**Town of Gnesen Town Board**

**Proposed Nuisance and Administrative Enforcement Ordinance Verbiage**

**Public Hearing Minutes**

**February 27, 2023**

Employees Present: Jon Nelson, Gary Juten, Ed Franckowiak, Sarah Blix, Nathan Horyza

Members Absent: None

Others Present: Aaron Hildebrant, Char Kehoe, Wanda Taylor, Gunnar Johnson, Dennis Campbell, Stephanie and Bryan Grey, Randy and MaryJo Dulinski, Kathy Buran, Steve Franckowiak, Jeff Franckowiak, Kathy Watters, Matt Whiting, Kyle (and wife) Jensen, Pete Bergman, Carter Williams, Matt Thibodeau, Jay and Marcia Haller, Steve Tarnowski, David, and Gail Humes

Chair Nelson called the meeting to order at 6:00 pm and asked that everyone sign in for the record. Chair Nelson asked that everyone stand up and take turns making comments. Chair Nelson gave a brief history of both the Nuisance and Administrative Enforcement Ordinances stating that they go hand in hand with each other. Chair Nelson stated that the Administrative Enforcement Ordinance applies to how the township would deal with fines regarding the Nuisance Ordinance but also other ordinances the township has. Chair Nelson then opened the meeting up for discussion. Concerns that were brought forward from residents were nobody felt the township needs any more ordinances or needs to over police the residents. There were questions regarding who is going to enforce this ordinance. As for specific sections of the ordinance,

Letter I, *“Accumulations in the open of broken or unused metal, wood, lumber, cement, electrical fixtures, plumbing fixtures, building materials (but excluded building materials awaiting use and stored for a reasonable period of time for an improvement presently in progress on the same premises), discarded or unused machinery, household appliances, automobile bodies, trash, debris, rubbish or other material so accumulated, or items accumulated in a manner creating fire, health, or safety hazards.”* If it is on someone’s personal property, then why does it affect anyone else. Nathan said this section specifically deals with issues that are currently happening in the township right now.

Letter K, *“All other conditions or things that are likely to cause injury to the person or property of anyone.”* This section is written so broadly that it could encompass anything creating issues between neighbors.

Letter L, *“The outdoor keeping of non-farm animals which make habitual or excessive barking, howling, crying, whining, baying, or other detectable sounds which disturb the peace and quiet of adjacent or nearby properties or can audibly be heard from the property line. Habitual or excessive animal noises are those which occur repeatedly for a period of five minutes or more with a time lapse of 30 seconds or less between such noises.”* Neighbors will be against neighbors. Could cause a lot of court cases and it is hard to enforce. Animals cause a lot of noise at certain times of the day such as feeding times. We live in a rural community and should not be regulating this.

Matt Whiting said he sent the office an email concerning dogs on the road. Matt asked that his email be put into the records. Matt said there has been an uptick in dogs on the road and he is concerned about the safety of the animal and of drivers. Matt said people get mad at him when he is walking on the roads and they think it is his dog. Matt said he has a problem with dogs chasing deer, scaring kids, running on the roads and feels that it is sometimes hard to talk to neighbors about the issue. Chair Nelson said dogs chasing deer is illegal and people can contact the DNR about that. Matt stated that jumping right to law enforcement sometimes preempts the issue. Dogs on the road are a public safety hazard and authority from the township rather than law enforcement might help with the issue.

Bryan Grey asked if the township doesn’t have certain rules in their ordinance won’t the county pick up if they have those rules written into their ordinance. Chair Nelson stated that is not correct and that the County will not apply their ordinance to Gnesen Township unless we get rid of our own zoning. Bryan disagreed and said in both the Minnesota Area Township and the County Ordinance it reads as though the county will enforce their own ordnance when dealing with specific areas that Gnesen does not cover. Chair Nelson said a representative from St. Louis County attended a DAT meeting and said they will not apply any of their ordinances to townships who have their own zoning. Bryan said according to what he has read, Gnesen must be as restrictive as the county. Bryan stated that right now the intention of the township is to deal with certain areas in the township, however in five years there could be a whole different group of people on the board that looks at the ordinance differently. Bryan said he believes that the ordinance should not mandated across the entire township and if there are certain areas that need the ordinance they should be specified. Aaron Hildebrant said this ordinance would open pandoras box and believes there are already ordinances or laws in place to deal with most of the issues that have been brought up. Aaron said some of the issues mentioned are law enforcement issues not government issues. Aaron also questioned the use of the term “sidewalks” in the ordinance as Gnesen does not have sidewalks. As for the Enforcement Ordinance Gunnar Johnson said he felt $200 was a lot for a first offense and that sometimes a $50 fine to start and then progressively grow larger helps with compliance. Supervisor Juten stated that one of the reasons for these ordinances is to deal with some problem areas the township has. Nathan stated that he agrees with what residents were saying and that he was in favor of less rules in the Township. Nathan stated the township attorney said if the township doesn’t have anything else in place then we need to have this ordinance to be able to enforce legal action and if it is decided to keep the proposed ordinances then they could be tightened up to make them more applicable to the Township’s needs.

Supervisor Franckowiak made a motion to close the public testimony portion of the public hearing, second by Supervisor Juten. All vote in favor and the public testimony portion of the public hearing was closed at 6:58 pm.

Supervisor Juten stated that he believes the Nuisance ordinance is necessary, but not necessarily what is being presented and would like to see it go back to the subcommittee to be looked at again. Supervisor Franckowiak said he thinks the bulk of section 5 which deals with, *“Public Nuisances Affecting Peace and Safety,”* needs to be reworked and the entire ordinance needs to be more specific.

This meeting was recessed and will reconvene on April 24, 2023 at 6:00pm.

Respectfully submitted,

Sarah Blix, Clerk Jon Nelson, Chair

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Date Date