

CORINNA TOWNSHIP BOARD MEETING MINUTES

Unofficial Minutes

Tuesday, April 20, 2010, 7 p.m.

Corinna Township Hall

9801 Ireland Avenue NW, Annandale, MN

Present: Chairman Richard Naaktgeboren; Supervisor John Dearing; Supervisor Chuck Carlson; Clerk/Treasurer Mary Brown; Deputy Clerk/Treasurer Jennifer Kemp

Others in Attendance: Corinna Planning and Zoning Administrator Ben Oleson; P & Z Chair Charlotte Quiggle; Wright County Deputy Christopher Gren; CRWD Representative Dennis Loewen; Corinna Building Inspector Brian Vinkemeier; Charles Hrebal; Scott Wurzburger; Dan Shay; Allen Engen; Jon Ferrell; Keith Jerpseth; Dean Flygare; Craig Stradtman; LaMoine Ferrell

Call to order and Pledge of Allegiance at 7 p.m.

April 6, 2010 Town Board Meeting Minutes: A motion was made by Naaktgeboren, seconded by Dearing, to approve the April 6, 2010 Town Board Meeting Minutes. Motion carried unanimously.

April 8, 2010 Town Board Meeting Minutes: Naaktgeboren questioned the need for Minutes from a meeting that the Township attended, but did not convene. Clerk Brown will check Statutes regarding Minutes for this type meeting. A motion was made by Naaktgeboren, seconded by Dearing, to approve the April 8, 2010 Town Board Meeting Minutes. Motion carried unanimously.

April 12, 2010 Town Board Meeting Minutes: A motion was made by Naaktgeboren, seconded by Dearing, to approve the April 12, 2010 Town Board Meeting Minutes. Motion carried unanimously.

Agenda for the April 20, 2010 Town Board Meeting: Motion by Naaktgeboren, seconded by Dearing, to approve the Agenda for the April 20, 2010 Town Board Meeting with the following additions: Request to be on Agenda from Charles Hrebal; Request to be on the Agenda by Warren Nelson – Encroachment Permit/Jenkins Avenue; Request to be on the Agenda from Brian Vinkemeyer Regarding Building Permit Fee Schedule; Request to be on the Agenda from Craig Stradtman for Lake Center Bar and Grill Liquor License Renewal; April 15 Letter from David Heberling; April 20, 2010 Memo from Barry Rhineberger to Ben Oleson Regarding Caruthers Property; April 14 Letter from Murnane Brandt; April 19 Response Letter from Property Owner Charles Hrebal Regarding Storage Pod in Right-of-Way; Revised Annandale Fire Contract; Seed Cemetery; Trees on Kramer Avenue NW; Ingram Signed Misspelled; Replace Corinna Warning Signs. Motion carried unanimously.

Open Gravel Hauling Bids: Loading, Hauling and Spreading of Class 5 Gravel on Township Roads

Kolles Sand and Gravel	\$2.17/yard loaded and hauled
Schendzielos	\$2.55/yard load, haul and spread
Marson Contractors, Inc.	\$2.69/yard or \$2.19 without loading
Mid Minnesota Hot Mix	\$2.80/yard load, haul and spread
J.R.Ferche Inc.	\$2.82/yard haul and spread
Mathiowetz Construction	\$3.18/yard load, haul and spread
Bjorklund Companies	\$3.59/yard load, haul and spread
M. B. E., Inc	\$3.70/yard load and haul

A motion was made by Richard Naaktgeboren, seconded by John Dearing to table this decision until the May 4, 2010 Town Board Meeting. Motion carried unanimously.

Open Dustcoat Bids: Dustcoating Service:

Dustcoating, Inc. \$.72 / gallon at a quantity of approximately 40,000 gallons.

A motion was made by Richard Naaktgeboren, seconded by John Dearing, to accept bid from Dustcoating, Inc. for approximately 40,000 gallons of dust control at \$.72/gallon of Magnesium Chloride. Motion carried unanimously.

