

Royalton Township Regular Board Meeting Minutes

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29 June 2021

Approved

7:46 p.m., 29 June 2021, Chair Wayne Olson called the Royalton Township regular board meeting to order, with Supervisor Marshall Pearson, Supervisor Jeff Schlaeger, Treasurer Wendy Tchida, and Clerk Duane Swanson present. Road Superintendent Dan Saumer, Zoning Administrator John Kemen, Septic Administrator Amy Thompson, and Deputy Clerk Priscilla Schneider also attended, along with members of the planning commission and members of the public. The pledge of allegiance was recited.

Supervisor Pearson moved, Supervisor Schlaeger seconded, to approve the agenda as presented with the addition of 12254 Farming Road and speaker system. The motion carried unanimously.

Supervisor Pearson moved, Supervisor Schlaeger seconded, to approve the minutes of the regular board meeting of 25 May 2021 as presented. The motion carried unanimously.

Treasurer Tchida gave her report, noting that the township has a balance of \$380,110.54 in the treasury. Supervisor Pearson moved, Supervisor Schlaeger seconded, to approve the report. The motion carried unanimously.

Supervisor Pearson moved, Supervisor Schlaeger seconded, to approve payment of checks #10051-10079 in the amount of \$9,861.53. The motion carried unanimously with Chair Olson, Supervisor Pearson, and Supervisor Schlaeger voting "aye".

Public Forum was offered. No one spoke.

Planning Commission recommendations:

Kyle Bowman was present to discuss his request for a land split of 10.01 acres from PID 29.0048.000 (owned by Theodore Surdey) and its attachment to PID 29.0048.001 (owned, in part, by him). He submitted a Kroschel Land Surveyors, Inc., survey dated 28 May 2021 detailing the boundaries of the relevant properties. Because the requested parcel is directly behind Mr. Bowman's existing parcel and will be combined with it, Zoning Administrator Kemen expressed his approval. Because the attached parcel will not have a septic system, no soil borings were required. Chair Olson moved, Supervisor Pearson seconded, to recommend approval to the board with the condition that the new parcel be combined into one PID with Mr. Bowman's current parcel and that the clerk be authorized to file this action with the Pine County Land Department. The motion carried unanimously.

The amendment to zoning ordinance regarding road frontage remains with the planning commission.

The board discussed Mark Karpe's alternative animal project and the planning commission's request for direction on this issue. By consensus, the board asked the commission to continue

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to work with the requestors on this issue with the understanding that any proposal shall follow the ordinance as currently written.

The board then considered the commission's recommendation to approve, with conditions, Dale Heidelberger's conditional use permit request to construct and operate a restaurant. Chair Olson noted that draft #3 of the findings of fact includes a five foot by ten-foot sign, that this is larger than the current ordinance permits, and that previous conditional use permits have limited on-premises signs to four by eight feet. Mr. Heidelberger noted that State Highway 70 is a high-speed road, unlike other signs permitted with conditional use permits and that smaller signs may not be visible. After extensive discussion the board decided, by consensus, to remain with a four by eight-foot sign. Supervisor Pearson reminded Mr. Heidelberger that the board is trying to move forward with this project and that the board realizes that certain plans and drawings cannot be reasonably completed without giving preliminary approval. Supervisor Schlaeger moved, Supervisor Pearson seconded, to approve draft #3 of the findings of fact and decision with the following two changes: 1) that the size of the on-premises sign be reduced to four (4) feet by eight (8) feet; and 2) that the following phrase be inserted in the last sentence of the decision: "and on the condition of receipt by the Town of the lighting plan, building blueprints, and septic plan by 29 June 2022." The motion carried 2-1, with Chair Olson voting "Nay". Chair Olson explained that his vote was based on the fact that Mr. Heidelberger's previous conditional use permit of 11 February 2013 required him to monitor noise, to have the sound tested by decimal readings during his rodeos, and that no such reports have been submitted to the town.

