

CORINNA TOWNSHIP BOARD MEETING MINUTES

Unofficial Minutes

Tuesday, May 4, 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: Maintenance Man Doug Smith; Jason Kolles; Jim Wurm

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

April 20, 2010 Town Board Meeting Minutes: A motion was made by Naaktgeboren, seconded by Dearing, to approve the April 20, 2010 Town Board Meeting Minutes. Motion carried unanimously.

Agenda for the May 4, 2010 Town Board Meeting: Motion by Naaktgeboren, seconded by Dearing, to approve the Agenda for the May 4, 2010 Town Board Meeting with the following additions: Doug Smith 2011 Contract Regarding Vacation Days; Request to be on Agenda from Jim Wurm; Balogh Dirt Pile in Road Right-of-Way; April 30, 2010 Youth First Thank You letter and Poster; Cemetery Sign Setback; Building Permit Report for April, 2010; LTAP Training for Sign Management; Land Summons – G.P.Land Corp.; US Dept. of Labor Under Fair Labor Standards Act; Office of the State Auditor E-Update April 30, 2010. Motion carried unanimously.

Maintenance Men: Doug Smith was in attendance. Mark Miller is on vacation. There was a discussion about how to prepare the cemetery land for grass seeding. John Dearing will look at existing vegetation to see how to treat the existing weeds. The area is to be filled and then leveled with a leveling bar. Seeding should only take place after water is hooked up on site.

Smith asked if start time could be changed to 6:30 a.m. Board compromised and said that Maintenance Men can start at 7:00 a.m., beginning May 5, 2010. The Maintenance Department may start at 7 a.m. only during Daylight Savings Time. When we are no longer in Daylight Savings Time, the start time should fall back to 7:30 a.m. Naaktgeboren asked if the men could split the shift when grading. Smith said that one man packs the dirt while the other grades the roads. Packing takes place when the dirt is wet.

Smith was advised to cut down trees by the mailbox at 8611 Griffith AV NW.

There was a discussion regarding trees on Kramer AV that need to be cut down or trimmed in order for road maintenance equipment to get through. Dearing said they should go ahead and cut the trees in order to get their work done.

Clerk Brown was advised to get information from Team Lab regarding road preparation.

Naaktgeboren advised Smith that the Township is purchasing a time clock.

Open Gravel Hauling Bids: Loading, Hauling and Spreading of Class 5 Gravel on Township Roads – Low bid was received from Kolles Sand and Gravel at \$2.17/yard loaded and hauled.

A motion was made by Richard Naaktgeboren, seconded by John Dearing to award the bid to Kolles Sand and Gravel. Motion carried unanimously. Gravel hauling is to begin May 10, 2010.

Requests to be on the Agenda:

1. Jim Wurm, 6501 Highland AV NW, Maple Lake: Mr. Wurm stated that the road in front of his property does not ever get graded, nor do some nearby. Maintenance Men are to be advised to grade all regular Township gravel roads, including the road in front of Mr. Wurm, Hart AV NW by 63rd and by Larry Smith's property.

Other Business:

1.a. Application: Conditional Use Permit for the operation of a temporary mining pit involving crushing and screening of gravel.

Applicant: Jason and Geri Ann Kolles

Background Information:

Location: 10171 Ireland Ave NW. S/T/R 10-121-27. Parcel number(s): 206000103400.

A motion was made by Dearing, seconded by Naaktgeboren, to approve the Kolles CUP, based on A) the following findings of fact and B) with the following conditions:

A) Findings of Fact:

1) Are the proposed haul routes able to handle the additional traffic generated by the extractive use?

- a) **Yes.** The proposed haul route would presumably be south on Ireland Avenue, west on County Road 39, south on State Highway 24 and north/west onto 91st Street. All of these roads are bituminous roads (except for 91st Street itself) and adequately designed to accommodate the traffic generated by the use.

Haul routes for other township roads will vary depending on the road being worked on, but will not require repeated or continuous hauling in excessive amounts.

2) Are the air quality, dust, and noise control measures able to limit impact upon adjacent residential properties according to MPCA standards?

- a) **Yes.** While the proposed activities will create some noise, dust and appearance issues, the impact is temporary and does not occur constantly. Hours of operation are required to be limited to normal daytime hours (not beyond 7:00pm or before 7:00am).