Open Auditor Quotes:

A motion was made by Naaktgeboren, seconded by Dearing, to table the decision on auditor quotes. Motion carried unanimously.

Requests to be on the Agenda:

1. Charles Hrebal: 10654 Imhoff Avenue NW: Corinna Township sent Mr. Hrebal a letter regarding a storage pod in the right of way on April 9, 2010. Mr. Hrebal sent an April 19 response letter to the Township. After a discussion, Supervisor Carlson told Mr. Hrebal that he has 30 days from April 20 to remove the storage pod from the right-of-way. Supervisor Carlson told Mr. Hrebal to call the Township before the deadline if he needs more time.

Mr. Hrebal addressed Building Inspector, Brian Vinkemeier. He asked if he has to have septic compliance in order to add a four-season porch to his lake home at 10654 Imhoff Avenue, NW. Mr. Vinkemeier replied that a septic compliance inspection is required, plus 2 sets of building plans, site plans and a completed building application.

Mr. Hrebal asked if he had a year to get his septic in compliance if he started building soon. If it is not in compliance, the Ordinance states that the homeowner has one year to get the septic system into compliance. Chuck Carlson recommended that due to the long winter and short season appropriate for installing septic systems, Hrebal should get the septic system installed this summer, as there will not be time next spring to get it done within one year.

2. Keith Jerpseth: Keith Jerpseth, contractor Dean Flygare, and CRWD Representative Dennis Loewen addressed the Town Board in regard to request for a final recommendation to Wright County on the matter of Keith Jerpseth's request to fill an existing ravine and to address erosion problem. This variance and conditional use permit was previously tabled in Sept., 2009.

There was a discussion regarding retaining wall heights and the number planned. Loewen stated that the CRWD prefers to see an engineer's report for this project. As a compromise, Loewen said that three – four foot retaining walls on the steepest part of the slope would be the preference of the CRWD.

Flygare said that all trees will be left in place as anchors and that existing vegetation will remain.

Naaktgeboren asked if they plan to install a rain garden.

Jerpseth said that the yard water does not normally run down the bank.

Jerpseth said that they are planning to remodel their home, using the existing footprint.

Carlson asked if they plan to use a pipe for monsoon-like conditions.

Quiggle she likes to see the long rooted native vegetation remain. She clarified that a rain garden is not a pond – it is a depression in the earth – with a sand bottom to filter water. A rain garden could take the place of a drain pipe. Loewen said that a pipe would take the water straight to the lake. A compromise would be a rain garden instead of a pipe.

Flygare said he would rather see the water go further down the hill in a pipe as water at the top of the hill in a rain garden might de-stabilize the bank.

Quiggle stated that a rain garden is not a pond.

Flygare said that the roof water could be directed toward the road in the remodel.

Jerpseth confirmed that they are changing the roof lines of their home and they can direct the gutters toward the road. Then a catch basin is not required because the roof water will drain toward the road, not the lake.

They will not need drain tile. They will use ¾" rock to fill voids, rather than drain tiles. Mulch, stapled erosion blankets and bio-rolls will be used.

Loewen thought this was a reasonable compromise.

A motion was made by Dearing, seconded by Naaktgeboren to recommended approval of Mr. Jerpseth's variance and conditional use request based on the following Findings of Fact:

Findings of Fact: Proposed findings in the Staff Report to the Planning Commission were:

(Conditional Use) Findings:

- 1) **Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the immediate vicinity?**

