

**MINUTES OF THE HAVEN TOWN BOARD MEETING**  
**September 21, 2015**

The Haven Town Board met at the Haven Town Hall on Monday, September 21, 2015. The meeting was called to order at 7:00 p.m. by Chairman Jeff Schlingmann. Members present: Chairman Jeff Schlingmann, Supervisor Mark Knowles, Supervisor Kathi Sims-Kosloski, Supervisor Mike Pesch, Supervisor Randy Linn, Clerk Mike Zniewski, and Deputy Clerk Tammy Schefers.

**APPROVAL OF AGENDA**

Supervisor Kathi Sims-Kosloski made a motion to accept and to approve the agenda. Supervisor Randy Linn seconded the motion. The motion carried.

**SHERBURNE COUNTY SHERIFF REPORT**

The Sherburne County Sheriff reported 76 incidents for the month of August.

**JIM KNOBLACH**

State Representative Jim Knoblach handed out a 2015 Legislative Report Flyer to all the residents and board members. He gave a summary of what has been happening at the Capitol. Some of the items he spoke about were Supporting K-12 Education, Prioritizing Transportation, Advocating for Higher Ed, and some bills that became law. He will again come to visit the Haven Residents to give another summary in February, 2016.

**READING OF THE MINUTES**

Supervisor Mike Pesch made a motion to approve the minutes. Supervisor Kathi Sims-Kosloski seconded the motion. The motion carried.

**BUILDING PERMITS**

There were nine building permits.

**BILLS OUTSTANDING**

Mike Zniewski	\$	417.50
Mike Zniewski	\$	81.00
Jeff Schlingmann	\$	900.00
Jeff Schlingmann	\$	210.13
Tom Machula	\$	150.00
Rinke Noonan Attorneys at Law	\$	375.69
B & G Excavating, Inc.	\$	617.50
B & G Excavating, Inc.	\$	95.00
B & G Excavating, Inc.	\$	343.11
B & G Excavating, Inc.	\$	450.00
Great River Granite	\$	1,300.00
Connexus Energy	\$	34.79
City of Sauk Rapids	\$	42,384.00
City of Sauk Rapids	\$	355.00
Sherburne State Bank	\$	0.00

PERA	(Deposit)	\$	148.46
	Total:	\$	<u>47,565.26</u>

Supervisor Mike Pesch made a motion to approve and accept the claims. Supervisor Kathi Sims-Kosloski seconded the motion. The motion carried with: 5 – Aye / 0-Absent / 0-Opposed

**PUBLIC HEARING/COMMENT**

None

**OLD BUSINESS**

Township Road Project List- Jon Bogart is working on and should have the updated Road Project List for Haven Township next month.

7<sup>th</sup> Street SE – (August Meeting) The Board discussed the road 7<sup>th</sup> St SE that comes out to Appert’s (Sysco) off of 15<sup>th</sup> Avenue SE. This road is a Township road. The road is not very long. The Board discussed options of vacating this road and seeing if Appert’s (Sysco) would like to take it over. (September Meeting) The Board will wait to hear from Legal Council David Meyers for the legal documents on this road.

**NEW BUSINESS**

Conditional Use Permit - Richard Heath spoke with the Board Members about a request for a conditional use permit. It is for a personal storage structure that he would like to build on his property he owns in the shoreland district (Sherwood Shores Third Addition). This property has come up two other times with the request of building a home on the site. At that time it was not in compliance with the County for this piece of property to build a home. He now wants to put a storage shed on the site to store his pontoon and boat. The shed would be without sewer and water on the property he owns. There was also discussion that there would need to be a variance for this request. Chairman Jeff Schlingmann opened this discussion for public comment.

E-Mail Communications are as follows:

Ken Day- I would like to encourage the Haven Township to deny this conditional use permit for the following reasons:

- 1) Sherwood Shores covenants specifically require that all lot structures be intended for home dwellings.
- 2) This lot does not have sufficient depth to allow for adequate set back for proper lake protection for any type of building.

I am a member of the Sherwood Shores Environmental Committee and recommend that this building proposal be denied for the above two reasons.

Joan Wilcox- I am a long-time resident of Sherwood Shores (Clear Lake Township) and currently serve on the Sherwood Shores Property Association’s Environmental Control Committee along with 4 other members from our association. Several neighbors who

own residences near the property where Heaths requested a conditional use permit, received letters from you last Friday. They in turn shared it with me and others on our committee, who were not aware of this application since no proposal has been submitted to the Environmental Control Committee, as required by our covenants. Members of the Sherwood Shore Property Owner's Association Board were also unaware of their request.

