

Town of Gnesen Planning Commission
May 21, 2025 Minutes

Members Present: Carter Williams, Sherri Underthun, Matt Thibodeau, Carol Jacobson, Kevin Middleton, Pete Bergman, Dick DeLano, Kathy Buran, Zoning Officer, Mike Polzin, Zoning Officer Rick Hogenson and Sara Rowe, Planning and Zoning Secretary.

Members Absent: none

Others Present: Nancy Poppenberg, Town Board Liaison; Loren and Brenda Stewart, Dan Schultz, AJ Jensen, Gary Juten, Randy Dulinsky, Jay Haller, Nate Horyza, Deke Melone, Judi May, Phil Bolf, Shannon Bolf, Mike Rowe

Approval of the agenda: A motion was made by Sherri to approve the agenda, seconded by Kevin. All vote in favor.

Approval of April 16, 2025 minutes: A motion was made by Sherri to approve the April 16, 2025 minutes, with minor typo correction, seconded by Carol. All vote in favor

OLD BUSINESS:

Stewart Camp – Mike was out last July, took pictures, inventoried assets. Purpose to get current assets as of that date. Intent was to say no changes going forward until appropriate zoning permits were issued. Since that time there have been other concerns about assets. Mike is convinced the family would like to correct inefficiencies with ordinances, time to be determined. Multiple owners is part of problem. Carter asked if there are two separate deeded lots. Mike said yes, both owned by same family. Four people are on the deed. Brenda stated one is deceased and will be removed from deed when they provide the death certificate. Carter asked for the violations from Mike. Mike said for that size lot campers are parked on the lot for more than 120 days. Procedure would be they are seasonal recreational campers and they are removed after 120 days. Following the ordinance the septic system would be something different than what would be in practice there right now. Most of the structures on the property have been in existence pre 1979 which is when we adopted our ordinance. It's valid that some of the structures down by the lake have been there a very long time prior to current ordinance being adopted in 1979. Carter asked so your concern as a zoning officer is the number of campers and the time that they are being used. Right, said Mike. They are not used 120 days, however, they are parked on the property. Carter asked, they are not just stored there. Carter asked if the septic that they are using, from previous discussions they are not legal. Mike said these septic are not adopted by the county or the state of Minnesota. Carol asked about the decks. Mike said the decks are not attached. Mike did not know when the decks were built. Sherri asked what the ultimate goal is. Mike said to get property under one ownership, get rid of all the campers. Carter said we can't do anything about the ownership. Mike said the ultimate goal would be one camper per that property for 120 days. Sherri asked if it could be built on if it had the proper septic. Mike said yes. He said one of the campers could be considered a year round dwelling if it was hooked up to a septic. You could have a second camper which would be considered an accessory dwelling and could be used for 120 days. One of them could be set up as a year round home and one would be the principle dwelling. One per the total of the property. The two lots together are one acre. Stewart family comments: Loren stated that he thought it was one camper per lot. Mike said one per acre. If there is a permanent dwelling, then there can be an accessory dwelling. Brenda said to go back 17 years when it started. They have been going over this for years. Letter from Aho, a previous zoning inspector, from 2018 that all the documentation was done and that should be it. Carter said everything that should be done was not done. Brenda said everything that Jack wanted in 2008 was done. He gave them five years. Outhouses, campers licensed, decks not attached. 2018, it was supposed to be done again, and in 2024, here we are again. Nothing is in writing until now. We don't have ability, money to do anything and until now we have a signed agreement dated July 11, Carter said that's only an agreement on the inventory that's there, and is in no way to be construed to be a grandfathering in on everything in that agreement. Mike said there was question about ownership and he approached Loren and Brenda and they said he could inventory that. I did not say they were grandfathered in, I said here is an existing inventory and they