- a) **No, provided any fill is properly stabilized.** The intent of the project is to stabilize a ravine that is eroding and has eroded over time. Given that the project is intended to reduce erosion into Clearwater Lake, and the result would presumably be an improvement to water quality, property values in the area should be benefited by the project.
- 2) **Will the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area?**
- a) **No.** The project should not have any significant impact on the ability of vacant property to be developed. The ravine does not appear to be necessary for natural drainage of the undeveloped land across the road and the rest of the shoreline in this area is already developed.
- 3) **Do adequate utilities, access roads, drainage and other necessary facilities exist or will they be provided?**
- a) **Yes.** The equipment necessary to conduct the project can make use of existing roads. The project itself does not require any utilities or other infrastructure once it has been completed.
- 4) **Have adequate measures been taken to provide sufficient off-street parking and loading space to serve the proposed use?**
- a) **Not applicable.** The proposed filling would not necessitate any off-street parking or loading space once the project is complete.
- 5) **Will the use conflict with the Policies Plan of Corinna Township and/or Wright County?**
- a) **No, provided any fill is properly stabilized.** The intent of the project is to stop or significantly reduce erosion and would thus be consistent with the goal of improving water quality in Clearwater Lake.
- 6) **Have adequate measures been taken, or will they be taken, to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result?**
- a) **Yes.** The project would not create any long-term nuisances. The site is to be planted with grasses and native plants to prevent any noxious weeds. Noise, vibration and dust during construction will be temporary.
- 7) **Are there any other conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole?**
- a) The Town Board made the following conditions of approval, based on recommendations of issues that should be addressed by Wright County SWCD staff and from the Clearwater River Watershed District's Engineer:
- i) The applicant must install three separate retaining walls (each under 4 feet in height) in the lower part of the ravine where it is steepest. The applicant's contractor will draw up revised plans for the exact location of these walls and provide them to Wright County as part of their application.
 - ii) The applicant should use mulch, stapled erosion control blankets and biorolls spaced no more than 75 feet apart to stabilize all disturbed areas until sufficient vegetation is established to hold the fill.

(Variance) Staff Findings: The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

- 1) **Has the applicant demonstrated that the proposed actions will be in keeping with the spirit and intent of the ordinance and will not conflict with the Comprehensive Plan?**
- a) **Yes.** The Comprehensive Plan does not directly address this issue except to make statements about protecting lake quality as land is developed.
- The intent of the project is to stop or significantly reduce erosion and would thus be consistent with the goal of improving water quality in Clearwater Lake.
- 2) **Has the applicant demonstrated that the property in question would not be able to be put to a reasonable use or yield a reasonable return if used under the conditions allowed by the official controls?**

- a) **Yes.** The intent of the project is to stop ongoing erosion. Given that the erosion is occurring in a bluff, there is no choice but to place fill within the bluff.
- 3) Has the applicant demonstrated that the plight of the landowner is due to circumstances unique to the property not created by the landowner and is not a plight shared by neighboring properties in the same zone?**
- a) **Yes.** The erosion of the ravine appears to be a long-standing condition. It appears that water from a larger area used to run into the ravine, which likely caused erosion to start occurring. With the raising of 91st Avenue as part of the Highway 24 reconstruction project, it appears that the ravine now drains only the applicants' property and a few other properties to the south – not any property across the road. The applicant did not create the erosion problem, but is instead attempting to correct it.
- 4) Has the applicant demonstrated that the character of the locality would not be altered if the variance is granted?**
- a) **Yes.** The proposed filling of the ravine would not substantially change the character of the area, which are residential uses along steep, heavily wooded lots.
- 5) Has the applicant demonstrated that the granting of the Variance will not adversely affect the environmental quality of the area?**
- a) **Yes, provided the fill area is properly stabilized.** The use is intended to improve the environmental quality of Clearwater Lake. Provided the fill area is stabilized properly so that it does not erode, there should be an improvement.

