

**WAKEFIELD TOWNSHIP MINUTES  
22295 FROSTVIEW ROAD COLD SPRING MINNESOTA  
REGULAR BOARD MEETING VIA TELECONFERENCE  
MAY 7, 2020 7:00PM**

Chairman John Willenbring called the Town Board Meeting to order and lead the Pledge of Allegiance shortly after 7:00 pm via Zoom Teleconference, (312) 626-6799, Meeting ID 857 4889 4940, Password 587351. Board Members Present: Supervisors John Willenbring, Cyril Erkens, Clerk Heidi Stalboerger and Treasurer Jerry Frieler. Others Present: Todd Menke, Mike Nielson, Jon Lentz, Todd & Janell Bauer, Even Carlson, Fred Manuel, Jeremy Bottleberghe and Josh Rodeberg.

**APPROVAL OF THE AGENDA AND MINUTES**

*MOTION BY ERKENS SECONDED BY WILLENBRING TO APPROVE THE AGENDA AND CONSENT AGENDA AS PRESENTED. MOTION CARRIED 2-0.*

- A. *Monthly Meeting Minutes April 2, 2020*
- B. *Continuation of the Monthly Meeting Minutes April 15, 2020*
- C. *Local Board of Appeal and Equalization Meeting Minutes April 20, 2020*

Roll Call	Willenbring	Yes
	Erkens	Yes

Supervisor Garding joined the call.

**SHERIFF’S REPORT**

Captain Jon Lentz of the Stearns County Sheriff’s Department reviewed the April 2020 calls that took place in Wakefield Township.

**6B. Driveway Permit Request**

Todd and Janell Bauer, owner and Evan Carlson, IPS Solar, Agent, requested a second driveway on PID #36. 24021.0805. This parcel is a large parcel and the original driveway is off of County Road 140. The proposed second driveway location is off of 233<sup>rd</sup> Street, to which the parcel is contiguous and has an access point of 66-feet. The Board reviewed the request and the Wakefield Township Ordinance Regulating the Construction and Maintenance of Driveways/Culverts within the Township. The Board reviewed the size of the parcel (100 acres), multiple approved uses, adjacent to multiple roads (County and [soon to become] Township); furthermore, the distance between the first and second proposed driveway is greater than 1320-feet and also located on a different road. The owner and applicant reviewed that the proposed driveway would allow access to an approved solar garden and allow grid connection of the solar garden in the MnDOT right of way.

*MOTION BY SUPERVISOR ERKENS SECONDED BY SUPERVISOR GARDING TO APPROVE A SECOND DRIVEWAY REQUEST FOR PID 36.24021.0805 OFF OF 233<sup>RD</sup> STREET. MOTION CARRIED 3-0.*

**ENGINEER UPDATE**

Nielson stated that the Wetland Permit from the Army Corps of Engineers yet on Frostview Road. Nielson stated that Knife River’s sub for grading would like to get started ahead of the project. Nielson stated that the completion date would not need to be adjusted, but the working days may need to be suspended. Knife River would need to keep Frostview Road graded if the gravel were left exposed for

any length of time. Knife River would be responsible for dust issues. The frost heave on Frostview Road will be dug out to a depth of approximately 4 feet to correct any soil issues. Early grading may help the exposed gravel to settle and possibly yield better product. The Board agreed to allow the excavating to begin approximately 2 weeks before the projected date and suspend the working days on the Frostview Road project.

Nielson reported that the slope dressing on 200<sup>th</sup> Street has not been completed yet. Nielson will be in contact with Knife River. Invoicing for the 200<sup>th</sup> Street project will be adjusted this month between Wakefield and Luxemburg to ensure the billing is evenly distributed. The project is approximately 95% complete. The total project cost is coming in under budget.

Nielson has not yet heard from the State for the Island Lake Road payment dispute. Nielson will continue to work towards resolution on final payment.

### **CLERK UPDATE**

#### **A. Fred Manuel- Administrative Subdivision and Boundary Line Correction**

Stalboerger reviewed the Administrative Subdivision request from Fred Manuel and Agents Jeremy Bottleberghe and Josh Rodeberg and Boundary Line Adjustment to correct a property line with John Willenbring. John Willenbring stated that he is abstaining from voting on this issue. Stalboerger reviewed the staff report. The property is located on Glenwood Road and consists of approximately 80 acres. The parcel is currently enrolled in Reinvest in Minnesota Program (RIM). Stalboerger reviewed the RIM Program. Manuel supported the information given. Erkens requested the opinion of John Willenbring. Willenbring stated that he agreed with the Administrative Subdivision, further stating that he felt the split would be a good use of the parcel. He also stated that the Boundary Line Adjustment accurately reflects where the property line was assumed to be for the last 38 years that he has owned the parcel.