agreed to the point that they cannot make any changes to the property without going through the permitting. Brenda said it was presented as a summary of inventory only. Rick said that's correct. Carter said the reason is we had no inventory of what was there 1970, so that agreement signed said that is what was there, so that gives a record moving forward of what there. We are trying to get together with you to meet the ordinance which is one principle dwelling and an approved septic and there is no approved septic system by the county. That's in violation of county regulations. Brenda said she is still waiting to hear back from Mr. Otterbein on that. She wants the records. She talked to him in October. The county came up and inspected the tanks and said everything looks good and we'll get back to you if we have an issue. Mike's conversation with Mr. Otterbein is that those tanks are not approved and he put it back on Gnesen to determine are these permanent structures or accessory or seasonal structures. The county wants us to define it because then they will go further with their own ruling. Brenda said it's not a septic. It's a holding tank that gets pumped every year. If Mr. Otterbein has an issue with it, she wants to see the record stating it. Sherri said the problem is permanence versus removable, so if one of the campers becomes a permanent residence, that has to have an approved septic. Brenda agreed and said, by the county. But, what Sherri was hearing is that none of those campers are used for primary residence for the property. They were all supposed to be able to be moved after 120 days. Carter said they have to be moved off the property after 120 days. Brenda said that is not what they were told by Jack. Carter said that is the way it is today. You have already exceeded the 120 days. Brenda said they would like to put a house and garage there with no campers. But can't do it now, and not able to retire now. They can't give a time line. Loren said the goal is to get rid of campers, drilling a well and putting in a septic and build a house. The other owners are an issue right now. Sherri asked if one of the campers could go away right now. Brenda said right now it can't be moved right away. It can't be done this summer. Mike said the camper has a 30 gallon tank. Could you have it pumped? Loren said yes, Brenda noted the cost of pumping it. We could. The tank is 300 gallon tank pumped one time. We can get rid of one camper and discuss with other owners, its kind hard to tell one to leave. Kathy comments she has been on board since 2008, and she remembers in 2008 about gentlemen's agreements. Since 2008 the family has delayed things. Brenda said Jack came up every year starting in 2008 for five years. Then Aho, same thing. Nothing in writing. 17 years of harassment. Kathy said it doesn't seem anything has been done. Brenda disagreed. Loren said we have done everything. Carter said except for move the campers. Brenda said they were told they didn't have to move the campers. They were told once you take a camper out you can't bring another one in. Carter said leased land or private is not our issue. What he heard from Jack was if on deterioration that they would not be replaced. Carter said all the owners are equally responsible. Sherri asked how often Texas people come up. Brenda said in June. Joe said so they reside here in summer and they need to be responsible. Joe said we have thousands of owners who own property here and they are all in compliance except for Stewart Camp. You have 3 issues; the ownership issue, trailers on that property that have to go. And you have a septic system that is not approved by St Louis County. Loren said that they can get rid of the tanks. Joe said you can have a mound system or a drainage system, one of the two. Loren asked why would we have that when we have a camper with a holding tank. Joe said he didn't know. You have to ask Mike. But those are the three issues. The committee spent an inordinate amount of time trying to accommodate you. We get the runaround. Brenda asked for records from last meeting. She said there are others that are not compliant, mentioned Island Lake Reservoir. Sherri said that is why your property came up. Somebody wanted to do what they are doing and their property was brought up. We can only deal with one problem at a time. Carter asked about two lots in question that are nonconforming but grandfathered in for one principle structure per lot. Mike agreed. Carter said so that means they could have two campers year round so long as they have an approved county septic system. He didn't know if it was one system per lot or one for each. The county makes that decision. It's up to the owners to go to the county and get that information. We can see a path for two campers, one on each lot and the other two being removed at some point..the sooner the better. Carol asked if they have two lots in existence and they don't need to follow the one acre rule, can they have two permanent, can they have one accessory for each permanent. Sherri said yes. Carol then said so you could have four campers there but two would have to be removed after 120 days. Nancy Said that two of the campers were manufactured in 2008, one in 2009 and one in 2011 the campers have been there since 2008. Brenda said she did not say that they have all been there since 2008. She said Jack started coming up in 2008 and the campers that are there are pretty much the same. They were done with Jack until 2016. Then they got Mr. Aho. Kathy mentioned the electrical with hanging wires. Brenda said they got that done. Loren said there is a box the campers plug into. Sherri, asking Gary and Kevin, said her understanding is they could have an official approved holding tank .Gary or Kevin said you can't share holding tank for each lot, but it can be shared with campers. Loren said if he is going to do a mound system he is going