3) Will the proposed extractive use, or its accessory uses, adequately prevent negative impacts to the groundwater?

- a) **Yes.** The Wright County Soil Survey does not indicate a high groundwater level that would be in the borrow pit area. The depth of the excavation area is estimated at 10-30 feet (the excavation depth increases as it moves back from Ireland Avenue due to the natural topography).

4) Will the applicant be able to control erosion and sedimentation that may result from the proposed use?

- a) **Yes.** The applicant had previously stated (in the July 2009 application) that they will be stripping the topsoil, stockpiling, replacing it when excavation is complete, and seeding the area. The excavation area is buffered from the Ireland Avenue road ditch (which is the direction of water flow) by grassed area.

Additionally, the applicant is required to obtain an NPDES permit from the MPCA, which addresses erosion and sedimentation issues. Staff has verified that the NPDES permit granted in July 2009 remains valid until 2011 with MPCA staff.

The applicant has indicated that the great majority of rainwater falling on the pit would remain within the pit.

The area closest to Ireland Avenue that was mined in 2009 has been graded back to its final elevation. The applicant has indicated they will be seeding it this Spring as weather conditions allow.

5) Will the applicant be able to avoid or mitigate any impacts on the natural resources contained in the watershed in which the proposed extractive use is located?

- a) **Yes.** The main concern with natural resource impacts would be from soil erosion and sedimentation. See #4 above.

6) 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.** While the proposed activities will create some noise, dust and appearance issues, the limitations on hours of operation, the requirement to reclaim the site, and other performance standards can adequately mitigate the impact.

7) 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 proposed use is temporary and should have no impact on the ability to develop surrounding vacant property in the future. The site will be restored to its previous condition (except that it will be lower in elevation).

8) Do adequate utilities, access roads, drainage and other necessary facilities exist or will they be provided?

- a) **Yes.** All necessary access drives and drainage will be managed and maintained as part of the project. No public utilities are necessary for the project. A paved approach was constructed in 2009 to ensure that Ireland Avenue is not damaged as a result of the haul truck activity.

9) Have adequate measures been taken to provide sufficient off-street parking and loading space to serve the proposed use?

- a) **Yes.** There will be temporary off-street storage and parking areas on the site during the project. These will end upon restoration of the pit.

10) Will the use conflict with the Policies Plan of Corinna Township and/or Wright County?

- a) **No.** The Comprehensive Plan states that the Township should “ensure that reclamation of any gravel or other mining sites is conducted in a manner which restores mined areas as quickly as possible and within an appropriate time frame after the mining area is expanded on the site” and that the Township should “create an effective means of assuring and mandating compliance with developed standards and any other site specific conditions which may be imposed when approvals are granted”. Both issues are addressed in the Township’s ordinance relating to mining and excavation and the area will be subject to inspections by the Township.

11) 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.** While the proposed activities will create some noise, dust and appearance issues, performance standards required by the ordinance or suggested as specific conditions of approval by Staff should be enough to mitigate any effects.

12) 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) None.

Staff Comments:

1. The applicant has indicated to Staff that they expect screening and crushing to take place for no more than about 2 weeks out of a year. They have also indicated there will be no hot mix plants or other processing related to making asphalt.
2. The applicant previously submitted a \$10,000 bond to cover reclamation costs. This will need to remain in effect, as the 2009 bond expired in December 2009. The applicant is aware that they will need to obtain a new bond before continuing with the mining activity.
3. Staff has verified with the applicant that the excavation area is not expected to grow beyond the approximate 5 acre area that was approved in 2009. However, the long-term plan for the mining of the property involves about 16 acres and the rate at which it is mined will depend on market demand for gravel.

B) Subject to the following conditions:

1. The conditional use permit shall be related to the 2010 Township Road projects – including 91st Street and others as approved by the Town Board.
2. The applicant shall maintain their NPDES permit with the MPCA.
3. Activities shall be limited to screening, crushing and stockpiling. Screening and crushing shall not be conducted on more than 21 days in a calendar year.
4. The applicant shall maintain a minimum separation of five (5) feet to groundwater at all times on this site.
5. Hours of operation for activities on the site shall not be outside of the hours between 7:00 am and 7:00 pm.

