

LeSauk Township Regular Township Meeting – Sartell Community Center – Liberty Rm  
July 9, 2024

The regular township meeting of the LeSauk Township Board of Supervisors was called to order by Chairman Dan Heim at 6:00 p.m. at the Sartell Community Center – Liberty Room.

**PRESENT: Supervisors Dan Heim, Jeff Westerlund and Paul Wagner, Clerk Marlyce Plante, Treasurer Josh Bentley and 2 interested parties.**

SUPV HEIM MOTIONED TO APPROVE THE AGENDA ADDING DOUG NOVAK TO OPEN FORUM AND AUGUST 13<sup>TH</sup> MEETING CHANGE TO NEW BUSINESS, SECOND BY SUPV WAGNER, MOTION CARRIED 3-0.

#### **OPEN FORUM:**

**Doug Novak, 1164 3<sup>rd</sup> St. So. – Annexation Letter** – Mr. Novak came before the board to discuss the letter he received from the attorney firm, Rinke Noonan who represents the city of Sartell. The letter informed Mr. Novak of a public hearing that will be held on August 12<sup>th</sup> regarding the annexation of encompassed township parcels which includes Mr. Novak's parcel. The letter was copied to compare it with the drafted letter that was given to the town board.

Mr. Novak had several concerns about the annexation of his property; first and foremost was that he was not in favor of the annexation and does not want to be governed by the city. Another concerning issue is what happens to 3<sup>rd</sup> Street, which is owned approximately 50/50 by himself and Kevin Starry, another township property owner who lives at 1223 3<sup>rd</sup> St. So. Third street is a private drive with the property owners who live on the street having an easement to enter their properties. He maintains and plows the street. He also discussed several issues he has had with the Sartell Fire & Police departments and Mayo ambulance. He is concerned about the possible restraints the city may place on his wood cutting business.

The board listened to Mr. Novak's issues and informed him many of them, especially the issue with the street will need to be discussed with the city of Sartell. His wood cutting business will be grandfathered in as non-conforming but he will be able to continue with minimal restrictions. Mr. Novak's parcel is surrounded by the city of Sartell and was included on the encompassed parcels as part of the orderly annexation agreement passed three years ago along with approximately 19 other parcels.

#### **BUSINESS FROM THE FLOOR:**

**Evan Carlson, Enterprise Energy – 17<sup>th</sup> Street Right-of-Way** – Mr. Carlson is the owner of Enterprise Energy and is working to place a 1-megawatt solar farm on the Ryan Fitzthum property located on 17<sup>th</sup> Street. He will also be working on a 5-megawatt solar farm on the Weyer property also located on the same street. He stated they are close to finalizing aspects of the Fitzthum solar farm, but need to clarify the road right-of-way in order to allow Xcel Energy placement of their power poles for the project. He also is requesting to have the trees removed from the road right-of-way.

Mr. Carlson was informed by Supv Heim the township attorney has told the town board the road right-of-way legal description Mr. Carlson is assuming cannot be accurately defined as the right-of-way since 17<sup>th</sup> Street has been a minimum maintenance road and the boundaries of the right-of-way can only be the area that has actually been used and maintained. Attorney Gilchrist also stated the tree removal should be discussed with the property owners and the township does not object to the tree removal. Mr. Carlson was given the property owners name; Arlene Weyer & Jackie & Timothy Fox. Clerk Plante, since she is a neighbor to Ms. Weyer, informed Mr. Carlson to contact Timothy Fox, Ms. Weyer's son-in-law, who is

handling property issues. Mr. Carlson returned to the meeting after he discussed the issue with his engineer who suggested that 17<sup>th</sup> Street can be used for access with an electric easement. Mr. Carlson also requested the township add 17<sup>th</sup> Street to their snowplowing list since Xcel Energy needs to have 24/7 access to their electrical sites. The township informed him it is a minimum maintenance road and consistent plowing of the road would need to be billed to Mr. Carlson, which Mr. Carlson agreed to. The township will need to get an estimate of what the cost will be to plow the road during the winter season.