Roger Teich was present to discuss his request for a land split of Brandon Teich's property at 9003 Wildflower Road (PID 29.0112.000). He noted that he had been working with an attorney. The board requested that his attorney provide specific documentation on the request to the board. Zoning Administrator Kemen noted his approval for combining that portion of the split with PID 29.0110 .000 in order to guarantee access to the back parcel removed from PID 29.0112.000.

The board then noted the planning commission's divided recommendation to grant a variance to Justin and Marta Asher to move an older than permitted mobile home onto their property. Mr. and Mrs. Asher were present to answer questions about their plans and to request a five-year variance with guaranteed removal after that period. Mr. and Mrs. Asher were given the formal application for a variance. The board reviewed the ordinance language on variances. Supervisor Pearson suggested that a legal agreement permitting such a temporary mobile home may be a better solution than a formal variance. By consensus, the board re-referred this issue to the planning commission for further study.

Chair Olson moved, Supervisor Pearson seconded, to approve Resolution 2021-7, Resolution Authorizing Summary Publication of Ordinance 2021-01, the solar energy ordinance, and declared that the summary language adequately informs the public of the intent and effect of the ordinance. The motion carried unanimously. A copy of said resolution shall be part of these minutes.

Old Business:

Roger Teich was present to ask what was wrong with the septic system at 9003 Wildflower Road. He was told that it fails to protect ground water and that a septic design by a licensed sewer inspector must be made to upgrade or replace the system. He noted that Inspector

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Shannon Boettcher had approved the system. Royalton's Sewer Administrator Thompson and Zoning Administrator Kemen, along with Inspector Boettcher, had reviewed the current status on 26 May 2021. All three concluded that the system fails. Mr. Teich strongly disagreed with the location of the test borings because one was too far from the trenches. Administrator Kemen reminded Mr. Teich that boring within the trenches would compromise the current system and require its replacement. Mr. Teich continued his objection speaking directly to Administrator Thompson. Chair Olson called for order, informed Mr. Teich that civility would be restored immediately or he would order a deputy sheriff to be called, and that comments needed to be addressed to the chair.

Mr. Teich then asked how to proceed with the septic system on his property at 11367 Wildflower Road. He recognized that the existing system was noncompliant. Chair Olson asked Mr. Teich to work with Administrator Kemen on both the septic and building issues regarding that property, and Mr. Teich agreed.

Regarding the septic situation at 1238 Sherwood Street, Administrator Thompson noted that an application, design, and permit had been received today but that the installer would not be able to complete the system by the board-imposed deadline of 1 July. Administrator Thompson recommended that the board extend the deadline to 1 September for full completion. The installer thought that would be a realistic deadline. By consensus, the board agreed to this limited extension.

Regarding the septic situation at 3546 State Highway 70, no response has been received from the board's first point-of-sale compliance letter. By consensus, the board agreed to send the second letter by certified mail with an invitation to attend the July board meeting.

The board reviewed the draft letter to property owners whose property has been put on the market, notifying them of the need for a septic compliance inspection before the sale can be finalized. By consensus, the board endorsed the draft language as well as approving the publication of a similar notice on the town's website. Regarding compensation to Sewer Administrator Thompson for attending required meetings, Chair Olson asked the board to think about this issue for later decisions.

No response had been received from the owner of 3623 State Highway 70 to legal counsel's letter requesting information or attendance at this meeting. By consensus, the board authorized continued discussion of this issue with counsel.

Karla Trammel was present to update the board on the excess vehicles on her property at 4201 State Highway 70. She noted that she has not been on the property since the summer of 2020, that a second mediation session with the present occupant in March resolved nothing, that the occupant was not leaving the property, that a pre-trial hearing is scheduled for August with a projected court date in October. Ms. Trammel again expressed her wish to regain control and clean up the junk vehicles. Chair Olson asked if there was anything the board could do to assist and requested Supervisor Pearson and Clerk Swanson discuss this issue with counsel.

