

**Clearwater Township
Regular Board Meeting (Approved)
August 14, 2017**

The regular meeting & Public hearing for the Town of Clearwater was called to order by Scott Miller at 7:30 p.m. on Monday August 14, 2017 at the Clearwater Town Hall.

Board Members present: Chairman Scott Miller, Supervisor Bill Langenbacher, Supervisor Rose Thelen, Treasurer Jon Bigalk, and Clerk Jean Just.

Visitors as signed in: Carlos & Clara Lopez, David & Rose Lopez, Gary Fetterley, Chuck Derry, Keith & Barbara Theisen, Christine & Chuck Chastek, Pat Fisher, Michael & Kathy Pieper, John & Bonnie Schacherer, Karen Durant, Alicia O'Hare, Kristie Bigalk, Jamie & Tracy Albrecht, John Notsch, Jim Lee, Sharon Lee, Lee Fick, Shalynn Reid, Sue Heinsteine, Larry Schut, Bill Lee

After reciting the Pledge of Allegiance, Langenbacher made a motion to approve the agenda and the meeting minutes of July 10, 2017. Thelen seconded the motion. Motion carried unanimously.

Jon Bigalk read the Treasurer's report for July 31, 2017. Thelen made a motion to approve the Treasurer's report. Langenbacher seconded the motion. Motion carried unanimously.

Guest/Public Comment: None

Pat Fisher – Request to Appeal Previous Board Order

Pat Fisher approached the board to request an appeal of the Board's 2015 order to allow the division of one of the parcels allowed into two separate lots and move an entitlement to newly created parcel. Fisher indicated that she would like to change lot be from one 16 acre lot into two lots, one 6 acre lot and one 10 acre lot and move the building entitlement from Lot C to the second lot B. Fisher felt this was a better fit with the County Plan by keeping Lot C Resource land as intended. Thelen confirmed that the 64 acres would have no building entitlement. Miller questioned if they could move the lot lines from Lot C so that she could get two 10 acres lots. Miller thought the County would be more in favor of the 10 acre lots rather than one of them being 6 acres. Thelen mentioned there were lots that were divided along 104th & Huber that were not 10 acre lots and felt leaving more resource land would be better. Langenbacher indicated that they were already in and received a variance to go smaller than 40acres and now asking that we go even smaller. He did not feel this was in the Land Use Plan to go even smaller than what was already asked for. There was discussion as far as driveways and access for emergency vehicles indicating that the driveway would be a private matter whether it is on Parcel C or Parcel B1 or B2. Thelen stated that being the land use plan indicates it should be resource land she was in favor of the proposal in order to keep parcel C with no building entitlement. Miller asked what would stop them from asking for a building entitlement later. Fisher indicated that she felt that it was unlikely that would ever happen. Discussion on how they could create two 10 acre lots and if they could take property from Lot C to get that along with if we are setting precedence by allowing this when it is not in the Land Use Plan for future development.

Miller recommended that Lot B could be split into two 10 acre parcels with the building entitlement being moved from Lot C to the newly created Lot B. Langenbacher seconded the motion.

Discussion: Thelen indicated that she did not agree and felt that leaving the entire 64 acres of Lot C as resource land was more in favor of the land use plan.

Motion was carried 2 – 1 with Thelen opposed.

Shalynn Reid – CUP for Lightbody, LLC at 8265 179th Street

Shalynn Reid approached the board to petition for a Conditional Use Permit for a yoga/fitness studio to include wellness and nutrition education and possible massage therapy in existing commercial building. Reid indicated the building is located behind where the new Kwik Trip will be. Miller asked how many sq. ft. would be used by the business. Reid indicated 900 – 1800 sq ft would be used between the fitness studio and massage therapy.

Thelen made a motion to recommend approval of the CUP for a yoga/fitness studio. Langenbacher seconded the motion.

Discussion: Miller asked about parking and how many spaces. Reid indicated there are twelve parking spaces and she is also installing a bike rack.

Motion passed unanimously.

Carlos Lopez – 15931 Forsythe Ave – Variance Request

Carlos Lopez approached the board for a variance for an addition to home that already non-conforming. Lopez indicated that in 1991 they received a variance to build a garage closer to the property line than what was allowed. They were back again and received a variance to demolish and rebuild the cabin closer to the property line and road than what was allowed. They have decided to make this their final home and would like to make some changes in order to make the home wheelchair accessible. They are looking at turning the current deck towards the lake side into a four season room. When the deck was built the pier were built to handle a four season room, therefore they would not be doing any excavation work. The other addition they are looking at doing is a 10x12 expansion on the side of the home that would not be any closer than what the current home is. They would not be disturbing and existing footings. Langenbacher confirmed that they would be going any closer on the road side of the home.

Thelen recommended the approval of the variance of an addition to the home that is already non-conforming as long as they are not going any closer to the property lines than what was already granted. Langenbacher seconded the motion. Motion approved unanimously.

John Schacherer – 12460 Gunderson Ave – Variance Request

John Schacherer approached the board to request a variance to build a 36x45 shed that would be closer to the road than what is allowed and to be larger than the 1400sq ft that is allowed. Schacherer indicated that he would be removing the current garage and shed to build a new 36x45 shed on his property that is a back lot to his Sugar Lake home. Schacherer showed where the building would be located which is slightly closer than where the current building is. He indicated that he wanted to keep to the front side of the lot as much as possible to not hurt the trees that are there. Langenbacher noted that the current garage is about 65ft from where the current road is traveled. The board discussed that even though he is closer to where the platted road is, he should be able to meet the 65ft from where the traveled road is. It was noted that he is asking to build about 200 sq ft more than allowed, however, the next lot over is even larger than what he is requesting. Miller indicated that consolidating the garage & shed into one makes sense and he would not be encroaching on anyone.

