

Regular Town Board Meeting Town of Gnesen

September 12, 2022

The bi-monthly meeting of the Town of Gnesen was held on Monday, September 12, 2022. The following officers were present:

Jon Nelson	Chair
Ed Franckowiak	Supervisor
Gary Juten	Supervisor
Sarah Blix	Clerk
Mary Bjorklund	Treasurer

The meeting was called to order at 8:00 p.m. by Chair Nelson. Board Members and ten residents stood and recited the Pledge of Allegiance to the Flag. Motion to approve the agenda was moved by Chair Nelson, second by Supervisor Franckowiak. All voted in favor.

Minutes of the August 22, 2022 Town Board Meeting was unanimously approved with a motion by Supervisor Juten, second by Supervisor Franckowiak.

Treasurer's report:

Balance for July 2022	\$566,975.88
Receipts for August 2022	+\$4,257.40
	\$604,233.28
Disbursements for August 2022	<u>-59,149.22</u>
Balance for July 2022	\$512,084.06

There were three outstanding checks for the month totaling \$971.10. Motion by Chair Nelson, second by Supervisor Juten, all voted in favor to accept the Treasurer's report.

DISCUSSION: Hanna Jurek was introduced to the Supervisors as she is interested in becoming the Deputy Clerk for Gnesen. Hannah is also the Deputy Clerk for Duluth Township and has been the Assistant Clerk for the City of Wrenshall. Hannah's role in the Township would be taking over as secretary for Planning and Zoning as well as managing the website and acting as back up for the Treasurer and Clerk in the event of their absence.

OLD BUSINESS:

Discussions with Mike Couri -Administrative Process for Enforcing Violations, Nuisance Ordinance, Communication Towers, CUP's- Nathan stated that he had reached out to Mike Couri regarding both the administrative fine ordinance and the nuisance ordinance. Nathan said he had questioned the need for a nuisance ordinance and why he could not just use the township ordinance to deal with problems as they arose. Mike explained to Nathan that trying to enforce a nuisance or building issue within the zoning ordinance is difficult because it won't hold up well in court. Mike said that in court the argument of grandfathering in could be used and it is hard to prove that to be incorrent. Mike said that a nuisance ordinance is retroactive and there is no grandfather rule. Nathan asked Mike if we could take the sample nuisance ordinance he had provided us and alter it to fit Gnesen's needs since much of it was irrelevant, to which Mike said yes. Nathan suggested creating a subcommittee to look at both documents and make changes to them so that they are relevant to Gnesen. Nathan said that Mike highly suggested having a nuisance ordinance. Chair Nelson asked Nathan to share both the nuisance ordinance and administrative fine ordinance with Planning and Zoning. At the previous Town Board meeting Chair Nelson had questioned the need for the verbiage in Section 4 of the Proposed Communication Tower

Ordinance that read, “*New Towers will not be permitted within a 5-mile radius of any existing tower, or within 1500 feet of existing residence.*” Nathan said he asked Mike and was told that the language should stay in the proposed ordinance as federal law states that only reasonable regulations can be added that don’t eliminate the possibility for communication towers to be added where they are necessary. The final question to Mike was can the conditions of a CUP be changed during a review cycle to which Mike said no. CUP’s are good forever and can only be changed if one of the conditions are not met or violated. CUP always stay with the property. If the CUP is not used in one year it becomes invalid. Mike suggested that instead of issuing CUP’s the township should be issuing IUP’s because Interim Use Permits have an end date and it would allow the township to reevaluate conditions and make changes as needed. Mike said that a lot of townships are issuing more IUP’s than CUP’s. Nathan brought up Suzie’s Greenhouse and the question of her splitting and selling the greenhouses. Nathan said that he does not believe that it is in the intent of the ordinance or of the CUP to allow her to separate the greenhouses from the rest of her property. Mike said that typically in residential districts you have to have a principal dwelling before you can start building other accessory structures and so breaking off the principal structure from the accessory structures (in Suzie’s case the greenhouses) you now have multiple structures without a principle structure which is essentially creating a little commercial zone. Nathan said he does not agree that they should be able to split the property. Supervisor Juten said that at the last Planning and Zoning meeting Dave Opack said that years ago when Suzie’s first started a permit was not required because it was considered an agricultural operation. Somewhere along the way that rule was changed by the County and that is why Suzie was asked to get a CUP. Supervisor Juten stated that although everyone loves Suzie’s Greenhouse we have to be careful because it will set a precedence and could create future issues. Nathan said the best option is for Suzie to either sell her home with the greenhouses or to rezone the area commercial. Chair Nelson asked Nathan to share this information with Planning and Zoning and Suzie prior to moving forward. Supervisor Franckowiak questioned if there was ever a greenhouse operation on that land prior to 1998 because if so then it would be grandfathered in. Supervisor Franckowiak asked Nathan to question the owners and others to see if we can get an answer for this question. Jay and Marcia Haller stated that the cell tower by their home was split from the residence and questioned what would happen with that CUP. Nathan said it is a different situation because the rules in the ordinance are different for greenhouses versus communication towers. Nathan said that according to our ordinance communication towers are allowed in any district with a CUP and that no house is required.

