

Canosia Township

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Town Board: Chair Daniel J. Golen, Supervisor Kurt Brooks, Supervisor Kevin Connick
Clerk Susan Krasaway, Treasurer Cheryl Borndal

REGULAR MEETING MINUTES

July 2, 2018

ATTENDING: Chair Dan Golen, Supervisor Kurt Brooks, Supervisor Kevin Connick, Deputy Clerk Amber Madoll, Treasurer Cheryl Borndal, Road Foreman Gary Oswell, P&Z Director Tim Walburg, Rec Director Mike Ellingson, and nine residents.

Chair Golen called the meeting to order at 7 p.m., the pledge of allegiance was recited.

APPROVAL OF AGENDA, MINUTES AND TREASURER'S REPORT

- A. **AGENDA**: Motion by Brooks, seconded by Connick, to approve the agenda with three additions: Under Planning and Zoning, add 5720 NPLR as VI.A.5; Under Rec Area, add Hynes Email as VI.G.4; Under New Business, SLC Comprehensive Plan as VII.C. Motion carried unanimously, 3-0.
- B. **MINUTES**: Motion by Brooks, seconded by Connick, to approve the minutes from the Regular Meeting (6.6.18) as written. Motion carried unanimously, 3 – 0.
- C. **TREASURER'S REPORT**: Motion by Connick, seconded by Brooks, to approve the Treasurer's Report (1/1/18 –6/31/18). Motion carried unanimously, 3 – 0.

Additional Treasurer Info: 1. The treasurer has received 70% from St. Louis County. The balance is reflective as of July. 2. The AIS grant money is here for work prior to June 2018. 3. The treasurer attended a training on the upcoming election cycle. She was advised that election costs must be kept separate. The Clerk will therefore need to be paid two checks during the election cycle. One for her normal clerk duties and one for her election-related duties. For election work she can be paid as a judge or a clerk. Motion by Connick, seconded by Brooks to pay the Clerk for election work at the rate of the Clerk's wages. Motion carried unanimously, 3 – 0. 4. Moving forward the supervisor's need to sign the Cash Flow Sheet each month.

PUBLIC INPUT

- A. Trash Cans During Ice Fishing Season: Ms. Mader and Ms. Manns with the Caribou Lake Association requested that a trash can be placed at the fisherman landing off of Kehtel Road during the winter to help with trash that is accumulated from the ice fishermen. The board was in agreement and will have Clerk Krasaway contact the trash company to add a can for this winter. They will also have her add the topic to the October 2018 regular town board agenda to make sure that the can(s) is in place for the winter.

B. Caribou Lake Sewer System: Ms. Mader asked if there was a plan to add a sewer system to the lake area. The board advised those in attendance that there are no current plans to put in a system. Connick stated that he has met multiple times with WLSSD and while Caribou Lake remains part of a long term sewer development plan, there are no immediate plans for expansion. Brooks stated that there hasn't been a strong community push. Connick stated that the strongest interest has been with those who live on the lake year round. Half of the owners that surround the lake, however, are snowbirds and do not want the fees associated with a new system. Golen stated that if they wanted to put together a petition, that might be of help. Connick stated that there have been surveys done in previous years. Brooks stated that government reacts to the public wishes. If the residents could provide the data necessary to show a significant interest, then it would help promote their cause. Public drive was part of the reason for the successful implementation of the Birch Point system. Connick stated that years ago there was an attempt to put in a sewer system that resulted in Canosia Township and Grand Lake Township each being charged \$115K in order to stop the project due to implementation issues. Ms. Mader brought up concerns about lake contamination and weeds. Connick explained that the weeds in Caribou Lake have been present for decades. If they are cut v. pulled from the roots, the seeds just spread. The lake has been tested for water contamination. The only thing found was some mercury, which is common on MN inland lakes. Connick stated that he would be in support of lake testing. If there are resident concerns about sewer run off into the lake from specific neighbors, the residents would need to contact St. Louis County directly. The county would then send out a technician to determine if there is an issue. Residents and/or the Caribou Lake Association could also contact the MPCA and ask about testing.