#### **MINUTES:**

SUPV WESTERLUND MOTIONED TO APPROVE AS AMENDED THE MINUTES OF THE JUNE 25, 2024 REGULAR TOWNSHIP MEETING, SECOND BY SUPV WAGNER, MOTION CARRIED 3-0.

SUPV WESTERLUND MOTIONED TO APPROVE AS AMENDED THE MINUTES OF THE JULY 2, 2024 SPECIAL TOWNSHIP MEETING, SECOND BY SUPV WAGNER, MOTION CARRIED 3-0.

#### **ATTORNEY REPORT:**

**Township Code Violations** – Atty Gilchrist contacted Supv Heim to clarify the township will be responsible for hiring a prosecutor for town code violations when those violation codes are integrated into the county sheriff's code violations system. Atty Gilchrist will whittle down the violations to the most important ones to the township.

**Cannabis Moratorium Ordinance** – Atty Gilchrist emailed Supv Heim a draft of an interim ordinance regarding cannabis moratorium within the township. The moratorium was suggested to have in place for all townships in the state until the state sets specific regulations regarding cannabis growth & sales in the state. A public hearing will be set for July 23, if possible.

**Fire Contract w/City of Sartell** – Supv Heim report he has just received Atty Gilchrist's review of the fire contract that had been provided by Sartell Fire Chief Peter Kedrowski. Supv Heim will review the contract and discuss at the next township meeting since he has not had a chance to read through it.

**St. Cloud/LeSauk Orderly Annexation Agreement** – Atty Gilchrist is continuing to draft the orderly annexation agreement with the city of St. Cloud.

**BUILDING INSPECTOR REPORT:** No report.

#### **TREASURER'S REPORT:**

**June Treasurer's Report:** Treasurer Bentley provided copies of the June Expense and Revenue reports. He noted the township has received in June 70% of the first half of real estate settlement as well as reimbursement of the township's expenses for the Presidential Nomination Primary held in March. These revenues brought the township's fund balance to just over \$1 million. (\$1,022,139.83)

SUPV HEIM MOTIONED TO ACCEPT THE JUNE TREASURERS REPORT AS PRESENTED, SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0.

**Claim Voucher/Invoices** - Treasurer Bentley presented the invoices and checks for payment to the board which totaled \$49586.43. The checks included the 2<sup>nd</sup> half of the fire contract of \$20,000, blow patching of \$11,000 and road work on 17<sup>th</sup> Street of \$7605.00, along with the usual monthly payments. He informed the town board he will be purchasing 3 rolls of forever stamps prior to the increase of postage on July 14<sup>th</sup>.



SUPV WAGNER MOTIONED TO PAY ALL VOUCHERS IN THE AMOUNT \$49,586.43 (CHECK #14271 THRU #14285 PLUS EFT'S 288, 289 & 290), SECOND BY SUPV HEIM, MOTION CARRIED 3-0.

## **SUPERVISORS REPORTS**

### **Jeff Westerlund –**

**40<sup>th</sup> St & Pinecone Road** – Supv Westerlund reported he filled the apron of the 40<sup>th</sup> Street and Pinecone Road intersection with Class 5. He also put approximately 400 pounds of cold patch in potholes on 30<sup>th</sup> Avenue/Townline Road.

**Sullivan Yard Clean Up** – Supv Westerlund spoke with Shannon Sullivan, 1954 4<sup>th</sup> Ave. No. regarding the clean up of their yard and lawn. She has done a portion of the yard and will try to complete the rest in the next couple of weeks. Supv Westerlund stated there were no noxious weeds he could see and will continue to check on the progress of the clean-up.

### **Dan Heim –**

**Rachel – Sundial Energy** – Supv Heim was contacted again by Sundial Energy regarding solar gardens/farms within the township.

**Federal Direct Spending Money** – Joe Perske, Stearns County Commissioner, contacted Supv Heim informing him the request for \$1.5 million for the Townline road project, has reached the House. If approved, the funds for the reconstruction of Townline road may be up to \$9.5 million which will possibly cover the full cost of all aspects of the project.