Short Term Rental Ordinance Update- Mike Couri provided his feedback to the proposed STR ordinance. Chair Nelson stated that the changes Mike suggested were as follows: Section B.7 – “*No other short term rental exists within 1000 ft of a dwelling being applied for short term rental use on riparian property and 300ft on non-riparian property and the Township has not met its cap of 40 short term rentals for the entire township. No other Short-Term Rental exists within 500’ on riparian property and 300’ on non-riparian property, measured from the dwelling being applied for Short Term Rental use to any other permitted short term rental dwelling. Unless the adjacent property is owned by the same property owner.*” Section E – “***Enforcement, Complaints and Substantiated Violations: It is in the best interest of the surrounding residents that complaints are communicated by the resident having a grievance directly to the Short Term Rental Property Owner and is addressed immediately. If the complaint is not addressed then the Zoning Officer should be contacted in writing using the official Short Term Rental Complaint Form and the complaint will then be investigated by the Zoning Officer and filed with the Town Clerk. First time substantiated violations within the 3-year permit cycle will result in a written warning to the property owner and filed with the Town Clerk. Second time substantiated violations within the 3-year permit cycle will may result in a second written warning to the property owner filed with the Town Clerk and a temporary suspension of the Permit whereas the Short Term Rental will not be allowed to operate for a period of 60 days starting two weeks after the on-the***

~~day the~~ written warning was issued, provided that such suspension will be stayed pending a hearing held on the proposed suspension if, within 5 business days after the written warning was issued, the property owner files with the Town Clerk a written request for a hearing before the Town Board regarding the suspension. In such case, the suspension shall not begin until the Town Board holds the hearing and affirms the suspension. In the event the Town Board does not affirm the suspension, no suspension shall be imposed. After the 1 year Permit suspension is up, a new permit will not be issued until all fines and enforcement penalties have been paid in full. Any person knowingly submitting a false complaint will be liable for all costs associated with investigation. Third time substantiated violations within the 3-year permit cycle may ~~will~~ result in revocation of the Permit for a period of 1 year and include a fine of ~~\$1500~~ \$700 in addition to all costs associated with enforcement and revocation of the Permit, provided that such termination shall not occur until a hearing is held on the proposed termination if, within 5 business days after the written notice of such proposed termination is issued to the property owner, said owner files with the Town Clerk a written request for a hearing before the Town Board regarding the proposed termination. In such case, the termination shall not begin until the Town Board holds the hearing and affirms the termination. In the event the Town Board does not affirm the termination, no termination shall be imposed. If a permit is terminated, no other short-term rental shall be issued to such property owner for a period of 3 years from said termination. ~~After the 1 year permit suspension is up, another permit will not be issued until all fines and enforcement penalties have been paid in full.~~ Any person knowingly submitting a false complaint will be liable for all costs associated with investigation.” And F.2 – In regards to “The owner or responsible agent must be able to respond in person to any complaint within 30 minutes.” Mike said that a 30 minutes response time is not reasonable and suggested changing the language to read, “Reasonable amount of time given the seriousness of the complaint.” Supervisor Juten said he would like to see the distance between STR on riparian be changed from 500ft to 1500ft. Sue Lyons stated that the distance was initially set at 1500ft for riparian but somewhere along the way got switched to 500ft. Sue said that the purpose of planning and zoning is to protect the neighborhoods. Kevin Middleton stated that he feels that STR’s are going to explode shortly and that Gnesen needs to work harder to regulate them because they are all going to become businesses. Joanie Vavrosky said she feels like Gnesen needs to start off more stringent and maybe relax the regulations as we see how STR’s are going to evolve in the township. Supervisor Juten said he would like to see 1500ft on riparian and leave 300ft on non-riparian. Chair Nelson agreed and asked Nathan if he could clean up the document before the public hearing. The public hearing was set for October 24, 2022 at 6:00pm.

Communication Tower Ordinance Update –The reconvened public hearing is scheduled for November 14, 2022 at 7:00 pm.

