

**Town of Gnesen Planning Commission  
December 18, 2024 Minutes**

**Members Present:** Carter Williams, Matt Thibodeau, Sherri Underthun, Kathy Buran, Carol Jacobson, Joe Ferguson, Dick DeLano, and Pete Bergman, Rick Hogenson, Zoning Officer, Mike Polzin, Zoning Officer and; Sarah Blix, acting as Planning and Zoning Secretary.

**Members Absent:** Kevin Middleton

**Others Present:** Nancy Poppenberg, Town Board Liaison; Jay Haller, Nathan Horyza, Deke Melone

**Approval of agenda:** A motion was made by Sherri to approve the agenda with the addition of Nathan Horyza discussion of Ulland's Oscar Pit under old business, seconded by Joe. All voted in favor.

**Approval of the November 20, 2024 minutes:** A motion was made by Sherri to approve the November 20, 2024 minutes, seconded by Carol. All voted in favor.

**PUBLIC DISCUSSION:** Joe questioned what is happening at the Old Firehall on Rice Lake Road. Mike said he had stopped by recently and talked with the owners son who was very defensive and verbally banned all Township personnel from going on their property. Mike said there have been complaints from neighbors and he feels like they are operating an illegal business on the property. Sherri requested a booklet be created and given to all Commission members regarding Ulland's Oscar Pit so that they can review and better understand Nathan's concerns. Carter questioned if this could be provided at the February meeting. Matt said he would like the record to reflect all the hard work that Carol and Kathy have done toward getting the CUP's straightened out.

**CONTINUING BUSINESS:**

**Ordinance Changes:** Sarah provided the Commission with a list of approved ordinance changes. Sherri commented that she thought CUP's and IUP's were already discussed. Carol clarified that in the performance standards chart there are several instances where Gnesen has listed either a CUP or IUP is required. At a previous Q&A session with our attorney, several of the commission members were told that Gnesen cannot have either CUP or IUP as an option but must pick one or the other instead. Carol mentioned that the Commission has learned a lot about zoning and now that they know more, the ordinance really needs to be gone through carefully. Carter said he would like to deal with the CUP/IUP issue more in depth and asked to take it off the approved list of ordinance changes until more discussion can happen. Sherri also mentioned that the shipping container ordinance should be on the list of approved changes. Carter agreed but said that the proposed ordinance needs to be cleaned up so when it is sent to the Town Board it is something everyone on the Commission is comfortable with. There was then discussion about the one free 150sq ft or less storage shed. Rick said he would like residents to still have to apply for a permit so that the township can keep track of the freebies. Regarding shipping containers, Carter proposed adding the verbiage, "existing structures that meet the storage container requirements will not be grandfathered in without a permit." Further discussion on proposed ordinance changes was tabled until January.

**FEMA:** The subcommittee had provided the Commission with a copy of their proposed FEMA ordinance verbiage for approval to send it forward to the DNR for their approval. Sherri questioned changing the abbreviation GTZO to Gnesen Township Zoning Officer so that when people read the ordinance they are not confused. After much discussion this was not approved as it is already spelt out in the definition section of the ordinance and the commission did not feel it was necessary to spell it out in each instance the abbreviation was used. Carter made a motion recommending sending the proposed ordinance to the DNR, second by Joe. All vote in favor.

**Feedback from St. Louis County Regarding Drone Usage:** A representative from St. Louis County Sheriffs Department will be attending the January 13<sup>th</sup> Town Board meeting to discuss this further.

**Cell Tower Expansion Request:** Mike said he reached out to Fullerton Co. for more specific proposed changes. Fullerton Co. said at this time they do not have that list available, but they should sometime in January. Mike will reach out to them in January for more information. Further discussion on this was tabled until the January meeting.

**CUP Updates:** Sarah said the Commission members who have been working on organizing the CUP's met with the attorney. The meeting was very beneficial. At this time there is no update because the CUP's are currently in review. More information on this topic to come at the January meeting. Nathan Horyza questioned CUP's vs. IUP's and borrow pits. He was told that existing borrow pits cannot be changed to an IUP but moving forward new borrow pits could be issued an IUP if it is decided to change the ordinance to read that borrow pits will be issued an IUP rather than a CUP. Deke said he had sent a request to Hannah to get a copy of Ulland's Oscar pit CUP but never heard back. Sarah asked Deke if he could forward that request to her as Hannah is out on leave. Carter also mentioned that during the CUP Q&A session, the attorney informed them that all subcommittee meetings are subject to the open meeting law and need to be posted, open to the public, minutes taken, and held in a public location. Sarah said moving forward all meetings must be set up through the office so that the appropriate postings can be done, and they must be scheduled in advance to allow the proper time to post.

