

LeSauk Township Regular Meeting  
August 8, 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, Treasurer Josh Bentley, Attorney Troy Gilchrist, Clerk Marlyce Plante and 6 interested parties.**

**AGENDA APPROVAL:** SUPV HEIM MOTIONED TO ACCEPT THE AGENDA AS AMENDED ADDING JOYCE ZIMMERMAN AND JOHN KREHBIEL TO THE OPEN FORUM PORTION, SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0

#### **OPEN FORUM -**

**Joyce Zimmerman** – Ms. Zimmerman came before the Town Board to request the removal of her name from township meeting agendas, stating she has complied with the requests of the Town Board in cleaning her property. Mr. Zimmerman received a letter from Township Attorney Troy Gilchrist requesting the removal of the chicken coup or legal proceedings will begin. She stated the building she has on her property is in fact a chicken coup with chickens she placed there and since it is agricultural property, the building would be allowed.

Supv Heim stated he contacted Ms. Zimmerman questioning whether he can meet with her on the property to view whether there are chickens out there. Ms. Zimmerman stated it wasn't necessary and requested there be no further visits to the property unless she is notified and available to be there when the visits take place. Supv Heim asked Ms. Zimmerman to contact him to arrange a time to meet him on the property. It was the consensus of the Town Board to not pursue legal action until Supv Heim can meet with Ms. Zimmerman prior to the 8-22-17 meeting.

#### **John Krehbiel – Conditional Use Process**

Mr. Krehbiel questioned the townships application process for a conditional use permit. Supv Heim relayed to Mr. Krehbiel the process. Mr. Krehbiel also questioned what is considered public information when requested by a resident, stating according to MN Statutes 13.030, Chapter 368, and information must be provided to residents if requested. Attorney Gilchrist addressed the question stating the statute does not apply to township governing jurisdictions and it would then be determined by the Town Board on a case by case basis whether information is given to the public. In the case of township supervisors consulting with the township attorney for legal advice, the Town Board can choose not to provide the information.

Mr. Krehbiel questioned the Town Board on their recent decision to not require a township resident to place a 6-foot fence around their private above-ground swimming pool. Supv Heim stated the decision and consensus of the Town Board was reached when a site plan showed the height of the swimming pool and the attached fencing to the swimming pool, would meet the 6-foot height minimum.

#### **Steve & Jessica Schwartz – Request for information & Discussion of Home Occupation Hobby/Business**

Mr. Schwartz stated his concern about the lack of information in previous township meetings regarding his approval of a site plan on his property. He felt what was put in the minutes was not accurate and not nearly enough information. He worked with former Supv Krehbiel when planning the construction of his attached garage and the moving of an accessory building on his property. Clerk Plante stated she puts

information she feels is relevant and when the Town Board reviews the minutes, they can correct the minutes as they see fit before they are approved.

Mr. Krehbiel gave some history of when Mr. Schwartz began his process of moving his accessory building and the construction of the attached garage. Mr. Krehbiel stated the Town Board members on the board at the time, were aware of what Mr. Schwartz planned to do in his attached garage. Supv Heim and Supv Westerlund did remember viewing the site plan, but at that time former Supv Krehbiel had the authority to approve site plans. Mr. Krehbiel felt he was “thrown under the bus” since he listened to Mr. Schwartz audio tape of the previous township meeting at which the town board stated they did not recall the discussion of the installation of a car lift in the attached garage.

Attorney Gilchrist stated this was a matter of whether a business is being conducted in a residential area and not just an incidental home occupation/hobby as Mr. Schwartz states it is. The township ordinances clearly state there is no outside storage of vehicles on the property, buying or selling of vehicles etc. at the property. He felt if a compromise could not be reached between Mr. Schwartz & the Town Board, a judge would need to make the decision.

Jodi Wilken, a neighbor to the Schwartz's, felt the Schwartz's are good neighbors and the area is still quiet even though repairs of cars are made in the garage. She felt one complaint from a neighbor should not take away the livelihood of a resident.

