

**Town of Gnesen Planning Commission
January 17, 2024 Minutes**

Members Present: Carter Williams, Pete Bergman, Sherri Underthun, Carol Jacobson, Matt Thibodeau, Joe Ferguson, Dick DeLano and Kevin Middleton and; Rick Hogenson, Zoning Officer, Mike Polzin, Zoning Officer and Hannah Jurek, Planning and Zoning Secretary.

Members Absent:

Others Present: AJ Jensen, Stephanie Gray, Bryan Gray, Jeremy Stolp, and Al Werner

APPROVAL OF AGENDA: A motion was made by Joe to approve the Agenda, seconded by Kathy. Discussion; Carter asked to add two items under New Business, first a request to the Board to contact the Commissioner of our district or the County about the hold up on the Hidden Falls Plat. Second discuss forming a committee to discuss the Conservation Plat Concept that is stated in the Comprehensive Plan. With those items added, all vote in favor.

APPROVAL OF THE December 20, 2023 MINUTES: A motion was made by Sherri to approve the December 20, 2023 minutes, second by Kevin. All vote in favor

Public Comment: Bryan Gray (RND Properties LLC) presented a CUP application to the Commission. RND Properties LLC are in the process of purchasing the Sportsmen Restaurant/Bar and with that, need to apply for a CUP since ownership is changing the Sportsmen would no longer be considered Grandfathered in. Mr. Gray stated that his plans are to update the interior to modernize and well as work on the roof and other structural work. The question was as regarding the septic system, Mr. Gray stated that the system there now is non-compliant, but he has three years to get into compliance, which he will do. He said he's working in phases, first phase is get the building structurally sound. In addition to what "Sportys" has he plans on incorporating items on the menu from his other business which includes pizzas and pastas to the menu. The question was asked if the restaurant/bar would be closed. Mr. Gray stated that they will work and remain open, there may be a time where they have to close but nothing more than a week is the hope. After discussion, Carter made the motion to hold a special meeting for the RND Properties LLC CUP on Wednesday February 7, 2024. Seconded by Sherri. Discussion, it mentioned that we need to make sure the Community Center will be available to hold the special meeting. An amendment was added by Carter to the original motion saying that if the room isn't available on February 7, that the meeting would be held either on February 6 or 8. With that amendment, all vote in favor.

CONTINUING BUSINESS:

Building Permit Verbiage Update: Mike, Rick, and Hannah worked on the verbiage in the Zoning Permit application. The intention is to add verbiage that landowners have a year to show progress. It's stated in the ordinance but no verbiage is stated on the application itself, and so the office wanted to be sure that its clearly stated on the application to avoid confusion. With notes back from the Commission, it was mention to add that a landowner can asked for an extension. So with that added, Carol made the motion to approve the Zoning Permit Application, seconded by Sherri. All vote in favor.

Bylaws for Planning Commission: Sherri, Carol, and Kathy worked in a subcommittee to present to the Commission bylaws to abide by as stated in the Ordinance. It was sent out a week prior to the meeting, so it was given time to look at to discuss. Sherri and Carol went over the documents with the Commission and minor changes were made along the lines of grammar and spellings. There was some discussion on bigger sections being taken in out. One of the most discussed topics was about membership and absences and who makes the call on how many meeting missed is too much. There was good feedback from the rest of the Commission. Not all read the information prior to the meeting. So it was asked of the Commission Members to read the document and it will be further discussed at next month's meeting.