6. The contractor shall maintain a bond in sufficient amount to assure reclamation of the site. The bond shall remain in effect until all areas are reclaimed as required by the Ordinance or as specifically required by the Township. In order to be prepared to meet the bond requirements of the newly passed ordinance, Staff recommends that the bond obtained now be in the amount of at least \$1,500 per acre (\$5,000 minimum) and that the bond be either renewable or run for a period of at least four (4) years.

Motion carried unanimously.

1. b. Application: Variance to place a new dwelling within the minimum lake setback and a septic system within the side yard and road right-of-way setback on an undersized lot.

Applicant: Jeffrey and Maureen Brenk

Background Information:

- Location: 11744 – 103rd St NW, South Haven. Sec/Twp/Range: 7-121-27. Parcel Number: 20604200010

A motion was made by Dearing, seconded by Carlson, to approve the variance, based on A) the following findings of fact and B) the following conditions:

A) Findings of Fact:

- 13) 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 proposed demolition of the existing buildings on the property and replacement with a new dwelling and attached garage will improve the existing setback by about 17 feet and will help to create a greater visual separation between buildings and the shoreline.

In terms of the sewer setbacks, the public hearing will provide an opportunity for the relevant landowner to comment on the infringement of the drainfield toward their property line. The Township will obviously have a chance to discuss the infringement of the drainfield toward the township road.

The Corinna Township Comprehensive Plan does not directly address setback issues except to make statements about protecting lake quality as land is developed. The Wright County Comprehensive Plan states "Development of lakeshore property shall abide by State Shoreland Management Rules to maintain, as far as practical, a natural shoreline and natural views of shoreland areas from the lake's surface."

The spirit and intent of the ordinance (lake setback), according to the DNRs SONAR statement in 1989, is:

"In general, structure setbacks are needed to provide an adequate distance between the development of a shoreland area and the adjacent waterbody or near bluffs to control the resource damaging effects of non-point source pollution. Soil erosion and subsequent sedimentation in water bodies and the loading of nutrients, toxics and other pollutants to the water body from shoreland area surface water runoff are examples of non-point source pollution."

The spirit and intent of the ordinance (side yard setback) for septic systems, according to the Statement of Need and Reasonableness prepared for the 1996 Rule Changes, states as follows:

"The property line setback is placed in the rule to highlight to landowners that they must consider their neighbors during placement of their ISTS. It is reasonable to require documentation for property line setbacks at the state level to assure that affected parties are privy to the information and accept the infringement to their property."

The spirit and intent of the ordinance (road setback) for septic systems is presumably to help ensure the protection of the septic system from damage due to road maintenance activities, vehicles driving off the road, parking along-side roads or other such activities.

- 14) 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 applicant is seeking to build a new house/garage to replace three existing buildings. The new dwelling/garage would be located further back from the lake than the existing dwelling and guest cabin. Moving the house any further back would impinge on the required 20 ft setback from the septic drainfield as well as the required 65 ft setback from the center of the Township road. There is no possibility of building a reasonably sized home on this property without creating the need for at least one setback variance.

The proposed house would be 38 feet in depth. The house/garage immediately to the east also appears to be 38 feet in depth. Most other homes within 500 feet to the east are about 24-30 feet in depth. There are at least two dwellings/garages within 500 feet to the west which are 38 feet in depth.

15) 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 lot on which the proposed dwelling would sit was platted in 1968 and only includes 144 feet of depth at its deepest point. Given the land needed for the septic system, there is not enough room for both a dwelling/garage and septic system that will meet all setbacks.

16) Has the applicant demonstrated that the character of the locality would not be altered if the variance is granted?

- a) **Yes.** The proposed additions would not substantially change the character of the locality, as many other dwellings are located within the lake setback and several sewer systems appear to be within the road or side yard setbacks. The use would remain residential and the size of the dwelling is not inconsistent with other homes within 500 feet. While the proposed 1.5 story building would be taller than the immediately surrounding homes, there are 1.5 story homes within the neighborhood.

17) Has the applicant demonstrated that the granting of the Variance will not adversely affect the environmental quality of the area?

- a) **Yes.** The proposed buildings and impervious surfaces on the lot would remain under the maximums allowed. Buildings and impervious surfaces that are currently closer to the lake than the proposed dwelling would be removed, which would increase the amount of land in which stormwater could infiltrate into the ground before entering the lake.