OLD BUSINESS

A. PLANNING & ZONING

P&Z Director Report: Tim Walburg issued four permits in June.

4884 Midway Road: The property is currently not in compliance. PZ Director Walburg talked with the residents and explained that due to shoreline restrictions and setbacks they could not store that many vehicles. The resident explained that they are trying to fix their garage so that they can be in compliance. They are using most of the vehicles. PZ Director Walburg was unable to note if all vehicles had current tabs. Connick recommended watching the property for a month to see if they come into compliance and to keep it on the agenda for the next month.

5413 Shady Lane: A resident complained that Mr. Garden had layed a hose across the road from his home to the garage. The board was in agreement that the hose is not in compliance. Gary Oswell stated that he has talked with Mr. Garden and that there is a holding tank but only for the house. If Mr. Garden had services to the garage, then they might go under the road. Board requested that PZ Secretary Madoll pull Mr. Garden's garage permit to see if there was a toilet on the permit. She should give this information to the PZ Zoning Director. Motion by Brooks, seconded by Connick for Clerk Krasaway or Deputy Clerk Madoll to send a letter to Mr. Garden to advise him to remove the hose from across the road. Motion carried unanimously, 3 – 0. Board wishes this to remain an agenda item for the next month's meeting.

5323 Shady Lane: A resident has complained about the trash and junk on this property. It is owned by Mr. Midthun. Connick has gone by and checked the property and agrees with the resident. Brooks and

Golen will also go by to check the property. This should remain on the agenda for the next month's meeting.

Waste Wood Recycler's Conditional Use Permit: Mr. Kukowski requested an update on the site progress. In particular, he was interested in knowing how environmental studies are going, who is watching the property to make sure it stays in compliance, and what the long-range plans are for the property. He stated that they are hearing a lot of activity at the site. Connick stated that the items listed within the conditional use permit are overseen by PZ Director Walburg and the Canosia Township Planning and Zoning Commission. Brooks stated that if there is a violation with the CUP, then it goes to the town board for enforcement. Connick asked why the town supervisors are not more involved with the CUP process if they are held accountable for the enforcement. Mr. Kukowski stated that he has seen a violation in the CUP. One day there was noise at 6:15p.m. The CUP stated that noise must stop at 6:00p.m. He talked with Garrett Campbell, the owner of Waste Wood Recycler's. Mr. Campbell apologized and stated that the original CUP stated 7:00p.m. and that he was in error. There has not been a start/stop time violation since then. Mr. Kukowski questioned the work being done on Saturdays. Mr. Campbell stated that prior to working Saturdays he did check with PZ Director Walburg to make sure that the type of work that he was doing was approved under the township planning and zoning Ordinance 2017-01. Some work is covered under the general ordinance and some is restricted under the CUP. He is following both correctly for Saturday hours of operation. Mr. Kukowski is concerned that PZ Director Walburg is not out at the site on a consistent basis monitoring the property. Mr. Gilmore stated that there are a lot of trucks on the road. Mr. Kukowski asked about the buffer to the property being removed. Mr. Campbell had stated previously that he did not intend on removing it. However, the environmental expert, Mitch Johnson with Swamp Thing Environmental, needed to take soil samples to determine what environmental studies and plans are needed for the property. This required brush and some trees to be removed. This is part of the reclamation process and is required as part of owning the property. Mr. Campbell stated that a plan is being put into place, however, consistent rains have slowed down the process. Mr. Johnson is putting together a soil and water plan for reclamation, water run off plan, any necessary retention pond plans, etc. They are in contact with R. C. Boheim and are keeping him updated on the process. They are working with him to determine if a wetland delineation is needed. Per the CUP Mr. Campbell has until 2/9/19 to provide the township with a detailed wetland delineation, stormwater, and other plans- or a letter from the appropriate agency stating that they are not needed. This date was set as it takes time for these plans to be put together. Mr. Campbell stated that he is being pressured to provide the information prior to the due date of the CUP. He is working diligently on creating the plans with the proper authorities. Residents asked about the plans for the land along Industrial Road. Mr. Campbell stated that he intends on turning it into residential parcels, if permitted. Brooks stated that this was discussed at the CUP's hearing. Connick stated that as a supervisor he would like to know how he can represent the residents. He stated that it is difficult to represent them with empty books. He would like to have more information on what is happening on the property so that he can communicate that information back to the residents. He stated that most of what he knows concerning the property is what he learned tonight. Brooks stated that since the property is in the reclamation process, materials will be being moved from and to the site. This process will eventually enable the reclaimed land to be turned into residential parcels and sold. Mr. Campbell would like for this to happen in order to recoup some of his costs from the reclamation process. Mr. Campbell stated that he did not know that he needed to provide monthly reports as it is not a request in the CUP. Brooks stated that he agrees that Mr. Campbell needs time to put the reports together that are required in the CUP. Mr. Campbell stated that once the environmental specialist is finished, he will share the information with the