to do it the right way the first time. For the campers. For the RVs it's already got a 30 gallon holding tank so they can get somebody to pump it out. They can get rid of the other tanks. Sherri said we are trying to come up with a solution. She was under the impression that you could share a septic system. Kevin said no. Loren said they are not up there much of the summer. Sherri said that doesn't matter what matters is trying to get you in compliance, the main issue is the septic problem. If we put in the appropriate design and accepted by St. Louis county one camper on each lot, then you can have the other two on the lots for 120 days once a year. Then they have to be removed. That takes the family out of it. It takes all the other problems out of it. This is the way to go. Sherri made a motion **that they get the appropriate septic system for at least one, maybe two so they have a primary on each lot. It's not really big enough for much more than a holding tank, but we have to ask the experts.** Carter said the county is the one who will determine that. Rick asked can they put in a holding tank that is step one for an approved septic system. Gary said yes. Sherri said they could charge family member two thirds of the cost. Loren said two campers per lot changes the whole ballpark. Sherri said it takes the pressure off. Carter asked for repeat of motion. Sherri said the motion is that you put in a minimum of one appropriate or accepted by St Louis County approved septic and or holding tank system for one camper. Somebody not recognized by the chair asked by when, then another asked the same question. Then Brenda said she wants to hear from Mr. Otterbein. Sherri said he is not going to get back very timely. Brenda said she will go to his supervisor. If this was illegal, they should have told us in 2018. Carter said he wants to state the motion correctly...**that you have a septic system provided for principal structure on each lot, and whether they do that on one system or two, as long as it is approved by the county it doesn't matter, and the other two campers can be used as accessory structures and removed after 120 days.** Sherri said no, a minimum of one septic because she does not believe they need two systems. Joe said what he would like to see is some evidence from St. Louis County saying that whatever septic system that they want to put in is approved and a specific date that we would want that information from the county. Sherri proposes to change the motion **to have ST. Louis County come out and they would get a design for a septic system that would allow them to hook up to their camper and move forward with their building.** You don't have to do the system for both lots for campers, but if you do it for both lots then you can have four campers. So, minimum of one septic system designed. Gary said you need one for each lot. You can have a holding tank. Loren said we have an RV with a holding tank in it that we can get pumped out. Carter said it's not a principle structure and it has to be removed. Dick said he wants to clear that the owners have to get the design to the county. Gary explained to Loren the process. It would be an in ground tank. Sherri doesn't know how long the process is right now. Kevin thought it could be done in a month. He said the design has to be approved and inspected by the county. Loren asked if the holding tank has to be hooked up to the camper. Kevin said if he wants to keep the camper there. Brenda said she wants to hear back from county. Kevin said it's not going to happen and they are wasting their time. Joe asked if they could hire a contractor to come out in the next two weeks. Brenda said no. Joe said make a call. Gary said he could get names but for him would be a conflict of interest. The Deputy Clerk could get the number to Gary.

Sherri again rephrased the motion to **that one of the campers have an approved ST Louis County septic system design by July 1. That you have that in place and installed by October 1, 2025.**

Carter seconded the motion. He said that allows them to have one permanent camper structure on one lot and one camper on that same lot that becomes the accessory structure. Sherri said we have to vote on the motion, then we can have discussion. There was a question about the time line .and another question about the two lots being combined. It was inaudible to the Deputy Clerk who made the remarks, as there was movement at the table. Kathy had a question of what happens when nothing happens. Sherri said they start to be fined because they are not in compliance. Joe wants to see a letter from contractor saying that the Stewart family is contacting me and I am working on the project. Sherri said that is what the July1 requirement was for. Joe said we can't control St Louis County time line. What we can control is a timeline that we give these folks to hire a contractor. He wants to see a letter that they are doing something. Sherri said she is going **to amend the motion that they have a contractor set up to put in a septic system approved by St. Louis County by July 15, 2025 so we get a letter back from a contractor by July 15th, 2025.**

Carter said Mike can communicate that to them in writing. Joe asked of clerk could draft a letter to Stewart family. Carter said he didn't think that is reasonable. It will be sent Certified by Mike. Rick said Sara is still waiting for the motion.

Sherri's motion is **the Stewart Family will hire a septic designer and that designer will have an approved septic system for at least one camper. A permit is to be applied for by July 15th, 2025 and a contractor hired to install the system prior to October 1st, 2025.** Carol asked if we are just addressing the septic issue right now. Carter said yes. Mike asked if we could use leverage by saying they can't come back next summer if the septic isn't done. Carter said no. We can't tell them they can't come back to their own property.

Carol was concerned about the time line. She asked if that is a problem. Kevin said you could find a contractor to do it in that time. Gary asked about financial problems. Carter said it's not an issue.

Motion passed.

Mike mentioned good chance it's not going to get installed. Carter. Then they will be faced with fines. It is not something brought on today. Joe suggests in a letter that if they fail to comply with provisions set forth they are subject to being fined pursuant to whatever ordinance. Somebody in audience suggested a copy of the ordinance number so it is in their hand. It would be a certified letter going to all family members, property owners.