Jessica Schwartz again stated she would like to see the township develop a clear complaint policy to avoid situations such as this. Attorney Gilchrist stated the township is not governed the same as perhaps a city or a company. The Town Board receives calls from residents who have concerns and they in turn investigate the concern and contact the property owner.

## **PUBLIC HEARING – ADOPTION OF TOWN CODE**

Supv Heim read the public hearing notice for the adoption of the Town Code. Attorney Gilchrist stated the Town Code includes the context of the township, stating definitions of items such as “a utility building”, a “junk vehicle”, a “fence” etc. He told those present the Zoning & Sub-Division Ordinances & Regulations is a separate process from the Town Code.

John Krehbiel was concerned about the 5-minute limit on a dog barking with a minute break in between barking. He thought it should be continuous barking. He also would like to see all township residents notified when the public hearing will be held for the zoning & sub-division regulations.

Supv Omann discussed the definition of a junk vehicle which outlines 5 different areas that must all be met in order to be considered a junk vehicle. He also discussed the definition of an abandoned vehicle.

**SUPV WESTERLUND MOTIONED TO CLOSE THE PUBLIC HEARING, SECOND BY SUPV OMANN, MOTION CARRIED 3-0.**

**SUPV OMANN MOTIONED TO ADOPT ORDINANCE 17-02 – LESAUK TOWN CODE, SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0.**

**SUPV OMANN MOTIONED TO APPROVE RESOLUTION 2017-21 APPROVING THE PUBLICATION OF THE LESAUK TOWN CODE, SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0.**

Attorney Gilchrist will clean up the Town Code and send a clean copy to Supv Heim & Clerk Plante for printing, as well as a pdf file so that it can be on the townships website.

**Steve & Jessica Schwartz**

Discussion again was held to try to come to a consensus regarding the Schwartz property. Mr. Schwartz stated many of the vehicles that were on the property are now gone; only having three remaining. Supv Heim would like to see Mr. Schwartz apply for a conditional use permit.

Attorney Gilchrist felt something could be worked out with the Board and the property owner to avoid legal action. He stated it could be considered an incidental home occupation if all repairs of vehicles would be done inside the accessory building and limits the number of vehicles that are parked outside. He also felt it would not be setting a precedent nor would the Board be bound by the law if the Town Board would allow the Schwartz's to continue with limits set.

SUPV OMANN MOTIONED TO ALLOW STEVE AND JESSICA SCHWARTZ, PER DISCUSSION WITH THEM, NO MORE THAN 3 REPAIRABLE CARS THAT ARE OPERABLE & CURRENTLY LICENSED & TITLED TO BE PARKED OUTSIDE AT ANY ONE TIME, THE PERSONAL VEHICLES OF THE SCHWARTZ FAMILY WOULD NOT BE INCLUDED IN THIS LIMIT AND ALL REPAIR OF VEHICLES MUST BE DONE WITHIN THE GARAGE, SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0.

Supv Heim stated the Town Board would be viewing the property during their monthly road inspections.

**ATTORNEY REPORT:**

**Conditional Use Permit Provision** - Attorney Gilchrist stated the conditional use permit standard provision of 180 days, at which time the permit may expire. It was the consensus of the Town Board to send a letter to the Bromenschenkel property regarding their conditional use permit.

**MINUTES:**

SUPV WESTERLUND MOTIONED TO ACCEPT AS AMENDED THE MINUTES OF JULY 25, 2017 REGULAR TOWNSHIP MEETING, SECOND BY SUPV OMANN, MOTION CARRIED 3-0.

**BUILDING INSPECTOR REPORT** – Building Inspector David Barsody emailed Supv Heim regarding the construction of an accessory building by John Lindmeier questioning whether site plan approval had been received from the Town Board, which it had.

**SUPERVISORS REPORT**

**Jeff Westerlund** – No Report

**Dan Heim-**

**Jeff Rasmussen – Township Zoning Map** – Supv Heim has been in touch with Mr. Rasmussen who will be making the necessary changes on the township zoning map and provide copies of the zoning map.