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No response had been received from the owner of 1702 Royal Heights Lane regarding the need for building permits for the manufactured home brought onto the property. Chair Olson moved, Supervisor Schlaeger seconded, to send a second certified letter. The motion carried unanimously.

According to the county land website, the parcel at 1677 Greeley Road has not been split. Clerk Swanson noted that the property owners had filed the paperwork with the county and were in negotiations with the Pine County Land Department to effect this split. Chair Olson asked Zoning Administrator Kemen to intervene with the county.

Supervisor Pearson reported on his discussions regarding the campers/trailers on Riverbed Road. Dan Erhart, listed as the primary taxpayer, has a contract for deed on the property, but he cannot reclaim it. The contract for deed holder is trying to sell, but the occupant may not leave. It is not a buildable site, although it apparently has some septic facilities on the property. By consensus the board authorized Supervisor Pearson and Clerk Swanson to discuss this issue with counsel.

In other old business, Chair Olson thanked Road Superintendent Saumer for his help in compiling the list of road updates scheduled for 2021; Deputy Clerk Schneider reported that the chloriding company is behind in its work and may not get to chloriding Maple Shores Drive until July; Supervisor Pearson is trying a third time to get the playground installer to finish the promised upgrades.

New Business:

There were no new zoning issues.

Chair Olson moved, Supervisor Schlaeger seconded, to authorize Clerk Swanson to apply for funds under the American Rescue Plan Act. Royalton may be entitled to as much as \$130,000, although the uses are more restricted than the CARES monies previously received. The motion carried unanimously.

Tom Madison was present to express some concerns related to his property on Frost Drive (T-21): 1) the condition of Frost Drive was terrible this spring, is it scheduled to be graveled in the future; Shafer is responsible for some of the degradation; Mr. Madison suggested that a MnDOT contact may be able to help - Duane Stenlund, at 612-810-9409; 2) an old boat on a trailer is parked (supposedly) on the right-of-way; can this be investigated; 3) Chris Wurm's gravel pit conditional use permit has not been used in over a year; top-soil is being exported and the land is not being reclaimed; and 4) Wayne Lerbs's mining conditional use permit does not appear to be following the dust control requirements or the reclamation requirements, in addition to exporting top-soil. Mr. Madison showed photographs documenting these issues. Chair Olson noted that Frost Drive is scheduled to be graveled in 2023, and according to the new schedule not again until 2027. The other issues will be investigated by the board and/or planning commission.

Administrator Thompson updated the board on the septic situation at 12254 Farming Road. Today, she received a application for permit, design, and payment. The installer (R&G Wiener Construction Company), as of 29 June 2021, is not licensed to install a Subsurface Septic Treatment System in Minnesota and neither is the individual (Dwain Wiener) who submitted the

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check. Chair Olson moved, Supervisor Schlaeger seconded, to approve sending a letter of non-acceptance of the permit to the property owners. The motion carried unanimously.

Supervisor Pearson noted that the sound system as currently in place does not seem to be functioning as it should because the audience has difficulty hearing through it. He suggested handheld microphones for the public and headsets for board and commission members. Chair Olson will investigate options.

Correspondence:

The board acknowledged that a thank you letter had been sent to Carol Gaard for returning red flag stakes found at her property.

FYI:

The County Surveyor removed the survey marker sign in the tree near Sage Drive; the township now can remove the tree. County Commissioner Terry Lovgren is scheduled to be at the July board meeting to discuss broadband initiatives.

The next town board meeting will be 7:30 p.m., 27 July 2021.

At 9:58 p.m., Supervisor Pearson moved, Supervisor Schlaeger seconded, to adjourn. The motion carried unanimously.

Respectfully submitted,

Duane P. Swanson, Clerk

Wayne Olson, Chair/Supervisor

Jeff Schlaeger, Vice Chair/Supervisor

Marshall Pearson, Supervisor

Wendy Tchida, Treasurer