Exterior Lighting at the GCC- Sarah received a quote for \$2,200.00 from Electric Systems of Duluth to add three new lights to the exterior of the GCC. Supervisor Juten moved to accept the quote from Electric Systems of Duluth, second by Supervisor Franckowiak. All vote in favor.

Heated Shop – Jody is working on getting a quote for insulating the garage.

Dead End Sign on Turner Road – St. Louis County will install a No Outlet sign on Schultz Lake Road facing northbound traffic located just north of Locust Road to cover all the dead end roads in that area.

NEW BUSINESS:

Road grader operator’s road report- Jody stated that Tracey Road, Pioneer Road, Lakeview Drive and Sunshine Lake Road all need grading. Jody said that on W. Pioneer Road by Mirror Lake, where Cedar Drive Excavating just completed some work, some of the gravel had washed out and partially plugged a culvert.

Gnesen Community Center report- Sarah said that the Farmers Market/Craft Show that was held at the GCC on Saturday September 10th was a huge hit and a lot of people attended. Sarah said she heard a lot

of good compliments from shoppers/residents and requests for the event to return again next year. Sarah reported that the total funds raised was \$706.00. That included all vendor registration fees that were charged and the food sales from the kitchen. This money will be put in the new gym floor fund. Sarah said that she received a complaint from someone who was utilizing the playground at the GCC saying there were some soft spots and that she was concerned a child might fall through. Jody and Sarah checked out the playground and found several soft spots. Jody blocked off the questionable areas and did some immediate repairs to make it safe for the time being. Supervisor Franckowiak said he had checked out the playground as well and said that there are definitely some soft spots and that while repairs can be done, the playground is old and needing to be replaced. Chair Nelson asked if it was repaired and could get through the winter and be revisited in the spring to which Jody said yes. Sarah said she had reached out to Fredenberg for pricing because they just put in a whole new playground and that Fredenberg spent approximately \$40,000 for labor and materials. Kevin Middleton said he would volunteer to take down the existing playground and put \$1000 towards a new one. Sarah also stated that both emergency exits out of the community room are rotting a need work. Chair Nelson said that they definitely need to be fixed and gave Jody permission to move forward and do what is necessary to make them safe.

GCC Waterlines – Jody said it takes forever to get hot water in the kitchen and the bathrooms and that all the waterlines in the building are original so he got a quote from RJ Mehrman & Sons, Inc for \$14,360.00 to install all new pex waterlines form the mechanical room to the water heater and existing bathrooms and kitchen. Sarah also added that there are two bathrooms sitting empty at the south end of the building and that it would be nice to convert one of the bathroom into an employee bathroom. That price was also included in the quote from RJ Mehrman & Sons. Jody said he is working on getting a second quote.

ZONING OFFICERS REPORT: Nathan said that Dennis Campbell measured out Park Drive and currently the township maintains 450ft. Supervisor Juten said he also measured and got 450ft too. Nathan stated that the township would need to pass a resolution stating that we currently only maintain 450ft of Park Drive so that in the future we don't become responsible for maintaining anything more. Sarah will work on preparing a resolution to provide at the next meeting. Nathan said that he has gotten a call regarding 7049 Van Road. The buyer said that an addition was added but he believed a permit was never pulled. Sarah was also contacted by the potential buyer and had looked back at the records through 2018 and did not find a building permit for that address. Nathan said that he had explained to the buyer that since he bought the property then he inherits the issue so any fees would be their responsibility. Nathan said that 3x the building permit fee and 3x the variance fee will likely be required. Nathan will draft a building violation letter to submit to the home owner. Nathan said he also got a call tonight about a building going up on E. Van Road that was not permitted for.

CORRESPONDENCE:

Disbursement #15597 thru #15627 and 4 EFT's were read, approved, and signed for payment for a total of \$33,289.52 with a motion by Supervisor Franckowiak, second by Supervisor Juten all in favor to pay the disbursements.

No further business, the meeting adjourned at 9:33 p.m. with a motion by Chair Nelson, second by Supervisor Juten. No objections, meeting adjourned. (This meeting is taped for transcribing purposes only.)

Visitors attending the meeting: Marcia & Jay Haller, Sue Lyons, Dennis Campbell, Mike Polzin, Mike & Vicky Hamski, Joanie Vavrosky, Dick Delano, Kevin Middleton

Employees present Jody Cooke and Nathan Horyza. Employees absent None.

Upcoming meetings:

Planning Commission Meeting-September 19, 2022-7:30 p.m.

Town Board Meeting-September 26, 2022-8:00 p.m.

Signed: _____
Sarah Blix, Clerk

Mary Bjorklund, Treasurer

Jon Nelson, Chair

Date approved: _____