**Town of Gnesen Planning Commission**

**May 17, 2023 Minutes**

**Members Present:** Carter Williams, Pete Bergman, Matt Thibodeau, Kevin Middleton, Sherri Underthun, Joe Ferguson, Carol Jacobson, Dick Delano, Nathan Horyza; Zoning Officer and Sarah Blix and Hannah Jurek Planning and Zoning Secretary.

**Members Absent:** Kathy Buran

**Others Present:** Nancy Poppenberg, Mary and Gary Bjorklund, Dennis Campbell, Jay and Marcia Haller, Josh Wing

**APPROVAL OF AGENDA:** A motion was made by Joe to approve the agenda; seconded by Sherri. Carter asked to have subdivision application update added to old business. All vote in favor.

**APPROVAL OF THE APRIL 19, 2023 MINUTES:** A motion was made by Joe to approve the April 19, 2023 minutes, second by Sherri. All vote in favor

**CONTINUING BUSINESS:**

**Update on Subdivision Application:** Carter brought up that MN Power is working on subdividing the northern side of Island Lake from the Island Lake Inn to the river, and wanted to make sure if there was a subdivision application approved and ready to go, assuming they will have to be required to fill out an application, as was the process last time. Sherri was working on one, but then read somewhere that one was present to the Board by Nathan. After some discussion it was concluded there was some minor miscommunication. With feedback from Carter, and what Sherri already has, she will send the subdivision application to Nathan in PDF form for his input. Carter asked if it would be okay if the Commission can approve the application via email, so it doesn’t have to wait until the next meeting, incase MN Power inquires before the June meeting. Nathan questioned the rush of the application, given St. Louis County already has a subdivision application, after some discussion and some clarification, Carter made the motion that Sherri and Nathan get together and present via email a subdivision for the Town of Gnesen application, and we respond to that email by June 1st, seconded by Sherri. All vote in favor.

**Answer any Ordinance #10 questions and review-** There was some discussion on changing the verbiage of some definitions. Sherri made the motion to change the definition of vehicle and add a definition for unlicensed vehicle. And removing trailer from the definition of vehicle. Seconded by Carter, All vote in favor.

**Vote to send Ordinance #10 to the Town Board—** Carter made the motion to present this *(Ordinance #10)* to the Board to revise, seconded by Sherri, All vote in favor.

**NEW BUSINESS:**

**Old Fire Hall, 4507 Datka Rd Complaint –** There was a complaint that was brought to the Board, that there is an appearance that there is a business there at the Old Fire Hall. Witnesses, included members of the Commission have seen a number of commercial size vehicles there. With there being a written complaint, Nathan as Zoning Officer has to follow up, Nathan did before the meeting, he talk to Adam Jenson, who bought the property from Bradley Peterson; Mr. Jenson’s kids use the location to work on four wheelers and uses it for storage of personal vehicles. Mr. Jenson informed Nathan that he is not using as a commercial business, Nathan reminded him that it the Old Fire Hall is not zoned commercial, that is it in a residential zone district. Mr. Jenson understood, and that the Old Fire Hall location is used for storage. After much discussion, regarding how much involvement a Commission Member can have when it comes to the complaint, it was decided that a follow up letter would be the best action. Joe will draft a letter for Nathan in regards to the conversation that was had between Mr. Jenson and Nathan. Nathan never received an official complaint in regards to 4507 Datka Road. The complaint originally went to the Town Board, and the Town Board asked Nathan to check into it. Since it wasn’t a written complaint Nathan didn’t look into it. Hemlock Drive complaint, Nathan asked if the Town has heard back from the lawyer regarding the nuisance/administrative fine ordinance, if it was approved, Sarah did hear back from the lawyer, but there are a lot of changes, the Town Board will be seeing it on the Monday, May 22 meeting. So given the nuisance/administrative fine ordinance isn’t official yet, Nathan made the suggestion of waiting until the nuisance/administrative fine ordinance is in place, saying they aren’t going to get anywhere without having the ordinance completed, then it can be addressed and talk to the lawyer about what the next steps are.

**Schedule enforcement on commercial tower ordinance-** The commercial tower ordinance states that the tower is supposed to submit results every six months from independent test. The concern is that the company who owns the tower may not be aware that they have to get the test done and submitted to the Town. It was asked that Joe help draft a letter for Nathan to send to the company letting them know of the ordinance and requirements. The data would be collected and stored in a file for knowledge. Now if the tower company doesn’t comply, the FCC won’t allow the Town to turn off electric, remove the tower, stop wireless, or stop from building. All a Township can do is select where to build new towers and put guidelines in place, but they cannot a tower from being built. And if someone want to stop the build of a tower, they would have to look up the 1996 Telecommunication Act. Since the ordinance has been in place, Matt asked residents Jay and Marcia Haller if they have noticed any changes with the tower since the ordinance was changed back in the fall.

Mrs. Haller responded saying they haven’t been any recent changes since the ordinance has passed, but if they know when readings will be taken they can do check reading at their home, since they have been monitoring that off and on, and see if there is a change or a noticeable change. Mrs. Haller also suggested that there is a video from attorney Andrew Campanelli, about Townships and local government in regards to telecommunication, she offered to find the video and email it to the Commission, but it was suggested that it should go to the Town Board, because the Commission has done all they can do in regards to the commercial tower ordinance.