Emerson Road Land Split: It was brought up at a Board meeting, and was asked to talk about it a Commission meeting, to clarify some confusion regarding 3566 Emerson Road. Owner of the property Jeremy Stolp was in attendance to help bring clarity to the situation. There was confusion on if there was accurate information and the paperwork given to the office was correct or incorrect. There was some confusion on lot sized from a recent subdivision application, a house that was supposed to be turned into storage. Rick started off by giving some background, stating that Jeremy owned a little over 30 acres with Emerson Road as the north boundary and Eagle Lake Road as it turns south, splits part of his property. Jeremy has since sold two portions of the over 30 acres, 10 acres on the east side, and another over 10 acres adjoining. The two acres previously mentioned have been recorded with Saint Louis County, and are no longer in his name. With the remaining over 10 acres Jeremy owns, he built a small house (first building permit) to oversee and be close to the big pole barn (second building permit) that was built, the third building permit was to build his current home close to the pole building. The newer house and pole building are further south from Emerson Road, away from the first, original home on the same property. The problem lies, that you cannot have two residents on one parcel in Gnesen Township. Jeremy signed an affidavit, notarize by Sarah, Town Clerk that said by June 1, 2023 he plans to have the construction completed and he would no longer need the first home he built and would turn it into a garage. What was causing more confusion, was an Alta land survey, it was quickly pointed out that the small house that was built first, was on a non-compliant lot. After taking a closer look, the lot in question is technically riparian because the lot continues on the lakeside of Eagle Lake Road. Now, when the permit was pulled to build the garage, Rick stated that he didn't know if enough due diligent was done, because looking at the Alta Survey, the garage isn't meeting the proper set back, and now creating a problem with a title company, a mortgage company, to move things around, to be able to record his land split. Jeremy took this time to speak, saying that he did sign an affidavit, talking with the previous Zoning Officer, in order to get a building permit he needed to sign one, in the conversation he asked to have until June 2023 so that would give him time to build his new home and convert the old home to a garage. His new home was finished and they were moved in in February of 2023, after having an appraisal done, Jeremy found out that he actually had enough property that he could split it. He could then keep the original house as a home, (on one parcel) and have his new home (on another parcel). So Jeremy met with the Zoning Officer at that time, filled out the Saint Louis County permit, Zoning Officer came out to the property, that is when it was realized that one corner of the garage is too close to the property line stating that it was an oversight, he didn't turn it the right way. Which resulted in doing a lot line adjustment with the adjoining neighbor, to meet the setback. The only thing that Jeremy is waiting on is partial release of mortgage from his mortgage lender for the lot line adjustment. With waiting on that, once the process is complete he will get everything recorded, he wanted to tell his side of the story and asked for some time, since he's waiting on a mortgage company based out of Michigan, and its technically his neighbors mortgage company so his hands are tied. Carter then asked the question, if it was Jeremy's intent to keep the original house, a house, so asking for relief from the document (the affidavit) that we have saved. Jeremy interjected by saying that that document (the affidavit) was null voided after having a discussion with the previous Zoning Officer when filling out the subdivision application. When meeting with Rick, Jeremy realized that there were a lot of documents and misinformation that was missed when the new Zoning Officers took over, good conversation was had between the two. Carter reiterated that, if Jeremy gets the mortgage release on the line split and the survey gets recorded with the County then everything is good. Rick reminded that the non-recording of those properties is the problem. Carter asked if 90 days would be enough time to get all recorded. Jeremy replied saying yes, his subdivision permit is only good until April 4, 2024. Sherri made the motion, seconded by Carter, to allow Jeremy until April 4 to get his land recorded and to make the affidavit null void with regard to tearing down one of the structures because it was on a non-conforming lot. Discussion: Sherri clarified by saying it's not tearing down, its conforming to a garage. Rick handed Matt a notice of violation in November 29, 2023 from Rick to Mr. Jeremy Stolp stating, "I'm contacting you as the Zoning Officer to inform you that I reviewed this permit and had determined that a violation has been taken place in your process as it applies to your permit". Rick handed it to Matt to have the notice of violation now null void because it is no longer relevant. Sherri accepts that as a friendly amendment to the original motion. With that, all vote in favor.

Cartway: This is another item that was brought up at the Town Board level and mentioned to be talked about at the Planning Commission meeting, it has to do with driveways off of a cartway. Carter suggested that a committee be formed to look at this in more detail. To come up with a reasonable solution for driveways coming

off of cartways within the ordinance for future development. Matt volunteered to be on the committee, along with Carter, Rick, and Sherri if possible.