**Doug Welk – ASTECH – 911 Signs on 5<sup>th</sup> Avenue** – Supv Heim discussed with Mr. Welk the width he would need to plow 5<sup>th</sup> Avenue. Letters will be sent to township residents who have their 911 signs on the west side of the road, requesting them to move them back a minimum of 10 feet or move them to the east side of 5<sup>th</sup> Avenue.

**Joyce Zimmerman** – This was discussed earlier in the meeting – Supv Heim will try to meet with her prior to the 8-22-17 meeting.

**Chris Haugen** – Mr. Haugen contacted Supv Heim questioning the township Fire Arms Ordinances.

**Via Rivera Addition Brush** – Supv Heim was contacted by Mark Bromenschenkel, resident on Riviera Road regarding the possible trimming of brush in the Via Riviera Addition. Supv Westerlund will view the area and trim if possible.

**30<sup>th</sup> Avenue & 322<sup>nd</sup> Street** – Supv Heim spoke with Jodi Teich, Stearns County Highway Department, regarding the complaints on the condition of 30<sup>th</sup> Ave. & 322<sup>nd</sup> St. She discussed the possibility of the township applying for funding up to \$750,000 for the improvement of these roads. Brian Gibson, APO Director, has been asked to do traffic counts on 30<sup>th</sup> & 322<sup>nd</sup>. The application for the funding can be done by Heidi at S.E.H. Engineering. SUPV OMANN MOTIONED TO ALLOW SUPV HEIM TO ATTEND MEETINGS REGARDING THE GRANTS AT THE AREA PLANNING ORGANIZATION, SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0.

**27<sup>th</sup> Street Sidewalk** – Mary DeGiovanni, City of Sartell Administrator, informed Supv Heim a sidewalk or walking path would be considered on the north side of 27<sup>th</sup> Street if the land on the north side of 27<sup>th</sup> Street is developed.

**Kelly Schepers – Driveway Approach** – Supv Heim was contacted questioning the township regulations regarding driveway approaches.

**Pinecone Road Bid Process** – Supv Heim discussed with Mary DeGiovanni and Jon Halter of the City of Sartell, the process to have the township is included in the bidding for the 2018 Pinecone Road improvements. It was the consensus of the Town Board to have Attorney Gilchrist work with the City of Sartell to draft documents for this bid process which would include such items as who advertises the bid etc. Consensus of the Town Board was to have David Blommel, township engineer, work with the City of Sartell on the township road specs using the remaining \$3000 from previous specs drawn up by S.E.H. Engineering 1 year ago when the township considered repaving Pinecone & 40<sup>th</sup> Street North.

**30<sup>th</sup> Avenue patching** – Renee Salzer, St. Wendel Township Board, stated they were going to close a portion of 30<sup>th</sup> Avenue while patching was completed on their portion of 30<sup>th</sup> Avenue.

**David Barsody – Halstrom Property** – Mark Halstrom, township resident, contacted David Barsody regarding solar panels he would like to place on his residential building. Mr. Halstrom was informed he would need to contact Stearns County since his property is located within the Shoreland Ordinance area.

**John Peterson – Sign Solutions** – Supv Heim met with Mr. Peterson and reviewed township road signs in several areas. Mr. Peterson had questions on which signs are within the township, county, or the city of Sartell.

**Erickson Asphalt – Minnesota Black Topping & Central Minnesota Paving** – Supv Heim contacted these companies to receive an estimate of costs to repair pot holes on township roads. MN Black Top charged \$450 per hour, Central Minnesota had not returned his phone call and Erickson Asphalt was roughly \$115 per patch. It was the consensus of the Town Board to wait and see if the grant would come through for 30<sup>th</sup> Avenue.

**Troy Hennan – Fence** – Mr. Hennan questioned what is allowed for fences in the township. Supv Heim provided him with a copy of the townships ordinance regarding fencing.