Staff Comments: Based on the findings of fact and discussion listed above:

1. This property is in the floodplain district (Flood Fringe). The regulatory flood protection elevation is 997.7 (the elevation the lowest floor, including improved crawl spaces and utilities, must be built to). Fill must extend around the dwelling to an elevation of at least 996.7. Staff has discussed this with the applicant's builder and they are confident that less than 50 cubic yards of material would be needed to meet these requirements. If this turns out not to be the case, a Land Alteration Permit (and another public hearing) would be required.
2. The public road (103rd Street NW) leading into this property appears to meet floodplain elevation requirements.
3. The floor plan submitted to staff for the proposed dwelling indicates five (5) bedrooms. The initial septic design indicated four (4) bedrooms. Staff has discussed this with the sewer designer and they are verifying the correct number of bedrooms proposed. He feels that he could fit the larger drainfield necessary for a five (5) bedroom system if needed. This information should be available by the April 22nd meeting. Any room with a closet and an egress window is considered a bedroom.
4. The proposed driveway, sidewalk and patio on the site plan are estimates – not what is necessarily to be built. They are shown to provide evidence that at least a reasonable amount of impervious beyond the buildings is possible on the lot without exceeding the 25% limit. Once these are actually constructed, the permitting authority would need to verify that they remain under 25 percent.
5. A patio need not meet lake setbacks, by Ordinance.
6. A new well is proposed on the site plan, on the lake side of the new home (the current well is within the existing dwelling). Minnesota Department of Health regulations require a lake setback for wells of at least

35 feet and a building setback of at least 3 feet. There would appear to be enough room to drive a well truck around the proposed home for future maintenance (about 24 feet on either side of the proposed dwelling).

7. This lot has a parking area that is completely within the road right-of-way. This appears to be common for the neighborhood.

B) Conditions of approval:

1. The applicant must demonstrate, prior to obtaining a land use or building permit, that they can meet floodplain elevation requirements, including any fill necessary on the lot. If the amount of fill needed exceeds 50 cubic yards, the applicant must apply for a separate land alteration permit.
2. The sewer system shall be sized to meet Wright County requirements based on the actual number of bedrooms to be constructed in the new dwelling.
3. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences on downslope areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets or other forms of temporary cover until vegetation is re-established.

Motion carried unanimously.

1. Application: Ordinance Amendments

- Applicant: Corinna Township

A new section authorizing Interim Uses. Interim Uses are similar to Conditional uses, except that they specifically authorize the Township to impose time limits on the approval (either until a specific date or a specific event).

A new fee schedule. The proposed schedule matches up with Wright County's recent changes in most instances. This fee schedule involves the zoning fees and building permit fees – the Town Board addressed the building permit fees at its April 20th meeting, and the proposed fee schedule includes the results of that decision.

A motion was made by Dearing, seconded by Naaktgeboren, to approve Resolution # 2010-03 adopting amendments to the Corinna Township Land Use Ordinance, adding a new section regarding Interim Use Permits and amending the Township's Land Use and Building Permit Fee Schedule. Motion carried unanimously.

Planning Commission:

April 29, 2010 Oleson Response Letter to David Heberling: Reviewed.

April 29, 2010 Memos from Regarding Caruthers Property: Reviewed.

Planning Commission: P&Z Chair, Charlotte Quiggle, was not in attendance.

Next Meeting: May 27, 2010, 7 p.m., Town Hall

2. LoVail Jankord Stop Work Order and Junk Violation: Junk Violation Court Date for Arraignment is May 26, 2010 at 8:30 a.m. – Notify Jankord by May 10 Regarding the Condition of Property. Dearing is going to check the south property line, toward the creek. The dump truck appears to have been moved off the property line. Clerk Brown was advised to talk to Assistant Wright County Attorney Karen Wolff about how to monitor this property on an ongoing basis, as the property has been cited in the past.
Robert Balogh, Jr. – 8611 Griffith Avenue NW: Pretrial Hearing Continued to May 4, 9:00 a.m.; 5/4/10 Dirt Pile in Road Right-of-Way. Clerk Brown advised to write letter to Balogh regarding his dirt pile in the road right of way. Mr. Balogh was advised by the Court to contact Chuck Carlson within 10 days to have Chuck re-insect his property for weeds.
Quick -6329 – 80th Street NW – Stop Work Order and Junk Clean Up: Building Permit Approved 4-13-10; 4/30/10 - Progress Has Been Made in Property Clean-Up – Still in Progress
Milo Vail - 8008 Griffith Avenue NW: 4/30/10 – No Progress Made – Contacted Karen Wolff
7988 Griffith Avenue NW: Junk Violation Letter Sent April 9, 2010; 4/30/10 – Little Progress Made
8189 Griffith Avenue NW: Junk Violation Letter Sent April 9, 2010; 4/30/10 – Progress Made

8222 Griffith Avenue NW: Junk Violation Letter Sent April 9, 2010; 4/30/10 – No Progress Made - Property Owner Spoke to Chuck Carlson to Request more Time. Board advised Clerk Brown to give property owners until May 24 to clean up the property.