Ordinance Changes: A short starter list was given to the Commission Members, they took this time to add a few more items to the list. It was table until next month.

Stewart Camp: A past summery was in the Commission Members packet to show that there has been correspondence with the “Stewart Camp” family. Mike is unaware of any new issues, just we keep circling the old issues regarding Stewart Camp. Carter suggested that Mike put together a summery list of all the violation to present to the Town Board. Matt asked the question; if there is a currant complaint, or a neighbor inquire? Mike answered by he was unsure why, but we can’t keep ignoring it, seeing this has been an issue dating back to 2009. Mike will bring something to the next Town Board meeting for the Supervisors to look over.

NEW BUSINESS:

Commission Member Terms coming up: Matt, Sherri, and Kevin terms are coming up, they were reminded and asked to think about it and come back with an answer on whether they want to be reappointed or not at the February meeting.

Storage Containers: Rick asked for guidance moving forward regarding storage containers. Upon further review of the ordinance storage containers are prohibited in Gnesen Township. With the interest of time and not enough information, the issue has been tabled for next month.

Administrative/Nuisance Ordinance Hearing Officer List- Carol discussed how in the Administrative ordinance there’s a place in there for hearing officers, and that the Town Board would like a list of possible names to submit to them for hearing officers. When working on the Administrative ordinance and talking about hearing officers, Joe mentioned at that time that ideally the hearing officer would be someone with some knowledge or background of the ordinance and rules. With that remembering that discussion, Carol made a list of some former Commission Members. More names were added some being currently Commission Members. At that point, Al Werner, a resident of Gnesen made the point that with former and currently Commission Members being considered for hearing officer, it would be a conflict of interest. Sherri made the suggestion that we put something in the newsletter stating that the Town Board is looking for people interested in being on the list for hearing officer.

A request to the Board to contact the Commissioner of our district or the County about the hold up on the Hidden Falls Plat: Carter asked that the Commission support the suggestion that the Town Board reach out to the Commissioner of our strict or Saint Louis County to find out that status is on the Hidden Falls Plat. Joe made the motion, seconded by Kevin, to recommend to the Supervisor’s that they inquire into the delay on the Hidden Falls Plat and its production by MN Power. All vote in favor with Carter and Pete Abstaining.

Conservation Plat Concept: The Conservation Plat concept, which is talked about in the Comprehensive Plan for Gnesen Township. Carter thinks time should be spent putting that into an Ordinance form, Carter will volunteer to be part of that. Matt also will work on that with Carter as well as Sherri, to the best of her ability. Sherri suggested Nancy join the group as well, if not her one of the Supervisors. She felt it would be beneficial and able to get direct information available. Nancy will think about it.

ZONING OFFICERS REPORT: Mike gave an update on Hemlock Drive. Letting the Commission know that he had a conversation with the landowner. Mike is also keeping a log of progress being done to relief the

situation. Mike is helping the landowner work on getting in compliance with the ordinance, but realistically no significant work will be done until the Spring. Rick gave an update on Normanna Road. He is keeping in touch with both the landowner, and the gentleman who was living there. Vehicles are being taken off the of property, they are working on a trailer, but with car troubles, and weather that hit a snag. But things are getting cleaned up and forward progress is happening which is good.

BOARD MEMBERS REPORT: Nancy Poppenberg had nothing to add, stating everything she wanted to discuss was already talked about.

CUP Public Hearing for RND Properties will be held on Wednesday February 7, 2024 at 6:30 pm.
Next P&Z Meeting will be held on Wednesday, February 21, 2024 at 7:00 pm.

A motion was made by Dick to adjourn, with a second by Kathy. Motion passed. Meeting adjourned at 9:00 pm.

Respectfully submitted,

Hannah Jurek, Planning and Zoning Secretary

Matt Thibodeau, Planning Commission Chair

Date

Date