PZ Commission and Canosia town board. It will be a preliminary report only, however, as the recommendations and future plans will need to be worked on with the appropriate agencies. Golen stated that it is helpful to have more information on how the process is progressing, especially if the PZ Commission determines a violation and the town board needs to provide enforcement. Mr. Campbell asked the board if other pits within the township are asked to provide the same. Comnick stated that he just learned tonight that the CUPs are enforced by the town board which may not have supported the issuing of the CUP to begin with. He stated that he asked the PZ Commission to give authority to review CUPs prior to approval. He went on to state that in the PZ Commission minutes it stated that they feel that two town supervisors should have less say than three PZ Commission members who are appointed. He stated that if there is a violation and it is then brought into compliance, then what is the point of enforcement. He is concerned that they can keep violating the CUP and then complying. He also stated that he believes that all CUP recommendations should go to the town board for approval or denial. He stated that he is going to talk with the township attorney and have him review the ordinance to determine how it can be changed to give town supervisors oversight. Golen stated that this isn't necessary. He stated that once the PZ Commission brings their recommendation, it is up to the town board to decide what to approve or decline. If they do not bring a specific recommendation, the town board can still add whatever they wish. If they want to add the oversight, they can without the PZ Commission's consent. Brooks stated that the town board asked the PZ Commission to provide recommendations for ordinance updates, which they have been working on. What the PZ Commission members stated is during their meetings is that they didn't agree with the oversight change requested by the town board. Once the town board receives the recommendations, as Golen stated, the town board can add and take out whatever they wish. Comnick stated that it sounds like all that needs to be done is a motion that the board will have oversight. Golen and Brooks stated that the verbiage for the ordinance would need to be written and reviewed by the township attorney prior to a vote and the ordinance amendment process needs to be followed. Golen stated that they should wait and review all of the changes at once. It will save monies incurred by special meetings, hearings, attorney fees, etc. Comnick stated that they have talked about this issue for months. Golen stated that they will have oversight in the end. Comnick stated that he is a doer rather than someone holding out. He would rather vote to change the ordinance, hold a special meeting, and resolve this issue, and then review the other PZ Commission recommendations at a later date. Mr. Creuer stated that he is concerned that an appointed person is not as influenced as an elected official. He would rather the zoning decisions be made by an elected official so that his voice is better heard. Brooks stated that the process is for the recommendations to come to the town board, then there is a public hearing. Golen stated that he would prefer for all of the recommendations to be put into one hearing. Mr. Creuer stated that there should just be a vote to change the ordinance in relation to town board oversight. He stated that as it currently stands is like a bandaid over a bullet hole. Comnick stated that nothing can be changed with the past. The public wants change moving forward. He believes that the ordinance needs to be changed. Mr. Campbell wonders why there would be a PZ Commission if all of the decisions would go to the town board. Comnick stated that almost all of the ordinance rules are the same as St. Louis County's rules anyhow. Brooks stated that the town board would have legal issues if they made ordinance changes without a public hearing. He stated that the board cannot be just concerned with those residents who attend meetings, but all of the Canosia township residents. Golen stated that he doesn't want to just jump in and make changes. Brooks stated that testimony concerning a CUP cannot be collected during town board meetings and other gatherings outside of the official CUP hearing. Comnick stated that per the Minnesota Association of Townships, CUPs should be appealed to the town board. Mr. Gilmore stated that he has been attending the PZ Commission meetings and that the commission members have not changed much in the current ordinance compared to the county