David Humes –regarding the Normanna Rd property- last Supervisors meeting Rick said he is prepared to sending notice of violation. This board now knows. He attempted contact on property and got no contact. He called Mr. Humes before this meeting and Mr. Humes said he intended to comply. His letter is ready to go on Monday, just to notify the board that it's being done. Randi Dolinsky was asking how the complaint got started. Rick said his name was on the complaint. Rick believes we don't have to sign a name on the complaint, and there is disagreement on that from the board. Carter said the board has instructed the zoning officers that if they are riding anywhere in the township and they see something they do not need a complaint to follow up on something. This is visible from the road and they don't need a signed complaint. Randy Dolinsky disagreed with that. Carter explained there was a house being rebuilt previously with no permit. Question brought to board what should be done and that was the determination. Randy though we should be lightening up.

Cannabis Ordinance – Matt said most of work was done. He made some edits. He gave it to Carter or he thought he did. Carter said it was given to Sarah Blix. He does not have it. It was Rick and Sherri's work reviewed by Matt. Carter asked if everybody read it but it has not come out. Carter recommended tabling until next meeting. Carol asked about the 30 day rule in the county ordinance. Did they discuss how many licenses? Inspections. Sherri said they would be limited to one license at the most. Carol wasn't sure about that. Carol asked about the farming part. Sherri said they didn't have a meeting. They made some changes to the county ordinance to bring it to everybody and she doesn't know what happened to it after the last meeting. Carter said it is being tabled til next time and that Sara get a hard copy and not emailed. Clerk mentioned she did not believe anyone in the office got a copy of it. Sherri disagreed and asked Matt if it could be emailed to Deputy Clerk. Sara R. Carter asked for a hard copy.

Gravel Pit Review Carol reviewed each the CUPs under St Louis County Ordinance 35, Section 10 because we don't know what the ordinance says for each CUP. Sara collected old zoning ordinances that they operated under and we have a book that we can send out upon inspection. We can inspect what is in their CUP. Sherri asked didn't we shorten up these already. Carter asked aren't these supposed to get sent out to the operators and they answer them individually. Carol asked is this what we want. Carol said you need to look at one of them and decide. Sherri said that we don't have question number 22 and that rather underneath the signed zoning officers present and we would just sign. Carol confirms remove question 22 from all documents and put lines for signatures. Sherri moved that these changes be accepted. Seconded. Get them to office to Motion carries.

Hemlock Drive Mike said two dumpsters were delivered and filled. Scott says he needs it hauled off. Fink said yes, he could do that. Mike is satisfied he is complying.

Ordinance Update: All those from last month were approved by the Board except the road setback one.

NEW BUSINESS:

Changes to open meeting law: Carol provided a link to the State website but it didn't go through. In 2024 there were changes to law. We will bring a hard copy to next meeting. There are possible changes to electronic meetings. It shut down after COVID and is opening up again.

Carol asked to consider training for this fall. Sherri agreed. Nancy said she would take to board. Carter mentioned that when we have a committee that is assigned from this group that all meetings must be done in a public hearing. Carol said yes, subcommittees fall under the open meeting laws. Carter then said so the cannabis subcommittee meeting would have to be an open meeting. Carol said yes, we have to post it and keep minutes for an official record. Carol also stated changes were made about the public talking at meetings.

STR Question- Rick thinks his questions were answered. There was an inquiry about Shore Line residential. Can they have it there? Also a question about shoreline verses residential. What zones are STRs allowed in? We are treating it as riparian because there is already one STR in the area. But is commercial property different. Kevin said it has to be treated differently. They are paying commercial taxes. Rick said it is not in the ordinance. Rick said all that discussion preceded him. Nate Horyza said he told someone when he was in the zoning office he told someone that since it was commercial he would be treated differently.

Variance For Cabin Build – The James Willette variance hearing was put on the calendar for June 18, 2025 at 6:30 pm. The Deputy Clerk will get the application emailed to Zoning Commission. Applicant to be notified that commission members may be going to the property for a site visit. He is to be asked if he wants them to call and set up an appointment for that.

Audience Comments- None

ZONING OFFICER'S REPORT: Nothing more to add.

BOARD MEMBER'S REPORT: Nothing new to add.

CORRESPONDENCE: None

A motion was made to close meeting and seconded. It passed. Meeting was adjourned at 8:35pm.

Next variance meeting will be held May June 18, 2025, 6:30pm.

Next Planning and Zoning meeting- June 18, 2025, 7:00pm

Respectfully submitted,

Sara Rowe, Deputy Planning and Zoning Secretary

Carter Williams, Planning Commission Chair

Date