Langenbacher made a motion to approve the variance to build a 36 x 45 building with the condition that he is 65 ft from the center line of where the township road is traveled and that he would remove the existing garage and shed. Thelen seconded the motion. Motion passed unanimously.

Guest Speaker – Alicia O'Hare, Wright County Water Resource Specialist, Wright County Soil and Water Conservation District

Alicia O-hare gave a brief presentation on the facts about Starry Stonewort. For additional information you can visit: www.maisrc.umn.edu/starry-stonewort

Issue with Land Locked property on Grover Ave NW

Just indicated that a land owner at the end of Grover Ave NW may be landlocked, however, since the road has not been surveyed it is not completely sure. The township has been asked if the road could be surveyed to determine where the road right of way is. Langenbacher made a motion to approve the

surveying of Grover Ave from County Road 7 to the end which is about 550ft. Thelen seconded the motion. Motion passed unanimously.

Hazardous Building Abatement – 16783 Fillmore Ave NW

Township attorney Mike Couri send some additional documentation for a resolution adopting an order to remove the building and the actual order that would need be approved in order to start the removal process. Once this is complete the order will be served on the property owner and then 30 day process would begin. Thelen made a motion to pass the resolution approving an order for abatement of a hazardous building pursuant to MN Statutes Chapter 463 for building located at 16783 Fillmore Ave NW, Clearwater Township. Langenbacher seconded the motion. Motion passed unanimously.

Langenbacher made a motion to assign building inspection services for Clearwater Township to Wright County. Thelen seconded the motion. Motion carried unanimously

Approval of Cartway for 12997 Gowan Ave NW

A cartway was built to allow access to a land locked property. In order for building entitlements to be granted the township needs to approve the Cartway. Langenbacher indicated that he had been out to look at it with Mike Ludenia and felt that the Cartway met the standards.

Langenbacher made a motion to approve the Cartway to the land locked property at 12997 Gowan Ave NW, Maple Lake. Thelen seconded the motion.

Discussion: Miller wanted to ensure the Cartway was turned towards the middle of the corners so that lights would not be shining on someone that would be coming down the road.

Motion passed unanimously,

Correspondence/Important Dates

- Quote for Utility Light in Parking Lot; Langenbacher received a quote from Wright Hennepin to put up a pole with a light at the far end of the parking lot for safety of people when coming and going at night. Quote was for \$543.75. Miller made a motion to approve the installation of a light by Wright Hennepin. Langenbacher seconded the motion. Motion passed 2 – 1 Thelen opposed.
- Estimate Central Applicators for roadside Spraying; Estimate for spaying of brush and noxious weeds was received for about \$250- \$300 per mile depending on material used. Board discussed what has been done in the past and rental of the brush boom at a cost of \$10,000 one year and \$5000 the next year not counting paying the person to sit in the cutter. Central Applicators can spray for brush and take care of the noxious weeds that we are required to take care of. Langenbacher indicated he had talked to Central Applicators and felt fall was a good time to spray and that in the end will save the township money on renting the brush boom. Langenbacher made a motion to approve \$2500 towards spraying this year and look at adding to the budget in the future. Thelen seconded the motion. Motion passed unanimously.
- MN Association of Townships District 7 Meeting/Election: August 30 @ 7:30pm; Bill plans to attend.
- Tax Forfeiture Properties – Board felt they did not have a need for any of these properties
- City of Clearwater Emergency Response Services Ordinance update; Email was received from Kevin Kress at the City of Clearwater indicating that the Ordinance is written such that it does not affect anyone in the City, Clearwater Township, or Lynden Township so long as the call is not associated with hazardous materials, the result of illegal activity, or arson.
- Applications for Local Road Improvement Program; Langenbacher and Just will look into this further

ROAD MAINTENANCE REPORT- MIKE LUDENIA

- *150th Street meeting with Shane @ Hakanson Anderson 8/17 @ 11am
- *Finished Bush cutting and inslope's in Rays addition, 150th & Huber
- *It was noted that Frontier ran a cable through the culvert on 150th street
- * 160th Street inslope work? Ludenia asked if we are ok to take out tree's, or how they would like to handle the inslope work near Lee Fick. Fick asked if the road was in the right spot. Langenbacher stated that in his

mind the road is where it is and that it would not be moved, he has been there for several years. Miller indicated that the road is a 24ft top and the trees are too close that we could take them out and replace them. Fick again asked about where the road is located and if they would be coming up onto his yard. Ludenia indicated he could check where the pins are, however, he is sure the road is where it should be and that he would not be coming up on the yard, he could just work on the inslope and just cut the tree's straight up like Wright Hennepin does to get the inslope work done. Fick indicated that the intersection is not safe and that people are going too fast around the curve. Miller asked Ludenia if he would check with Silver Creek about putting up an advisory sign like we had done on 140th street.

*Gravel Quotes 2018; Langenbacher made a motion to ask for gravel quote of Class one of 4,000 – 7,000 yards. Thelen seconded the motion. Motion carried unanimously.

Review of Bills: A motion was made by Thelen and seconded by Langenbacher to pay claims covered by checks #9949-9970 and eft 080817e, eft 081117, eft 081417f, eft 081417p, Motion carried by a unanimous vote.

With no further business to come before the board, Thelen moved to adjourn Langenbacher seconded the motion. Motion carried by a unanimous vote, the meeting was adjourned at 10:00 pm.



Jean Just, Clerk



Scott Miller, Chair

Date 9/11/17