ordinance. He also stated that they have not taken the township's comprehensive plan into consideration. Ms. Mader stated that the PZ Commission should not be left to their own devices as they have had errors for many years. Golen stated that he believes that they should review the ordinance and wait for the recommendations. He hopes that Mr. Campbell will stay in compliance during that time period. Mr. Kurkowi stated that there is no community benefit to the work being done at Waste Wood Recyclers. Mr. Campbell stated that he is required to comply with the reclamation process. He does not intend on taking down unnecessary trees. He also knows that everyone wants a specific timeline for the reclamation process, however there isn't one at this time. He stated that he will hopefully have more information in the next month as the environmental experts complete their work. He stated that he believes that these conversations are boarding on a witch hunt. He sees that his neighbors still do not want him there. He stated that he will re-connect with the PZ Commission to make sure that he stays in compliance. He does not want to be shut down. Comnick stated that he is frustrated and that the process and procedure needs to be changed. Brooks stated that he is encouraged that everyone can discuss this topic civilly and that there will be a PZ Commission meeting on July 11, 2018 at 7:00 p.m. There were some resident concerns about the PZ Director Walburg leaving the board meeting early. Brooks explained that Walburg had work commitments. Mr. Campbell stated that he will attend the upcoming PZ meeting. Brooks encouraged him to send any questions that he has to PZ Director Walburg prior to the meeting.

5197 Lavaque Road: There was no response from the letter sent to Mr. Cich. The property is still in violation as it has more buildings than fire numbers. Clerk Krasaway will send Brooks the letter so that he can contact Mr. Cich. This should stay on the agenda for the next month's meeting.

Ordinance 2017-01 Update: Brooks stated that the PZ Commission planned on having their recommendations for changes by the September town board meeting. At that time, the town board would make changes, and there would be a public hearing. The updates would also need to go to the township attorney for review. Comnick stated that there is a concern that it will go into next year. Mr. Curer again stated that he is uncomfortable with only having one elected official on the PZ Commission. He stated that he believes that the appointed individuals are a "rouge board." Golen stated that they are following the ordinance as it is written currently. Mr. Creuer stated that there is obviously not the appropriate level of zoning experience on the board or there wouldn't be errors. He stated that when he talked with Comnick he was very disturbed at the lack of information that he had. Golen stated that the town supervisors are getting the meeting minutes of the PZ Commission. Mr. Campbell stated that he has attended multiple PZ Commission meetings and there should be multiple minutes referencing Waste Wood Recyclers. Golen reiterated that there is not enough justification for the time and expense of having two ordinance public hearings, attorney fees, etc. Mr. Creuer and Comnick disagreed. Comnick stated that expenses are part of the process. Mr. Creuer stated the he could not believe that the town board allows non-elected officials to make decisions. He stated that he believed that it is a small bridge to cross to resolve the issue. Golen stated that the concern over town board oversight can be resolved with the other recommendations from the PZ Commission. He reiterated that this isn't an issue that will be resolved during this meeting. Mr. Oswell stated that the change in town board oversight will change as Comnick is determined. As a resident, he doesn't see how spending double the amount of monies is worth it. Ms. Mader stated that if the board doesn't act, then the residents will lose faith in the board. She stated that the PZ Commission can do whatever they want. There is no trust. Golen reiterated that the ordinance will be updated soon. He stated that he doesn't believe that it will be an issue in updating it. Comnick asked that if an issue comes up in the meantime, does the PZ Commission handle it. Golen