Sherwood Shores has written Protective Covenants, which the Heaths may not have been aware of when they submitted their application to erect a personal storage structure on the lot described in your letter. In my conversation with Jim Davis, President of Sherwood Shores Property Association, he indicated he would contact the Heaths to discuss the covenant's regarding the building of structures on any lots in Sherwood Shores. These are addressed in Article III: Building Construction and Placement, under Article IV: Lot Restrictions, Section 5, which states that lots shall be used exclusively for a single family residence. This application is not in keeping with the association's protective covenants.

Jim Davis- The Sherwood Shores Homeowners Association has a process for reviewing structural changes. The Architectural Review Committee will review a proposal against neighborhood standards. This review has not been requested and so this should not be on your agenda until that requirement has been satisfied. I will speak to the property owner and get this scheduled.

Marc Schneider- In light of an oversight I am sending out an email in regards to a Conditional Use Permit requested for a Personal Storage Building by Richard Heath on a lot he owns in Sherwood Shores in Haven Township.

Mr. Heath is requesting a Conditional Use Permit to allow him to construct a personal storage building on the lot. I made a mistake in the review and made an assumption that his lot was eligible for an exemption from both lake and road setbacks and that this project could be completed without a variance. That assumption was incorrect.

Mr. Heaths project is eligible for the exemption in Section 14, Subd 5.2 of the Zoning Ordinance, that allow an administrative exemption in lake setback if adjoining lots have structures that do not meet setback. There is a second exemption found under Section 17, Subd 9.6, which allows structures to line up with neighbors on road side, provided they do not go closer to the road then either neighbor. Mr. Heath's request is not eligible for this exemption because his neighbor to the south is about 60ft from the right-of-way and this does not allow him enough space to fit the 24ft wide building on his lot using these exemptions. Mr. Heath will need a variance from the road right-of-way or the lake to construct this personal storage building.

Monica Peters- I live on Pickerel Lake and I am writing regarding the request to put up an accessory building on Pickerel Lake that doesn't meet the state minimum standard for setback requirements for the ohwl. Several numerous variance requests for a home have already been denied due to the lake setbacks, which were enacted due to protect our water environments. I encourage the Board to deny any request that doesn't meet the lake setbacks, as in this proposal. If the Board approves the request, I assume the variance

process will need to follow; causing more cost to the applicants for what should be a failed attempt.

Susan McGuire – I am writing as a resident of Haven Township concerning the conditional use permit from the Heaths for a shed on Pickerel Lake. I would encourage the Board to uphold the State setback requirements for buildings—100 feet from the lake on Recreational Development Lakes. The setback requirements apply to both front and back of the lot and the lot appears to be about 120 feet wide. The purpose of the setback requirements is to protect the water quality of the lake and to preserve the natural aesthetics of the lake. Please abide by the setback requirements.

Resident's comments who attended the meeting:

Dave Stimmler- Made the comment that a lot of people would feel this would be an eye sore if a building was put at this site. First it will be a shed, and then next it may become a cabin. Trees have been cut down and this lot is not fit for a garage or pole barn. It is too close to the lake.

Linda Fischer – This lot was first owned by St. Cloud State University. The Heath's new property was donated to SCSU because it was a non-buildable lot. Now trees are cut down on this property also. There is not a hardship here. Mr. Heath could find another alternative. I hope the Board considers a negative comment to go forward to the County.

Larry Novak- I have been in the Township for 28 years. The Environmental Committee has protective Covenants in that area. They should abide by the Sherwood Shores Association Rules. Please deny this request.

David Waggee- The Environmental Control would reject such a proposal as this. There are written covenants for the Sherwood Shores area that should be followed. Please do not consider this request.

Bruce Hentges- Stated that the ordinance has been changed. If the lot is vacant, how do you decide if it is in the Agricultural District or General Rural District under the County rules? He also will need a variance for this request. Not every case is permitted.

At 7:52 p.m. Chairman Jeff Schlingmann closed the public comment section. The Board Members each discussed more on this issue of how they felt. After the discussion Supervisor Kathi Sims-Kosloski made a motion to send a negative comment to Sherburne County based on the fact that the property can not support the structure without granting a variance and using an administrative exemption. Supervisor Mark Knowles seconded the motion. The motion carried. Supervisor Mike Pesch opposed the motion.