**Yard Setbacks:** There was discussion about taking out the phrases, "side yard" and "rear yard" regarding setbacks and then adding setbacks from road frontage as this is an issue especially when dealing with lake properties. Rick mentioned that pages 32 and 33 in Ordinance #10 already deal with this issue. Rick said lake setbacks are also already listed out in the ordinance as well as road centerline setbacks. Carter said if the ordinance already covers everything then this discussion is done.

**Rezoning Rural Residential District:** At last month's meeting Sherri had proposed changing the Rural Residential Zone lot size from 9 acre minimum to 4.5 acre minimum. Nancy mentioned that she had brought this up at the last Town Board meeting and the consensus was that people who bought land in the Rural Residential Zone bought it for the larger lot sizes and privacy so at this time it will remain as is. Carter said unless there are inquiries that are brought up by the general public on this topic then this discussion is done.

**Stewart Camp Update:** Mike reported that he is still waiting on Jon Otterbein from St. Louis County to get back to him on the septic. Mike said he will reach out to Jon again, as will Supervisor Juten in an attempt for more information.

**Nathan Horyza – Ulland Oscar Pit Discussion:** Nathan said he received the meeting minutes that he had requested and reviewed them and had some questions for the Commission about Ullands Oscar pit. Nathan gave a timeline of events that he believed happened prior to the approval of the borrow pit. Nathan said he believes the pit is operating under the Ordinance and conditions that were in place in 1984 and then with new conditions that were added later. Nathan said the following:

- One of the conditions is that all equipment is supposed to be removed at the end of the season
- The hot mix plant is supposed to be portable, not permanent
- The pit has expanded beyond its original intent

Nathan said he is not about shutting the gravel pit down but wants to hold Ulland to their CUP conditions. Nathan also mentioned that if they are in violation of their conditions, this could be a good time for the township to change their CUP to an IUP. This will be further discussed at the February Commission meeting.

## **NEW BUSINESS:**

**Short Term Rental Permit Application/ Ordinance Change Proposal Form:** Rick discussed several changes that he is proposing to make to the short-term rental permit application. At the same time Rick discussed the new form that was created by the office which will be implemented immediately regarding proposed ordinance changes. The new form will keep track of ordinance changes and provide the Commission with a clear understanding of what is currently existing in the ordinance and what is being proposed. Rick said he will take what he is proposing for the short-term rental application and put it on the new ordinance proposal form and represent it at the January meeting. Sarah mentioned that moving forward no ordinance changes will be sent to

the Commission unless the form has been filled out and that this form will make for more effective, efficient discussion.

**ZONING OFFICER’S REPORT:** Mike – Attorney Andrew Tiede had requested more information regarding Hemlock Drive so that he can get the paperwork started. Rick – Duluth Urban Watershed said they have some ideas for how to handle the Hemlock Drive water issue. They also expressed some frustrations they have had dealing with the MPCA.

**BOARD MEMBER’S REPORT:** Nothing to report

**CORRESPONDENCE:** An email was sent to the office from John Grandson regarding Gnesen’s short term rental regulations and how John feels that his constitutional rights are being violated by requesting that a STR applicant must be a Gnesen homesteaded resident. Rick mentioned that Carol had researched many other towns including Minneapolis and Chicago and that they also have in their STR rules that the owner must be a homesteaded resident. Matt asked Sarah to respond to John and let him know that we appreciate his comments and that they will be noted for future consideration. Dick made a motion to accept Matts suggestion of Sarah responding to John, second by Joe. All vote in favor. Matt also made a motion to table this discussion indefinitely, second by Joe. All vote in favor.

Next P&Z Meeting will be held on Wednesday, January 15, 2025 at 7:00pm.

A motion was made by Carter to adjourn, with a second by Kathy. All voted in favor. Meeting adjourned at 8:35pm.

Respectfully submitted,

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Sarah Blix, acting as Planning and Zoning Secretary

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Carter Williams, Planning Commission Chair

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Date