stated yes. Mr. Creuer asked for the town board to put a moratorium on all CUP applications. Comnick stated that he doesn't want to do this because there is the potential for new development in the community. He doesn't want to hold up that development. He goes on to state that he would feel better if the town board had more oversight. He doesn't think that the cost in comparison to protecting residents is a bad idea. He stated that people pay taxes for his position and that he should provide the best possible representation. Golen stated that there is no demonstrated need that the change in town ship oversight needs to occur immediately. Brooks reiterated that there would need to be specific ordinance wording and that it would need a legal review. Comnick stated that it should only need one sentence altered. He stated that they should be able to draft it up and vote at the next town board meeting. Brooks stated that there are multiple references within the ordinance. Comnick recommended changing the wording. Mr. Cruer stated "let's get her done." Mr. Campbell remarked that part of the issue with the CUP was rushing through the process. He stated that isn't that like what they are doing at the meeting. Golen wondered if the process can be shortened. Brooks stated that the PZ Commission are going through Mr. Gilmore's recommendations now. Comnick stated that there is an agreement that any town supervisor can meet with the lawyer in between meetings. He stated that he will contact him to get the proper wording, schedule a public hearing in August and then approve the ordinance at the September town board meeting. Golen stated that the intent of the ability to contact the lawyer was to get a legal opinion, when necessary. He doesn't believe that this situation warrants spending money unnecessarily. Golen asked if there should be a special board meeting to work on the wording and then send it to the lawyer. Brooks stated that they haven't even agreed on what oversight means. Comnick stated that he will go through the ordinance and bring suggestions to the August board meeting. He asked that the PZ Commission have their information finished by the August board meeting. Brooks and Mr. Gilmore stated that there would then need to be an ordinance hearing. Brooks will talk with the PZ Commission about the new timeline. Brooks mentioned that the county is currently updating their comprehensive plan and that there might be changes that the township needs to adopt. Comnick stated that there is no way to know when or if that might happen. He stated that based on some of the information being communicated with from the county, there might not even be a need for a local PZ Commission. Mr. Creurer again brings up a request for a moratorium on CUP applications. Comnick stated that they are not ready for that. He stated that he will contact MAT to see if they have input on wording.

5720 North Pike Lake Road: This property appears to be renting out the basement, an accessory dwelling and a tiny house. There are concerns that it is not in compliance with the ordinance. There is no LUP on file for the tiny house. It is connected to water and sewer. A letter was sent to the owner requesting that he complete an LUP and attend the next PZ Commission meeting. This should remain on the next month's agenda.

B. PIG COMPLAINT: No response from letter sent.

C. ANTI-BLIGHT ORDINANCE: None

D. FIRE DEPARTMENT: Not discussed as Fire Chief was in attendance.

E. ROADS

2018 Sealing Program: Work has begun. Should be done by the end of July.

Culvert Work on Shady Lane: Culvert and ditch work is currently occurring.

Tree Removal on Nelsondale: Tree removal and culvert work is currently occurring.

Mowing Contract: Motion by Comnick, seconded by Golen that the mowing contract will be renewed at the same reimbursement rate as this previous year once the contractor submits a proposal. Motion carried unanimously, 3 – 0.

Stone River Wildlife Management: Two beavers were captured. The township treasurer will reimburse the wildlife management company once the invoice is submitted.

F. RECYCLING

WLSSD held a shed attendant's meeting on June 18. The township will need to begin to submit monthly reports.

G. RECREATION AREA

Court Cracks: No update.

Dugout: Comnick requested an invoice to reflect all of the donations received for the dugout. Motion by Brooks, seconded by Comnick that there be a permanent sign created to thank those who donated to the dugout. Motion carried unanimously, 3 – 0. Motion made by Comnick, seconded by Golen that Mike Ellingson coordinate the purchase and posting of a sign to thank those that contributed to the dugout. Motion carried unanimously, 3 – 0. Mr. Ellingson stated that the invoices for payment should all be submitted by next month.

Scoreboard: No update

Garage Proposal: Tabled til the next month's board meeting.

Hyne Tennis Court Request: Mr. Hyne's sent an email requesting a board be put up at the tennis court for those who want to practice ball hitting without a partner. Mr. Ellingson will contact him to get more information.

H. AIS/LANDING INSPECTIONS

An AIS inspector quit to go to college. Their hours are being split between the other inspectors. A truck drew water from the Pike Lake Public Access. The AIS inspector contacted the DNR and the DNR thanked Canosia Township for being alert and helpful. Water cannot be pumped from the lake without a permit. Brooks asked if this is the same for the fire department for fighting fires and pool fillings. Comnick will contact the DNR for clarification.