Snow Plow Bids – The Board received a Snow Plow bid from Marson Contractors, Inc. After discussion on this, Supervisor Mike Pesch made a motion to accept and approve the Snow Removal Proposal Bid from Marson Contractors, Inc. They will be the Haven

Township Snow Plow Contractor for the 2015-2016 Snow Season. Supervisor Kathi Sims-Kosloski seconded the motion. The motion carried.

Resolution to Close a Road – The Haven Township Board owns a road right-of-way known as 45<sup>th</sup> Avenue (Long Lake Public Access). The Board Members discussed that it is not safe for vehicles to go down. There is no where to park vehicles either. Currently there is a minimum maintenance sign there at the access. The board members would like to see this access just used for walking traffic, using canoes, fishing from shore etc... After discussion on this, Supervisor Mark Knowles made a motion to accept and approve a resolution to close the minimum maintenance road. Supervisor Kathi Sims-Kosloski seconded the motion. The motion carried. There will be a gate placed in the area and fenced in so that only walking traffic may access the bank going to the lake.

45<sup>th</sup> Avenue Resurface Project – Through an e-mail: Rhonda Lewis from Sherburne County asked the Board Members if they would be interested in resurfacing the stretch of 45<sup>th</sup> Avenue from Hwy 10 to County Road 65. The cost to do a reclaim and overlay would be \$17,858.00 and the cost to do just a 2” overlay would be \$7,921.00. After discussion on this, Supervisor Mark Knowles made a motion to do the reclaim and overlay for Haven Township portion of 45<sup>th</sup> Avenue from Hwy 10 to County Road 65. The cost of this project will be \$17,858.00. Supervisor Randy Linn seconded the motion. The motion carried. Chairman Jeff Schlingmann will contact Rhonda Lewis to let her know the board’s decision so the process can begin.

Purchase of New Election Equipment- Sherburne County Auditor/Treasurer Department is proposing to purchase new machines for all precincts for the next voting season. They received an estimate from the vendor of about \$6,400.00 per machine. Under this proposal, cities and townships would pay half the cost or approximately \$3,000.00 per machine if they would like to upgrade. After the board discussed this, Supervisor Mike Pesch made a motion that the Haven Township Board should purchase a new machine for the 2016 voting season. The cost would be approximately \$3,000.00. Supervisor Mark Knowles seconded the motion. The motion carried.

#### **BUSINESS FROM THE SUPERVISORS**

Chairman Jeff Schlingmann –Nancy Riddle asked the Board Members if they would like the County to print off mailing labels for them when they have special areas of a request that the neighbors need to be notified. The cost would be \$42.00 for this. The Board could charge the applicant for this if the labels are needed. The Board will decide this when it is needed.

Supervisor Randy Linn –None

Supervisor Mike Pesch –None

Supervisor Mark Knowles –There was a report of a garbage truck that lost some glass on the road on 65<sup>th</sup> Avenue and 40<sup>th</sup> Street. Pot hole filling and tree trimming will still continue.

Supervisor Kathi Sims-Kosloski –She made the comment that the Air Show for the year 2017 is still in place. The Granite St. Cloud Rotary Club will be in charge of this event. The runway will be expanded so bigger jets can fly into this airport.

**BUSINESS FROM THE FLOOR**

Craig Lietha lives in Sherwood Shores Development and asked the Board Members how he can get the 25mph speed limit back on the streets for people to slow down. He walks these roads with his family and there are cars that go by real fast and will not slow down. How do we promote slower drivers in this area? The Board directed him to call the Sheriff’s Department when this is happening and also get a license plate number for the Sheriff’s Department and they can go talk to the drivers who are not careful and speeding.

**COMMUNICATIONS**

- Law Enforcement Open House Information
- Planning & Zoning Notice of Public Hearings
- Update the Sherburne County Local Water Management Plan
- Agenda & Minutes for October 21<sup>st</sup> SCAT Meeting
- Preliminary 2015 Tax Values
- Mid-continent

**ADJOURN**

It was moved by Supervisor Mike Pesch seconded by Randy Linn to adjourn the meeting. The motion carried, and the meeting was adjourned at 8:44 p.m.

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Chairman

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Date

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Clerk / Treasurer

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Date