*MOTION BY ERKENS SECONDED BY GARDING TO RECOMMEND APPROVAL OF THE ADMINISTRATIVE SUBDIVISION AND BOUNDARY LINE CORRECTION TO STEARNS COUNTY AS PRESENTED AND TO DIRECT THE CLERK TO ISSUE A CERTIFICATE OF COMPLIANCE TO STEARNS COUNTY. MOTION CARRIED 2-0.*

Roll Call	Willenbring	Abstain
	Garding	Yes
	Erkens	Yes

#### **C. Mail Ballot Precinct Study**

Stalboerger reviewed a grant available to all Minnesota townships, regardless of population, to become mail ballot precincts. Stalboerger reviewed some changes in the polling place requirements and election issues due to the COVID-19 pandemic. Stalboerger reported that the annual township elections will still be held in person at the town hall. The Board reviewed the resolution to approve becoming a mail ballot precinct.

*MOTION BY GARDING SECONDED BY ERKENS TO APPROVE RESOLUTION # 2020-003, A RESOLUTION AUTHORIZING MAIL BALLOTING. MOTION CARRIED 3-0.*

Roll Call	Willenbring	Yes
	Garding	Yes
	Erkens	Yes

#### **D. Xcel Energy Power Pole on Frostview Road**

Stalboerger explained that Xcel Energy contacted her to inform the township that the current pole that supplies power to Wakefield Township is located on a pole that no longer meets Xcel Energy’s specifications. Since the township has a Commercial account, it is the responsibility of Wakefield Township to either take ownership of the current pole or pay to relocate power to a nearby conforming Xcel Energy pole. Stalboerger shared two quotes to move the power to a new power pole.

*MOTION BY ERKENS SECONDED BY GARDING TO MOVE XCEL ENERGY SERVICE FROM A NON-CONFORMING POWER POLE TO A NEARBY CONFORMING POLE; FURTHERMORE, TO HIRE ELECTRICAL INSTALLERS NOT TO EXCEED \$350 AS QUOTED. MOTION CARRIED 3-0.*

Roll Call	Willenbring	Yes
	Garding	Yes
	Erkens	Yes

**ADJOURN/RECESS**

The Board agreed to recess the monthly meeting until after the Board of Adjustment meeting at 9:00 pm. All attendees were asked to identify if they had interest in joining for the remainder of the meeting. Teleconference information was shared with those requesting to attend the remainder of the meeting.

*MOTION AT 8:00 PM BY ERKENS SECONDED BY GARDING TO RECESS THE MEETING UNTIL 9:00 PM. MOTION CARRIED 3-0.*

Roll Call	Willenbring	Yes
	Garding	Yes
	Erkens	Yes

**BOARD OF ADJUSTMENT MEETING  
MAY 7, 2020 8:00PM**

Chairman John Willenbring called the Board of Adjustment Meeting to order shortly after 8:00 pm via Zoom Teleconference, (312) 626-6799, Meeting ID 812 4517 3763, Password 590092. Board Members Present: Supervisors John Willenbring, Cyril Erkens and Clerk Heidi Stalboerger. Others Present: Greg Kiess and Todd Menke

**PUBLIC HEARING FOR GREG KIESS VARIANCE REQUEST**

Stalboerger introduced the applicant, Greg Kiess, and reviewed the staff report describing the variance request. Kiess is applying for a variance to construct a residential accessory structure 43-foot variance from an alley in Janssens Re-Plat & Addition (as stated in the plat “We hereby dedicate the alley and roadway, designated on the plat, to the use of the public forever for roadway purposes”). The parcel on which the residential accessory structure is proposed is an unattached parcel (Tract B) that the applicant owns, located across Janssens Drive from the applicants’ residential dwelling (Tract A). The dimensions of the lot on which the proposed accessory structure is approximately 40 feet x 125 feet, with no building entitlement. The owners drainfield is located on the Tract B parcel, which services the residential dwelling across the street, with the infrastructure located under the township road, Janssens Drive, the unnamed alley and neighboring parcel 36. 24408.0002, Linz, for which Wakefield Township

has no recorded license agreement nor has the neighboring parcel granted a recorded easement. The drainfield is located approximately 5 feet from the proposed structure. The proposed structure meets setback requirements from Janssen Drive. Approval of a variance from the township road/alley from the Wakefield Township Board of Adjustment is a condition of the Construction Site Permit the applicant is seeking from Stearns County, from Section 9.9.9.A.3 of the Stearns County Land Use Ordinance #439 to construct a 19 foot 10 inch x 45 foot residential accessory structure 20 feet from the centerline of an unnamed platted township alley/road located in a Residential 1 Land Use District [R-1] . Said Ordinance #439 requires a 63-foot structural setback from the centerline of township road. The applicant also plans to construct a fence on the east property line the length of the parcel, which is allowed outside of the road right of way. The Board had no further questions.