I. TRAILS

There still needs to be a meeting with Matt Lind. Comnick stated that it is difficult to get people to get together to discuss the trail issues. There is a discussion on community interest in trail development. Mr. Campbell stated that his company is interested in helping develop and support community trails. Brooks stated that he will continue to work on pulling together trail information for trail permitting and a possible future grant.

J. CEMETERY

Golen looked at the Birch Point sign. After hearing at the last meeting that the pillars are important to the community, he is in support of keeping them. Brooks recommended taking off the letters from the pillars, cleaning them up, and putting up a new metal sign on one pillar at each entrance. Motion by Comnick, seconded by Brooks for the township to pull the letters off of the pillars, clean the pillars up, and purchase and post a new aluminum sign at each entrance on one column. Motion carried unanimously, 3 – 0.

K. WEBSITE: None

L. PLAWCS: None

M. PFC WATER CONTAMINATION: None

N. RSPT: None

O. FINE SHARING: None

P. LUCA: None

Q. JANE ANDERSON DONATION: Forms were submitted. When monies are received the township treasurer will put them in a separate account so that spending can be tracked for the intended purpose.

R. GOALS & PRIORITIES: None

S. NOXIOUS WEEDS: None

T. AIRPORT ZONING: None

U. MEETING/TRAINING RECAPS: Two points of importance came out of recent meetings. The canvas board stated that all candidates, including write ins, must have their financial statements posted on the township website for four years. Clerk Krasaway will need to make sure that these are posted. Second, overweight vehicles need permits to travel on some roads. Canosia Township does not have a road weight policy. Mr. Oswell stated that he would be surprised if it was ever necessary based on the current roads within the township. Comnick agreed that it isn't a problem for now but that they should take it under advisement in case the issue arises in the future.

V. **BUILDING MAINTENANCE:** The garage door still needs paint. The posts need capping.

NEW BUSINESS

A. AUGUST PRIMARY DAY

Motion by Comnick, seconded by Brooks to appoint the following as judges: Barb Misgen (Head Judge), Barbara Erikson, Jeri Georges, Jeanne Trush, Linda Bashaw, Nancy Cameron, Judy Kehtel, Laura Solem. Motion carried, unanimously. 3- 0.

B. SLC COMPREHENSIVE PLAN

Comnick stated that they should vote to turn over township zoning to St. Louis County. He believes that the PZ Commission should be suspended. He believes that within a year it will be gone anyhow due to potential changes in the county's comprehensive plan. He stated that the PZ Director currently makes his decisions on county input as it is. Brooks asked what do they gain from having local control. Comnick stated that Grand Lake Township is very happy with the county handling their zoning. Golen stated that he wants to see the pros and cons. Brooks stated that the ordinances are pretty similar and there are not many instances where the township is more restrictive than the county. Mr. Oswell stated that he would have for the township to give up control over local zoning. Mr. Gilmore stated that the decision should be made on how it will impact Canosia Township if it eventually becomes a town. Brooks asked if there should be community input. Comnick stated that the writing is already on the wall.

C. NATIONAL NIGHT OUT

There is little time to plan an event. Comnick stated that looking towards the future it might be a good idea to merge the 4th of July event with National Night Out. The board is in agreement that moving forward thought should be considered in focusing on National Night Out.

CORRESPONDENCE

- WLSSD Newsletter
- Department of Health Newsletter
- Town of Fredenberg Newsletter
- Caribou Lake Association Newsletter
- Solway Township Newsletter
- Ltr from SLC Planning and Development

MOTIONS TO PAY BILLS/ADJOURNMENT

Motion made by Brooks, seconded by Comnick to have the signing of bills to come after the treasurer's report in the agenda. Motion carried unanimously, 3 – 0.

Motion by Comnick, seconded by Brooks, to pay bills #19845 - 19889 (#19912 for the fire department will not be sent until receipt submitted) and MA-2018-08. Motion carried unanimously, 3 – 0.


Motion by Connick, seconded by Brooks, to adjourn the meeting at 10:48 p.m. Motion carried unanimously, 3 – 0.

Respectfully submitted,



Amber Madoll, Deputy Clerk
August 1, 2018

APPROVED:



Daniel J. Golen, Chair
August 1, 2018