**ZONING OFFICERS REPORT:** Building permits are starting to pick up. Nathan gave an update on the action item, sending a letter to the Van Road Contractor, unfortunately there was not contact information on the permit, and Nathan was unable to find one. Nathan gave the Commission a heads up that the property that the Lake Effect Restaurant in on, they will be doing some heavy land alteration work. They will be submitting a land alteration permit, just an FYI if you see work going on. Dick asked about the rezone at that property, he was brought up to speed about what happened and at the public hearing the Town Board did not approve the rezone. Nathan also informed the Commission that there is a possible 3 variance that he has had calls on that people will probably be applying for.

 **BOARD MEMBERS REPORT:** Nancy informed the Commission that there will be a meeting on Monday, given this is her first P&Z meeting solo, she informed the Commission that next month she will be ready. Carter did help by mentioning that at the last Town Board meeting, it was brought to the Board that in the Ordinance, in the legal shoreland commercial description on page 97 there is the use of someone’s name in the legal description. And that the Board okayed to take further action on correcting this. Sarah talked to Dave from Alta Surveyors, and he will redo the description for the Town.

**PUBLIC COMMENT:** A resident wanted to discuss a comment that was made at the public hearing in reference to the new nuisance ordinance, the comment that was made was, that this nuisance ordinance could be used in favor of the another resident and their issue with the cell tower to reopen that issue. The residents concern is that the comment made at the public hearing could encourage manipulation of nuisance ordinance and could help to overturn and issue that has already been decided. The Town has spent 7 months, $3,521 in attorney’s fees, for the attorney to tell the Town there is nothing legally the Township can do. The resident felt the comment that was made at the public hearing wasn’t in good form, and improper, given that nothing legally has changed. Matt asked the resident if she owned the property that the tower sits on. The resident does not own the property that the tower sits on, but the resident is the Treasurer for the Town of Gnesen, and she feels the comment that was made at the public hearing gave false hope, and encourages the idea of manipulating the nuisance ordinance. Another resident was in attendance as well as spoke in reaction to resident A’s concerns. Resident B mentioned she was hurt by the comment, that her and her husband had nothing to do with the nuisance ordinance, that they weren’t in favor or the ordinance, and wanted to state that the Town Board did do a lot, in regards to the Commercial Tower Ordinance, but felt more can be done, which resident B is working on that now. Joe mentioned that the Commission drafted the commercial tower ordinance around everything the FCC would allow the Town to do. Resident B did make the comment that they did not bring up towers, and that they haven’t brought up towers since October. Carter recognized that, and stated that this issue isn’t up to the Commission, that it’s a Town Board issue. Sherri did mention that resident B have been at every meeting and all the work that was done on the nuisance and not once was it mentioned to reopen the cell tower issue. Resident A reiterated that is wasn’t resident B that made the comment. Discussion was had, stating that the object of the nuisance ordinance was to give teeth to issues like Hemlock Drive and Normanna Road, and nothing to do with the towers, and the comment that was made at the public hearing will be taken as a stray comment, and that is how the Commission to receive it. Resident A wanted to bring it to the attention of the Commission that is was a Commission Member that made that comment, and that is was drew her concerns. Matt stated that the ordinance is the ordinance, and what you want to use it for, you can apply it to anything you choose to or not choose to.

Before the meeting adjourn Nathan quickly mentioned that new deputy zoning officer didn’t work out. Nathan stated that for the past 5 weeks since hiring he hasn’t been able to do anything, and there has been a reason every single time. Nathan felt it was best to handle the situation now instead of further down the line. There was another applicant and Nathan will talk to him. There was a question if there was any more action done on the Normanna Road property, Nathan stated that he is waiting until the nuisance/administrative fee ordinance is in place. There was an email from Kathy, who was unable to attend, mentioning that Nathan Horzya take too long to get back to people about permits, specifically a permit for the Wing’s in her email stating that they waiting for Nathan. She wanted it to be mentioned. Carter did hear that someone construction project was on hold, waiting to hear back from Nathan, but was pleases to see in the report that they were granted their building permit. Josh Wing was in attendance, Nathan took the opportunity to state that the reason it’s taking longer to sign off on their building permit is because he wasn’t at their variance approval meeting, but he read it and wanted to confirm with the Commission, that the Wing’s were allowed to build in the exact footprint that was allowed before. So first, Nathan needed to confirm that, and second the footprint the Wing’s are proposing in the drawing does not match the foot print of the old structure. Nathan asked Mr. Wing, if he would like to discuss it with Nathan directly, or if Mr. Wing would like to go back to the Commission and ask for clarification or approval. With this being the first time talking about it, Mr. Wing asked to speak with Nathan directly. Nathan will reach out.

Next P&Z Meeting will be held on Wednesday, June 21, 2023 at 7:30 pm.

A motion was made by Sherri to adjourn, with a second by Joe. All voted in favor. Meeting adjourned at 8:28 pm.

Respectfully submitted,

Hannah Jurek, Planning and Zoning Secretary Matt Thibodeau, Planning Commission Chair

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Date Date