In reviewing the application, the Township received the following comments from Luke Johnson at SWCD and Norman Wenck of the CRWD (Mr. Jerpseth and the Town Board's responses to these questions summarized under each question):

SWCD Questions/Comments:

- 1) Will all the junk and the tree stumps be removed prior to construction? (these can create voids under the fill and reduce the stability)
- a) Answer: Mr. Jerpseth stated he has already removed junk and non-rooted tree stumps from the ravine, since last Fall.
- 2) Did [Jerpseth] account for removing all the organic soil prior to placing clay fill?
- a) Answer: Mr. Jerpseth indicated that he has removed brush and leaves from the ravine. Tree stumps in the ground are being left in place to help prevent erosion.
- 3) How big is the catch basin, does it account for all the runoff coming in with the amount going out taken into account?
- a) Answer: As a result of conversations between the Town Board, Dennis Loewen of CRWD, Mr. Jerpseth and his contractor, Dean Flygare, it was decided that the catch basin and pipe running down the hill was not the best strategy and thus they are no longer being proposed. Instead, it was determined that Mr. Jerpseth would direct rain gutters so that rainwater was directed away from the ravine and toward the road ditch.
- 4) What size is the drain tile and is it perforated or non-perforated?
- a) Answer: Drain tile (pipe) down the slope is no longer being proposed.
- 5) Is there any lateral tile being installed to keep the area well drained?
- a) Answer: This was in reference to drain tile being installed behind the retaining wall(s). Mr. Flygare indicated he would use 3/4" rock between the retaining wall boulders to provide a release for water behind the walls.
- 6) How high is the retaining wall?
- a) Answer: After discussion, it was decided that three retaining walls would be stepped up the slope – each no taller than four (4) feet in height.

- 7) Will the retaining wall be backfilled with sand and back tiled?
 - a) Answer: See #5 above.
- 8) Are you going with just one retaining wall now instead of a stepped system?
 - a) Answer: See # 6 above.
- 9) Is the outlet location for the pipe the actual place on the plan or approximate location? (currently it looks like you would just be creating a future problem for your boat house; you may want to extend that pipe closer to the lake)
 - a) Answer: See #3 above.

CRWD Questions/Comments:

- 1) We need details on the catch basin. If there is significant flow from upland, they should consider a small sedimentation basin
 - a) Answer: A catch basin was removed from the plan.
- 2) What is the size of the drain pipe?
 - a) Answer: The drain pipe (down the slope) was removed from the plan
- 3) We recommend biorolls or filter logs rather than straw bales with silt fence. The maximum spacing for these should be 75 feet.
 - a) Answer: This was incorporated into the Town Board's recommended conditions of approval.
- 4) We recommend mulch and stapled erosion blanket on the disturbed areas.
 - a) Answer: This was incorporated into the Town Board's recommended conditions of approval.
- 5) The drain pipe should extend to the lake with riprap to reduce the energy. This is to be placed within 24 hours of the pipe installation.
 - a) Answer: The drain pipe (down the slope) was removed from the plan
- 6) Conceptually the plan looks okay. These comments should prevent problems until the vegetation is established.

Motion carried unanimously.

3. Warren Nelson – Encroachment Permit/Jenkins Avenue – Did not attend meeting.

A motion was made by Naaktgeboren, seconded by Carlson to approve an encroachment permit at 6943 Jenkins Avenue NW. Motion carried unanimously.

4. Craig Stradtman – Lake Center Bar and Grill Liquor License Renewal: Mr. Stradtman explained that he was here for his yearly liquor license renewal for Lake Center Bar and Grill. He showed his insurance documents to the Town Board. A motion was made by Naaktgeboren, seconded by Dearing to approve the renewal of the liquor license with a closing time of 2:00 a.m. Motion carried unanimously.

5. Brian Vinkemeier: LaMoine Ferrell addressed Building Inspector Brian Vinkemeier regarding a septic system for Mr. Gregerson at 11571 Kramer Avenue NW. Mr. Vinkemeier stated that the proposed septic tank is considerably undersized. Mr. Vinkemeier asked Mr. Ferrell to meet him on the site on Thursday, April 22 to discuss the septic plans.

Brian Vinkemeier, representing Metro West Inspection Services, addressed the Town Board. He stated that in August, 2008 Metro West had pointed out that Wright County's adopted Building Code Fee Schedule was inadequate. (Corinna Township used the same fee schedule as Wright County.) Wright County has since updated their fee schedule to the 1997 Building Code Fee Ordinance. Mr. Vinkemeier requested that Corinna Township adopt the same Building Code Fee Ordinance as Wright County. A motion was made by Carlson, seconded by Naaktgeboren, to adopt the 1997 Building Code Fee Ordinance. Motion carried.