**Halstrom Deck Project, 2234 Rodeo Road** – Supv Heim reported that he has received no further updates on the proposed deck project for Mark Halstrom.

**322<sup>nd</sup> Street Overlay Project** – Supv Heim reported he has not heard whether a city of St. Cloud council member had brought up the 322<sup>nd</sup> Street Road project at the city council meeting held on Monday, July 8<sup>th</sup>. The vote to proceed with this project was not approved at the previous council meeting.

**Blow Patching of Township Roads** – Supv Heim discussed the blow patching that is continuing on Riviera Road – Bertram Asphalt is on it's 2<sup>nd</sup> & 3<sup>rd</sup> loads on the road.

**Paul Wagner** – No report.

### **Clerk Report –**

**Road Right-of-Way – Pinecone Road** – Clerk Plante received an email from Cooperative Network Services who is working with Albany Fiber Communications. They were requesting a permit to place fiber optics in the ROW of Pinecone Road. She questioned which portion since the majority of Pinecone Road is in the city of Sartell. She has not received further information or a map indicating where they want to place the fiber optic cable.

**June Fine Reimbursement** - Clerk Plante reported the township received \$99.99 fine reimbursement.

**Suzanne Aho, 32084 County Road 1** – Ms. Aho contacted Clerk Plante questioning the road work being done on County Road 1 in front of her home. Clerk Plante informed her it would be a county project and gave her the number of the county highway department. She did tell Ms. Aho that it may be fiber optic cable being installed.

**Bridge Conduit** – Clerk Plante has been working on researching who owns the cable located on the bridge. She contacted Gopher One who states it is one of four possibilities; Arvig, Century Link, Charter or Stearns Electric. She is working on phone calls to the various businesses. Supv Heim suggested contacting Patty & John Legatt checking to see who put the tower on their property several years ago.



**OLD BUSINESS:**

**Town Hall** – The Town Board viewed a property at 311 4<sup>th</sup> Ave. So. which has an office building and stand-alone accessory building. Each board member gave their view on whether to possibly purchase the property for a new town hall. Clerk Plante is in favor of making an offer on the site. The township is in need of a “home” and with some simple remodeling, the building would fit perfectly. Meeting at the community center is working, it is very inconvenient to set up any type of meeting since we first need to check if we would have room available. Also having to deal with finding files at the storage unit and the many boxes of files etc. she has at her home is difficult. The accessory building can be used for storage of road signs, the swing signs the township owns as well as other non-office items. Parking for elections could be a concern. Supv Westerlund feels the building is too big for what the township needs. The basement would be basically empty and the accessory building is not needed. Supv Wagner did like the building and questioned whether we needed that large of a building but agrees the township needs their own space. He stated some concern of whether there would be enough parking area during elections. Supv Heim made a comparison of the old town hall size, roughly 2044 square feet and the new office building area is 2048 square feet which did not include the accessory building. Concern was discussed over the parking but Supv Heim contacted Kari Haakonson, Sartell Project Planner, who informed him the parcel can be up to 75% impervious, so making more parking stalls could be possible by filling in the low area north of the building. Supv Heim also discussed remodeling the basement for possible rental. He also contacted Atty Gilchrist who did indicate the township can apply for a USDA loan without going to the township voters first since it is below the \$450,000 threshold. Atty Gilchrist also had suggested a letter of intent to purchase the property would not legally bind the town board which would hold the property until the owner’s would agree on the township’s offer and then a purchase agreement could be worked on.

After discussion, SUPV HEIM MOTIONED TO CONTACT BEN COPPERTHITE DRAFT A LETTER OF INTENT TO PURCHASE THE PROPERTY, OFFERING \$350,000 SINCE IT IS NOT A BINDING CONTRACT, SECOND BY SUPV WAGNER, MOTION CARRIED 3-0.