**Julie Fischer** – Ms. Fischer contacted Supv Heim regarding township ordinances regarding dogs barking, fence setbacks and whether a chain link fence could be constructed. A chain link fence is allowed.

**Randy VanVickle 911 Sign** – Mr. VanVickle questioned the process to obtain a 911 Sign for new construction. The address number is assigned by Stearns County, who in turn sends a letter to the Town Clerk. It is then ordered.

#### **Shawn Omann-**

**David Barsody – Pole Building Definition** – Supv Omann contacted David Barsody, township building inspector on what would be an accurate definition of a pole building. Mr. Barsody stated it would be accurate to describe a pole shed as a post frame constructed building.

**389 15<sup>th</sup> St. No.** – Supv Omann viewed the property at 389 15<sup>th</sup> St. No. and stated the grass had been cut. The home is owned by U.S. Bank as a foreclosure home.

**Schwartz Request for Copies** – Mr. Schwartz had requested copies of letters sent to the Zimmerman's & Bromenschenkel's. Mr. Schwartz had returned to the meeting and stated he no longer needed the copies, only requesting them so that he could view them in relation to his property.

**Summer Recreation – Community Advisory Council Meeting** – Supv Omann attended the meeting as representative of the township. Discussion was held on the “camp/clubhouse” style sessions they held for summer recreation which were well attended by area children.

## **OLD BUSINESS**

**Zimmerman Property** – This was discussed earlier in the meeting.

**Sign Solutions Update** – Supv Heim reported on the progress of replacement of road signs earlier in the meeting.

## **NEW BUSINESS**

**Omann Site Plan** – Supv Omann recused himself as a town board member to discuss and review his site plan for his accessory building. The building will be approximately 1320 square feet, with a 12-foot side yard set-back, and 15 feet from the rear yard. The siding will be of an earth tone color. Mr. Omann discussed #10 of the Conditional Use Permit resolution which stated there will be no outdoor storage of materials etc. He questioned whether that would include items such as a trailer, car, boat etc. that may be parked near the building. SUPV HEIM MOTIONED TO CONTACT ATTORNEY GILCHRIST QUESTIONING WHETHER #10 OF THE OMANN RESOLUTION CAN BE REMOVED, SECOND BY SUPV WESTERLUND, MOTION CARRIED 2-0.

**Township Ordinance Work Session** – SUPV HEIM MOTIONED TO MEET FOR A WORK SESSION ON AUGUST 15, 2017 AT 6:30 P.M. TO CONTINUE REVIEW OF THE TOWNSHIP ORDINANCES & SUB DIVISION REGULATIONS, SECOND BY SUPV OMANN, MOTION CARRIED 3-0.

The work session will be held at the home of Supervisor Heim since the Town Hall is unavailable.

## **CORRESPONDENCE**

**Dept. of Revenue Payment** – Clerk Plante received a notice the township will receive \$199 from the Department of Revenue for PERA reimbursement & local government aid.

**MN Association of Township Reimbursement** – The Township received a reimbursement from the MN Association of Township of approximately \$900.00 for worker's compensation.

**US Bank Property Clean Up** – As reported by Supv Omann earlier in the evening, the property lawn had been maintained. Clerk Plante received an email questioning whether it had been completed, which she informed them it had been.

## **JULY TREASURERS REPORT**

The Town Board reviewed the July Treasurers Report presented by Treasurer Bentley. SUPV HEIM MOTIONED TO ACCEPT AS PRESENTED, SECOND BY SUPV OMANN, MOTION CARRIED 3-0.

## **VOUCHERS**

SUPV OMANN MOTIONED TO PAY ALL VOUCHERS IN THE AMOUNT OF \$4574.13 (CHECK #12688 THRU #12700 PLUS EFT 79), SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0.

## **ADJOURNMENT**

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

Respectfully submitted,

*Marlyce L. Plante (s)*

Marlyce L. Plante  
LeSauk Township Clerk