Other Business:

1. Ordinance Amendments: Corinna Township Planning Administrator, Ben Oleson, addressed the Town Board regarding proposed Ordinance amendments.

a. Mining and Extraction

Tom Salkowski Letter of April 15 Regarding Public Hearing on April 22, 2010: Reviewed.

April 15 Letter from David Heberling: Reviewed. Chuck Carlson stated that all the points that Mr. Heberling addressed in the letter were also addressed in the Staff Report received by the Town Board. Carlson said Heberling's letter was thoughtful and well-written. He asked Ben Oleson to write a letter to Mr. Heberling, thanking him for his interest, and to send Mr. Heberling a copy of the Staff report that addresses his concerns.

Mr. Oleson answered questions regarding proposed changes. He stated that Wright County requires 3 sets of maps for mining applications showing existing conditions, the planned excavation area and a reclamation plan, but that the Corinna ordinance does not specifically require these maps (Corinna does require similar information in non-map form). It was agreed that Corinna Planning Commission should require the same maps when looking at a mining pit Interim Use Permit Application. Mr. Oleson will create an application form for mining permits specifically to add the maps requirement.

Ben Oleson summarized the Staff Report saying the Planning Commission Ordinance changes have to do with term limits, term timing changes and meeting procedures.

A motion was made by Carlson, seconded by Naaktgeboren, to adopt by Resolution # 2010-02, the proposed Planning Commission Section VIII Ordinance changes and Section XIII Mining and Extraction Ordinance changes. Motion carried unanimously.

April 20, 2010 Memo from Barry Rhineberger to Ben Oleson Regarding Caruthers Property:

Mr. Oleson explained that Wright County is planning to record an Administrative order to tie two lots together, but was seeking Township Board input. This will allow Mr. Carruthers to build a shed of a larger size. Oleson noted that a recent amendment to MN Statutes may override this Order so that the lots could be divided again.

Naaktgeboren asked if the Administrative Order can be written to forever tie the two lots together. Oleson responded that Wright County plans to do that. Oleson stated that the formal, clean way to do this is to plat two lots into one, rather than issue the Administrative Order, but that an Administrative Order may be sufficient. A motion was made by Carlson to recommend Wright County combine the two lots into one for Carruthers by Administrative Order. The motion died for lack of a second.

A motion was made by Naaktgeboren, seconded by Dearing, to recommend Wright County combine two lots as one and request that the Administrative Order state that the lot cannot be separated at a later time. Motion carried unanimously.

10495 State Highway 24: Ben Oleson said that he received an inquiry about opening a store at 10495 State Highway 24, on the west side of Highway 24. The property in question is zoned General Agricultural. On the Future Land Use Map it is identified as appropriate for Commercial. However, Wright County has the property on the east side of Highway 24 zoned for Commercial use, but not on the west side. Dearing said there would also be issues regarding easements and driveways entering Highway 24. He said in the past it was said that there would have to be a frontage road from 108th Street, rather than additional road directly entering Highway 24. There would not be any turn lanes. Naaktgeboren stated there would be two obstacles: rezoning the property to Commercial and the MN Highway Department's position that there will be no more roads entering State Highway 24. Oleson noted he would contact the landowner and discuss these concerns.

Planning Commission: Charlotte Quiggle, Chairman

Next Meeting: April 22, 2010, 7 p.m., Town Hall

MN Court of Appeals April 13, 2010 at 10:40 a.m.: April 14 Letter from Murnane Brandt reviewed.

