"/accessory building has not been removed by that date, the township can either send another certified letter or Attorney Gilchrist can send a letter. It was the consensus of the Town Board to have Supv Heim view the property after June 30th, and if the chicken coop is not removed, have Attorney Gilchrist send a letter to Ms. Zimmerman. The Zimmerman's have had ample time to fulfill the requests made by the Town Board.

Lewis Wixon -Building Permit Question - Supv Heim was contacted by David Barsody, township building inspector regarding whether Mr. Wixon needs a building permit for his deck. Window Depot, the contractor for Mr. Wixon, did not think he needed a permit. Supv Heim stated that Mr. Wixon's parcel is within 300 feet of the Mississippi River and would need a permit from Stearns County since it will fall under the Stearns County Shoreland Ordinances.

SUPERVISORS REPORT

Jeff Westerlund-

MS4 Annual Report – Supv Westerlund reported the MS4 Annual Report has been completed and can be removed from the agenda.

Steve Schwartz – Supv Westerlund stopped by the Schwartz home to question the fleet of vehicles he has in his yard and whether he is running a business out of his home. The Schwartz's stated they are not running a business and they hope to have only 3 vehicles left shortly. All vehicles are currently licensed that are on the property. Supv Westerlund will view the property in a couple of weeks to check the progress of the removal of the vehicles.

Doug Borud – Trimming of Bushes – Supv Westerlund reported that Mr. Borud will be given a week to clean and cut the bushes that are located on his parcel and blocking view of the curve on 61st Avenue & 321st Street.

Kurt Rasmussen – BonHomie Valley – Mr Rasmussen contacted Supv Westerlund questioning whether a "curve" sign that is located east of the Rasmussen driveway could be moved a little further away since it is very difficult for the Rasmussen's to back up their motor home in their driveway. Clerk Plante will have John Peterson of Sign Solutions review this sign when he begins the replacement of township road signs in August.

Dan Heim-

Alex Udermann – This was discussed earlier in the evening under the Attorney report. The Udermann's have been working with Supv Heim on their options for construction of new homes or placement of mobile homes for Alex & Jack Udermann.

Julie Fischer – Ms. Fischer contacted Supv Heim questioning whether Neil Weihrauch has a permit to re-side his house.

Sharon Pfau – Ms. Pfau both contacted Supv Heim by phone and emailed Clerk Plante regarding the Ferber property on River Vista Lane. She questioned the cement slab Mr. Ferber had poured.

Coneflower Court Driveway – Supv Heim received a call questioning whether the township had regulations regarding placement of driveways. Presently, the township does not have any regulations for driveways.

306 Rosewood Road – Supv Heim was contacted by Doug Hansen regarding the townships setbacks, size of home & accessory building. Mr. Hansen is constructing a home for Alan Schneider who purchased the Stark home on Rosewood Road. Mr. Schneider plans to demolish the old home and build a new home. A demolition permit would be needed prior to demolishing the old home.

Neil Weihrauch – Mr. Weihrauch owns two separate lots, one located on 321st Street (which his present home is located on) and one that is vacant and located on Forest Drive. Mr. Weihrauch would like to build a new home on the vacant portion where his present home is located while living in the old one, then tear down the old one after the new home is completed.

Troy Freihammer – Thomas Home – Supv Heim received a copy of a letter sent to Shirley Thomas from Stearns County Environmental Services, stating they will be closing their file on the Thomas property since they have cleaned the property up and met all environmental issues requested of them by the county.

Shawn Omann-

Aaron Leyk – Bridge Inspection – Supv Omann reported that he spoke with Mr. Leyk about the bolt tightening on the 30th Avenue bridge. Supv Omann stated he will be ordering enough nuts to double nut all bolts on the bridge spreader beams. Supv Heim & Supv Omann will plan to tighten the bolts on 7-13-17. Supv Omann contacted Tony Vanderhaugen of Century Link regarding the broken conduit that was on the bridge.

Brent Hamak – R. L. Larsen – Grading – Supv Omann was contacted by Brent Hamak of R. L. Larsen informing him they do not own a grader and therefore, would not be able to do grading of 17th Street.

Board of Equalization Training – Supv Omann will be taking the on-line training for township supervisors for the Local Board of Review Training.

OLD BUSINESS

30th Avenue Bridge - Supv Omann reported on this earlier – Supv Omann & Heim will be taking care of the tightening of the bolts on July 13, 2017.

Zimmerman Property - Discussed earlier.

Sign Solutions - Clerk Plante received an email from John Peterson of Sign Solutions requesting a road sign map of the township.

NEW BUSINESS

Work Session – SUPV HEIM MOTIONED TO HOLD A SEPARATE WORK SESSION AT THE HOME OF SUPV HEIM ON JULY 18, 2017 BEGINNING AT 6:30 P.M., SECOND BY SUPV OMANN, MOTION CARRIED 3-0. This work session would ordinarily be held at the Town Hall, but the Fire Department has the meeting room. This will also be posted on the Town Hall window.

JUNE ROAD REPORT – Supv Omann provided copies of his June Road report to the Town Board. He reviewed the report stating most township roads are in good driving conditions. Several areas need brush & tree trimming; Winnebago Road, Pine Ridge Road & Spider Court and 61st Ave. in the Pleasantdale Addition.

The potholes on 30th Avenue will be looked at by Supv Westerlund. Grading of 17th Street No (Pinecone) will be done in the spring since it is in good condition for a minimum maintenance road.

CORRESPONDENCE

Ken Lucy – Warnert’s Addition – Clerk Plante received a call from Mr. Lucy who lives at the intersection of 27th Street & 5th Avenue. Mr. Lucy was questioning whether 27th Street will be widened and overlaid. He also questioned whether the township residents will be assessed for the improvements. Clerk Plante suggested he contact Sartell City Engineer, Jon Halter.

VOUCHERS

SUPV OMANN MOTIONED TO PAY ALL VOUCHERS IN THE AMOUNT OF \$20,220.48 (CHECK #12664 THRU 12667), SECONDED BY SUPV WESTERLUND. MOTION CARRIED 3-0.

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

Respectfully submitted,

Marlyce L. Plante (s)

Marlyce L. Plante
LeSauk Township Clerk