

**WAKEFIELD TOWNSHIP MINUTES
22295 FROSTVIEW ROAD COLD SPRING MINNESOTA
REGULAR BOARD MEETING APRIL 4, 2019 8:00PM**

Chairman Cyril Erkens called the Town Board Meeting to order at 8:00 pm and lead the Pledge of Allegiance. Board Members Present: Supervisors Cyril Erkens and John Willenbring, Clerk Heidi Stalboerger and Treasurer Jerry Frieler. Others Present: Mike Nielson, Todd Menke, Captain Jon Lentz, Wayne & Pamela Karg, Ryan Angell, Steve Williams, Wayne Kron, Lee Mergen, Ryan Spanier, Mark Stalboerger, Dave Heinen and Brigid Murphy.

APPROVAL OF THE AGENDA AND CONSENT AGENDA

- A. Minutes March Meeting March 7, 2019
 - B. Minutes Board of Canvass March 12, 2019
 - C. Minutes Comprehensive Plan Special Meeting March 14, 2019
 - D. Minutes Qualification Meeting March 26, 2019
 - E. St. James Lawful Gambling Permit (June 9, 2019)
 - F. St. James Lawful Gambling Permit (August 9, 2019)
 - G. Shady's Long Shots, Inc. On-Sale Intoxicating Liquor License thru June 30, 2019
 - H. Shady's Long Shots, Inc. Off-Sale Intoxicating Liquor License thru June 30, 2019
 - I. Cold Spring Area Youth Sports Association On/Off Sale Intoxicating Liquor License to Sell 3.2 Percent Malt Liquor April 23, 2019-October 22, 2019
 - J. St. James On-Sale 3.2 Percent Malt Liquor License for the Sale of 3.2 Percent Malt Liquors July 1, 2019-June 30, 2020
 - K. Shady's Long Shots, Inc. On & Off Sale Intoxicating Liquor License July 1, 2019-June 30, 2020
- MOTION BY WILLENBRING SECONDED BY ERKENS TO APPROVE THE AGENDA AND CONSENT AS PRESENTED. MOTION CARRIED 2-0.*

STEARNS COUNTY SHERIFF UPDATE

Captain Jon Lentz was present to give an update on March 2019 calls in Wakefield Township. The location of animal impound has expanded to include Melrose Vet Clinic and Tri-County Humane Society.

The meeting was recessed at 8:10 pm for processing of liquor licenses and reconvened at 8:15 pm.

WAYNE & PAMELA KARG – VARIANCE

Chairman Erkens called the Board of Adjustment to order at 8:15 pm. Stalboerger reviewed the Staff Report and the Planning Commission recommendation. A request from Wayne & Pam Karg for an 11-foot variance for a residential dwelling/garage to be placed 52 feet from the township road right of way on Great Northern Drive pursuant to Section 9.9.9.A.3 of the Stearns County Land Use Ordinance #439. Said ordinance requires a front yard setback of 63 feet from the centerline of a township road. PID #36.24666.0000 has an existing residential dwelling with an attached garage that currently stands in the location where the remodeled structure will stand. This structure is currently non-compliant. The existing driveway will be reconstructed and replaced in the current location. The septic system will need to be updated and placed in the township road right of way. A license agreement is requested in addition to the variance request to accommodate the proposed new location of the drainfield in the township road right of way; outside of the utility easement. The BOA reviewed the survey and license agreement, consistency with the Comprehensive Plan and possible conditions. The

applicant has already provided an insurance policy for the license agreement. The BOA went on to the Findings of Fact as listed below:

- 1) **Is the proposal allowed in the zoning district(s) in which the subject property is located? YES or NO, Why or Why Not?** *Finding: Yes, the subject property is located in the R-1 (Residential 1) zoning district.*
- 2) **The variance will be in harmony with the general purposes and intent of the official control(s) (any related ordinances)? YES or NO, Why or Why Not?** *Finding: Yes, they are remodeling the structure but will not be moving the structure any closer into the road right of way than the existing structure.*
- 3) **The variance will be consistent with the Comprehensive Plan? YES or NO, Why or Why Not?** *Finding: Yes, Wakefield Township Comprehensive Plan Goal; Housing 5.03 – Provide a variety of residential uses based on the demand and yet promote a safe, healthful and aesthetically pleasing living environment. This residential dwelling unit is a current structure. The homeowner plans to remodel and update the structure for retirement purposes and permanent dwelling rather than seasonal.*
- 4) **The variance may be granted if there are Practical Difficulties in complying with the official control(s):**
 - a. **The property owner proposes to use the property in a reasonable manner? YES or NO, Why or Why Not?** *Finding: Correct/Yes, the property owner has a limited amount of space and wishes to remodel. An addition will be added to the structure (on the north, lake side of the property) that will not interfere with the township road setback; thus, increasing bedroom count and requiring the need to update the septic system and drainfield.*
 - b. **The plight of the landowner is due to circumstances unique to the property, not created by the landowner? YES or NO, Why or Why Not?** *Correct/Yes, the landowner purchased the home this way. The landowner originally purchased this home a few years ago as a seasonal dwelling and wishes to retire in this community.*
 - c. **The variance if granted, will not alter the essential character of the locality? YES or NO, Why or Why Not?** *Correct/Yes, the remodel project will update the home and enhance the character of the locality.*
 - d. **The need for the variance involves more than economic considerations? YES or NO, Why or Why Not?** *Correct/Yes, the home is currently non-conforming. The remodel project requires the dwelling to comply with the ordinance or be varied and will not further offend the ordinance.*