2. LoVail Jankord Stop Work Order and Junk Violation: Junk Violation Court Date for Arraignment is May 26, 2010 at 8:30 a.m. Board noted that progress has been made on the clean-up. Naaktgeboren said that stuff has been moved around. It is more orderly but there is still a lot of stuff. He thinks the dump truck and trailer are on Planer's property. Advised Clerk Brown to inform owner that we appreciate their efforts, would like them to pay close attention to the property lines and that we will let them know on May 10 if the property clean-up meets the Town Board's approval and that we will advise them on our decision as to their request to ask Wright County to dismiss this case at that time.

Robert Balogh, Jr. – 8611 Griffith Avenue NW - Pretrial Hearing Continued to April 20, 9:00 a.m.: Chuck Carlson attended April 20 hearing. He reported that Mr. Balogh was given two more weeks to make progress cutting the weeds on his property.

Quick -6329 – 80th Street NW – Stop Work Order and Junk Clean Up: Building permit approved 4-13-10. Progress is being made on clean-up of property.

Milo Vail - 8008 Griffith Avenue NW: Review Progress of Clean Up – Notice sent to Wright County Assistant Attorney Karen Wolff.

7988 Griffith Avenue NW: Junk Violation Letter Sent April 9, 2010. Will review for April 29 deadline.

8189 Griffith Avenue NW: Junk Violation Letter Sent April 9, 2010. Will review for April 29 deadline.

8222 Griffith Avenue NW: Junk Violation Letter Sent April 9, 2010. Will review for April 29 deadline.

10654 Imhoff Avenue NW: Storage Pod in Right of Way Letter Sent April 9, 2010; April 19 Response Letter from Property Owner; Heard from property owner Charles Hrebal at start of this meeting.

Scott Lampi: 67th Ave. NW – drainage problem: Maintenance Men to check after road restrictions are lifted April 19 at noon.

3. Local Board of Appeal and Equalization Meeting: Tuesday, April 27, 3:00 p.m. at the Corinna Town Hall
4. Wright County Highway Department: April 15 Letter from Wayne Finglason Recommending LTAP Training Session for Minimum of One Township Representative in Order to Participate in Township Sign Replacement Program. Clerk Brown to advise Maintenance Man Mark Miller to attend.
5. Junk Amnesty Saturday, July 31, 2010: No update at this meeting.
6. Pre-Buy Federated Propane Program: Table this item for another meeting.
7. First Quarter Recycling Report 2010: Reviewed.
8. MN Board of Water & Soil Resources Letter Dated March 17, 2010 Regarding Withdrawal Application: Packet Sent to Clint Olson. Corinna has not heard back yet on this issue.
9. Conference Room Chairs: No action taken.
10. Revised Annandale Fire Contract: Reviewed and signed.
11. Seed Cemetery: Board directed Clerk Brown to advise Township Maintenance Men to seed the cemetery. They may do it in sections if needed. Carlson will look into getting water and power quotes for the cemetery before seeding. Clerk Brown to issue work order to mow the cemetery once a week, get black dirt, level, seed, and water. They may stagger the seeding if needed. Advised Deputy Clerk Kemp to print blank calendar pages for Maintenance Men so that they have a three week work plan/schedule in place at all times. Advised Clerk Brown to write a memo to Maintenance Men to be sure that crackseal, sealcoat and road striping plans are in place. Advised Clerk Brown to send a memo to Doug Smith regarding previous clerical error in his contract. Township does not wish to carry forward the previous error.
12. Trees on Kramer Ave – Survey: Discuss at the next Town Board Meeting
13. Ingram Sign Misspelled: Advised Clerk Brown to check into process for replacement.
14. Replace Corinna Warning Sign: Signs for back of Town Hall have been ordered.

Payment of Claims: Motion by Dearing, seconded by Naaktgeboren to approve Direct Deposit Payroll Checks #146 through 149; EFT 2010-27 through EFT 2010-29, Checks # 15682 through Check #15691, in the amount of \$9,525.83. Motion carried unanimously.

With no further business to come before the board, a motion was made by Dearing, seconded by Naaktgeboren to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Approved May 18 , 2010

Mary B. Brown, Clerk/Treasurer

Chuck Carlson, Chairman