10654 Imhoff Avenue NW: Storage Pod in Right of Way Letter Sent April 9, 2010; Given 30 Days from April 20 Meeting to Remove

8859 Griffith: Storage Pod on Property Observed 4/30/10 – Clerk Brown was advised to contact Ben Oleson regarding drafting an ordinance for storage pods and semi truck boxes. Clerk Brown advised to check the conditions of the Variance at 6543 – 117th ST NW, regarding the storage pod on that property.

Scott Lampi - 67th Ave. NW Drainage Problem: Maintenance Men Cleaned and Straightened up 4/22/10.

3. Local Board of Appeal and Equalization Meeting: Wright County Assessor April 28 Summary Letters – Reviewed. Clerk Brown advised to ask Wright County for the total value of Corinna and the total value of Wright County in percentage and dollar amounts, in comparison to one year earlier.
4. Whispering Pines Golf Course: Renew 3.2 Liquor License. A motion was made by Naaktgeboren, seconded by Carlson, to approve the renewal of 3.2 liquor license for Whispering Pines Golf Course. Motion carried unanimously.
5. Junk Amnesty Saturday, July 31, 2010: Update – Naaktgeboren reported that Irv Marquette is set up to handle the batteries and metal. Clerk Brown is to follow-up with Sentenced to Serve.
6. Pre-Buy Federated Propane Program: \$1078.51 balance left from \$2,941.70 pre-buy in August, 2009 (2,300 gallons purchased August, 2009) Locked in last year at \$1.279 per gallon. Current price is \$1.899 per gallon. Federated has not come up with lock-in pre-buy price for commercial purchase yet. Clerk Brown was advised to figure the number of gallons used this year, add ten percent and use that as the pre-buy amount, in gallons, in the coming heating season. The existing fuel credit on our account should be taken into account as part of the calculation. As the price has not been determined yet, no action was taken.
7. Wright County Election Equipment Maintenance Plan Contract: A motion was made by Carlson, seconded by Dearing, to give Wright County permission to sign the SS&R Maintenance Agreement on Corinna Township's behalf. Wright County is signing the agreement on behalf of all townships and towns in Wright County. Motion carried unanimously.
8. MN Board of Water & Soil Resources Letter Dated March 17, 2010 Regarding Withdrawal Application: Packet Sent to Clint Olson. Chuck Carlson will contact Clint Olson regarding the status of this.
9. Auditor Quotes: A motion as made by Naaktgeboren, seconded by Carlson, to accept the quote for a three year audit contract from Schlenner Wenner and Co. in the amounts of 2010-\$5,950; 2011-\$6,100; 2012-\$6,250. Motion carried unanimously.
10. April 30, 2010 Youth First Thank You Letter and Poster: Reviewed
11. Cemetery Sign Setback: Reviewed
12. Building Permit Report for April, 2010: Reviewed
13. LTAP Training for Sign Management: Mark Miller could not attend due to a conflict with his vacation. Clerk Brown was advised that the course will be held again in the Fall. Brown will try again to have Miller attend this training. The training is strongly suggested by Wayne Fingalson, Wright County Highway Department.
14. Land Summons – G.P.Land Corp.: After reviewing, the Town board concluded that Corinna Township has no conflicts in the Torrens action.

Payment of Claims: Motion by Dearing, seconded by Naaktgeboren to approve Direct Deposit Payroll Checks #150 through 153; EFT 2010-30 through EFT 2010-32, Checks # 15692 through Check #15706, in the amount of \$27,115.96. Motion carried unanimously.

With no further business to come before the board, a motion was made by Naaktgeboren, seconded by Dearing, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:48 p.m.

Respectfully submitted,

Approved May 18, 2010

Mary B. Brown, Clerk/Treasurer

Chuck Carlson, Chairman