Further conditions were reviewed for the variance request:

1. Variance is to be granted for only eleven (11) feet from the standard road setback which is sixty-three (63) feet from the centerline of the road and/or thirty (30) feet from the edge of the road right-of-way, whichever is more restrictive without the Town Board's written permission.
2. Applicants shall comply with all local ordinances, state and federal laws relating to their proposed remodeling project.

3. Applicants shall obtain and comply with all required approvals from regulatory agencies relating to this project including, but not limited to, any permits required from Wakefield Township, Stearns County, Sauk River Watershed District, and any others that may apply for their proposed remodeling project. Copies of final approvals and permits shall be provided to the Township for its files.
4. Applicants shall obtain and comply with a license agreement for a subsurface sewage treatment system (SSTS)/drain field if after final design it is proposed to be located within Wakefield Township's road right-of-way.
5. Applicants shall replace the driveway in the same size and location as it currently exists or apply for and receive a Driveway Permit with the Wakefield Township Maintenance Supervisor.
6. The variance shall become void if Applicants do not proceed substantially on the work within six (6) months. To proceed substantially means to make visible improvement to the property. One or more extensions of not more than six (6) months may be granted by the Wakefield Board of Adjustment for good cause. The six (6) months will begin after the applicant has received Construction Site Permit approval from Stearns County.
7. Applicants shall pay all Township costs associated with this request for a variance, any necessary permits related to the proposed project and any necessary license agreements from the Township.

MOTION BY WILLENBRING SECONDED BY ERKENS TO ADOPT RESOLUTION NUMBER 2019-003, RESOLUTION ACCEPTING FINAL FINDINGS OF FACT AND APPROVING VARIANCE, FURTHERMORE, TO APPROVE A LICENSE AGREEMENT FOR PID 36.24666.0000 TO PLACE AN SSTS/DRAINFIELD IN THE TOWNSHIP ROAD RIGHT OF WAY (GREAT NORTHERN DRIVE). MOTION CARRIED 2-0.

The Board of Adjustment was adjourned at 8:37 pm.

ENGINEER UPDATE

A. Mike Nielson, WSB, stated that the bids were opened for the 2019 Chip Seal and Crack fill project. Two bids were received; Astech \$374,669.49 and Allied \$462,762.60. The Board reviewed the difference in bids as well as the list of roads included in the project. The group reviewed the design and lack of crack fill allowance for the roads on the seal coat list and the solution. The Engineer proposal was approximately \$362,000. Nielson reviewed a list of projects, estimated balances and remaining grant funds available.

MOTION BY WILLENBRING SECONDED BY ERKENS TO AWARD THE 2019 CHIP SEAL AND CRACK FILL PROJECT BID TO ASTECH IN THE AMOUNT OF \$374,669.49 AS PRESENTED. MOTION CARRIED 2-0.

B. Nielson reviewed quotes received for the 200th Street culvert project. Two quotes were received; Kraemer Excavating \$12,197.25, Theilen approximately \$14,500. Nielson recommended that the Board award the work to Kraemer Excavating.

MOTION BY WILLENBRING SECONDED BY ERKENS TO AWARD THE 200TH STREET CULVERT REPLACEMENT PROJECT QUOTE TO KRAEMER EXCAVATING IN THE AMOUNT OF \$12,197.25

AS PRESENTED CONTINGENT UPON THE APPROVAL OF LUXEMBURG TOWNSHIP. MOTION CARRIED 2-0.

C. Nielson stated that State Aid authorized the approval for bidding the 200th Street Road project. The bids will be opened Thursday, April 18, 2019 at 11:00 am at the Wakefield Town Hall.

D. Nielson is recommending a feasibility study on Frostview Road. The group reviewed future budgeting. A feasibility report would provide information on the project and allow for better planning as well as a decreased cost for future MnDOT grant applications. The Board requested estimates for feasibility reports for each of the following township roads: Frostview Road, Fairway Circle and 158th Street.

MAINTENANCE UPDATE

Menke reported that three culverts were steamed out; one on Westbrook Drive and two on Emerald Hill Road. A culvert on Westbrook Drive needs to be replaced. The Board authorized Menke to move forward with the culvert replacement.