**Zander Property Clean-Up** – Atty Bob Alsop has not heard and answer to the settlement agreement sent to Angie Olson and Gloria Zander as of yet. They have until July 31<sup>st</sup> to remove the abandoned vehicles and junk. Supv Heim has been informed they are continuing to bring in vehicles etc. A summary judgement will be served on the Zanders after the July 31<sup>st</sup> deadline.

**Sullivan Yard Clean-Up** – Supv Westerlund reported earlier he has been in contact with Shannon Sullivan and will continue to monitor the area.

**Website Redesign** – No further information has been received.

**Thomas Property Clean-Up** - The Thomas property is continuing to collect junk in their front yard as well as what appears to be non-operable vehicles. Supv Heim has not heard back from Atty Gilchrist who has contacted Stearns County Environmental Services requesting they again step in to help with the clean-up of this property located in shoreland.

**Solar Farm/Garden Presentation** – Supv Heim discussed with board supervisors their thoughts on having a solar farm/garden ordinance in the township. Supv Heim stated having the ordinance limited to the A-20 portions of the township and placing a cap of 20 megawatts of solar farms/gardens in the township. The 20 watts would cover the three township parcel owners who have been contacted by solar energy firms. It was the consensus of the town board to have Atty Gilchrist draft an ordinance allowing solar farms/gardens in the township.

**Park Fund Distribution** – The park fund distribution was discussed briefly. It was the consensus to have Clerk Plante place this item on the annual meeting agenda to bring to the township residents for their input whether to donate the money to the inclusive playground restroom plan or other area park projects.

**Fire Protection Contract** – This will remain on the agenda until a date has been set up to meet and discuss with Sartell Fire Chief Peter Kedrowski.

**ROAD REPORT** – Report will be done at the 2<sup>nd</sup> meeting of the month.

**NEW BUSINESS:**

**Approval of Election Judges for the August Primary** – SUPV WAGNER MOTIONED TO APPROVE THE LIST OF ELECTION JUDGES FOR THE AUGUST PRIMARY, SECOND BY SUPV HEIM, MOTION CARRIED 3-0. Clerk Plante will be following up with a time schedule for election judges for the August Primary being held on August 13<sup>th</sup>.

**Slivnik Site Plan, 3235 Riviera Road – Garage Residing, Deck Site Plan** - The Board reviewed the site plan for Jennifer Slivnik. SUPV HEIM MOTIONED TO APPROVE THE SITE PLAN FOR JENNIFER SLIVNIK FOR THE RESIDING OF THE GARAGE AND REPLACEMENT OF THE DECK, SECOND BY SUPV WAGNER, MOTION CARRIED 3-0.

**Bonfire-Intrepid Fiber Optics 321** – Supv Heim was contacted by Bonfire-Intrepid requesting site plan approval to place fiber optic lines on 321<sup>st</sup>/Foley Street. The lines will be placed 3 feet deep in the road right-of-way along 321<sup>st</sup> Street, 9<sup>th</sup> Avenue and County Road 1 to the Bob Landwehr property. The company did not realize that 321<sup>st</sup> was not in the city of St. Cloud's jurisdiction and has already received the permit to place the fiber optic cable along County Road 1. They have provided the \$250 permit fee. SUPV HEIM MOTIONED TO APPROVE THE SITE PLAN FOR THE PLACEMENT OF FIBER OPTIC CABLE ALONG 321<sup>ST</sup>/FOLEY STREET, SECOND BY SUPV WAGNER, MOTION CARRIED 3-0.

**August 13<sup>th</sup> Meeting Change** – Due to the Primary Election on August 13<sup>th</sup>, the regular meeting will need to be rescheduled. After reviewing dates, SUPV HEIM MOTIONED TO CHANGE THE AUGUST 13<sup>TH</sup> REGULAR MEETING TO TUESDAY, AUGUST 6<sup>TH</sup>, BEGINNING AT 6 P.M., SECOND BY SUPV WAGNER, MOTION CARRIED 3-0.

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

Respectfully submitted,



Marlyce L. Plante,  
LeSauk Township Clerk