The International Plow Truck wing lever cable is loose. Menke will have AJAX repair the cable.

Menke reported that a blade for the snow pusher was purchased for \$200. Menke will continue to buy parts for the assembly of the snow pusher.

Menke reported on equipment and snow removal efforts.

CLERK UPDATE

A. Stalboerger reviewed a resolution for the annexation of 2.34 acres of PID #36.24021.0080, Todd and Janell Bauer, by petition to the City of Cold Spring.

MOTION BY WILLENBRING SECONDED BY ERKENS TO APPROVE JOINT RESOLUTION FOR DESIGNATION OF CERTAIN LAND AND THE IMMEDIATE ANNEXATION OF ENTIRE DESIGNATED AREA. MOTION CARRIED 2-0.

B. Stalboerger reviewed the amended proposal from Cindy Nash, Collaborative Planning.

MOTION BY WILLENBRING SECONDED BY ERKENS TO APPROVE THE AMENDED PROPOSAL FROM COLLABORATIVE PLANNING, CINDY NASH AS PRESENTED APRIL 5, 2019. MOTION CARRIED 2-0.

C. Stalboerger reviewed a request from township resident Mark Wocken to have a bridge abutment removed from his property as a result of a road that was vacated in 1947. Bob Ruppe, township attorney stated in an email that the township cannot spend public funds on a road that has not been maintained in over 25 years as provisions of Minn. Stat. § 365.10, subd.11. The Board concurred with the recommendation of Ruppe and directed the Clerk to request that Ruppe send written correspondence to Wocken communicating the township position.

D. Stalboerger stated that she met with Vern Salzl on March 25, 2019 after the Sportsman's Club met and gave Salzl the authority to act on behalf of the Sportsman's Club with Wakefield Township, furthermore, that the Sportsman's Club still wishes to gift the two parcels to the township. Stalboerger stated that the Sportsman's Club inquiry is on hold until an insurance audit can be performed after the snow allows for entry and inspection of the parcels. Wakefield Township received two tax statements for the payment for PID #'s 36.23773.0000 and 36.23797.0008 for Sauk River Stabilization Special Assessment. Ruppe recommended that the township not pay the assessment; rather the Sportsman's Club pay the property tax to ensure that the township does not claim ownership of the parcels through payment of the taxes. Stalboerger will contact Vern Salzl to inform him of the circumstance and request payment by the Sportsman's Club. Stalboerger will continue to inquire on estimates of cost to bring the parcels into conformance regarding land use, well and septic permits.

E. Stalboerger shared a proposal for the enhancement of the township campus security system which would include enhanced outdoor cameras to scan the town hall, maintenance building and parking lot.

MOTION BY WILLENBRING SECONDED BY ERKENS TO APPROVE THE QUOTE FROM SAFEGUARD SECURITY FOR SECURITY SYSTEM ENHANCEMENT FOR PLACEMENT OF EXTERIOR CAMERAS IN THE AMOUNT OF \$1355.66 AS PRESENTED. MOTION CARRIED 2-0.

F. Stalboerger requested direction from the Board regarding amendments to the Cold Spring Road Maintenance Agreement for the proposed addition of portions of Greystone Road and 245th Street. The Board agreed that Stalboerger should continue to work with Cold Spring to encourage the addition of apx 1100 feet of Greystone Road and 1500 feet of 245th Street to the Cold Spring Road Maintenance Agreement.

FIRE DEPARTMENT UPDATE

- A. Chain of Lakes Fire & Rescue Department - The Spring Fundraiser, dinner and show, will be held on April 6, 2019 at River Station.
- B. Cold Spring Fire Department – No update is available.

FINANCIAL REPORT

A. The Treasurers report was reviewed as well as the list of bills. The Board audited invoices from Couri & Ruppe, WSB and Visa.

MOTION BY WILLENBRING SECONDED BY ERKENS TO APPROVE THE APRIL 4, 2019 TREASURERS REPORT AS PRESENTED; FURTHERMORE, TO APPROVE THE MARCH 20, 2019 AND APRIL 3, 2019 LIST OF BILLS ACCORDING TO THE LIST OF RECEIPTS, PAYMENTS AND DISBURSEMENTS AS PRESENTED BY THE CLERK AND DEPUTY TREASURER. ALSO, TO APPROVE A PAYMENT TO XCEL ENERGY FOR THE RIVERFIELD STREETLIGHT SERVICE DISTRICT IN THE AMOUNT OF \$75. MOTION CARRIED 2-0.

ADJOURN/RECESS

MOTION BY WILLENBRING SECONDED BY ERKENS TO ADJOURN THE MEETING AT 10:33 PM. MOTION CARRIED 2-0.

Date Approved: May 2, 2019

Respectfully submitted,

Heidi M. Stalboerger, Clerk