Willenbring opened the Public Hearing. Stalboerger read two (2) written comments regarding the variance request; Sauk River Watershed District requesting the applicant to inquire about obtaining a permit from them and a neighboring property owner, Eric Goebel (see attached). The Board reviewed the comments of the Planning Commission. Willenbring called three times for additional comments. Hearing none, Willenbring closed the public hearing at 8:21 pm.

The Board of Adjustment further reviewed the Findings of Fact.

1. In your opinion, is the variance consistent with the related Ordinance? Why or Why not?  
*Finding: The proposed use is an allowed use in the R-1 land use district, which allows a residential accessory structure.*
2. In your opinion, is the variance consistent with the Comprehensive Plan? Why or Why not?  
*Findings: Although the variance request is a deviation from the rules and regulations of the Land Use Ordinance, the variance will continue to be in harmony with the general purposes and intent of the official controls by allowing for a residential accessory structure in a residential area and it is consistent with the Wakefield Township Comprehensive Plan Goal; Housing 5.02 – Provide a variety of residential uses based on the demand and yet promote a safe, healthful and aesthetically pleasing living environment.*
3. In your opinion, does the proposal put the property to use in a reasonable manner?  
Why or Why not?  
*Findings: Applicants plan to use the proposed accessory structure to store items that are currently stored outdoors in an effort to organize storage items.*
4. In your opinion, are there circumstances/characteristics unique to the property and not due to conditions that are common within the landscape? If so, list what they are.  
*Findings: The need for a variance from the platted alleyway/road setback is due to circumstances not created by the Applicants. The parcel is small and the setback from the alleyway/road prevents usage without a variance.*
5. In your opinion, is there room on the property to meet the requirements of the Ordinance without the need for a variance? Why or Why not?  
*Findings: The size of the lot allows an accessory structure up to 900-square feet in size, however, the setback from the alleyway/road is greater than the width of the lot.*

6. In your opinion, will the variance maintain the essential character of the locality?  
Why or Why not?  
*Findings: The variance, if granted, will not alter the character of the area. The lot is currently used for outdoor storage. The proposed residential accessory structure will clean up and enhance the character of the locality.*
  
7. In your opinion, does the need for the variance involve more than economic considerations? Why or Why not?  
*Findings: The need for the variance does involve more than economic considerations. The applicants have expressed desire to use the residential accessory structure to house the items currently stored outdoors and to provide for an extra parking stall for their vehicle.*

The Board of Adjustment continued the discussion and felt that the following conditions are necessary to add to the variance:

1. Variance is to be granted for forty-three (43) feet from the standard road setback, which is sixty-three (63) feet from the centerline of the road, to allow the proposed residential accessory structure be constructed no closer than 20-feet from the centerline of the unnamed platted/dedicated township road/alley.
  
2. Applicants shall comply with all local ordinances, state and federal laws relating to their proposed 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. 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.
  
5. Applicants shall pay all Township costs associated with this request for a variance, any necessary permits related to the proposed project, any necessary license agreements from the Township, and all townships cost related to enforcing the terms of this variance.
  
6. Applicants shall remove existing garden shed currently located on the parcel before construction of the proposed residential accessory structure
  
7. Applicants shall remove raised gardens from Janssen Drive road right of way before construction of the proposed residential accessory structure.

8. Applicants shall remove all lumber and outdoor storage items from Park parcel, PID# 36.24008.0002 before construction of the proposed residential accessory structure.
9. Applicants shall improve platted alleyway from access of proposed residential accessory structure to Janssen Drive with Class 5 to avoid tracking mud onto Janssen Drive as determined by the Wakefield Township Maintenance Supervisor.

*MOTION BY GARDING SECONDED BY ERKENS TO APPROVE RESOLUTION#2020-004, RESOLUTION TO APPROVE FINDINGS OF FACT AND APPROVE VARIANCE REQUESTED BY GREG B. KIESS AND ASHLEY R. KIESS FOR PID# 36.24409.0000 WITH CONDITIONS, CONTINGENT UPON ATTORNEY REVIEW. MOTION CARRIED 3-0.*

Roll Call	John Willenbring	Yes
	Shawn Garding	Yes
	Cyril Erkens	Yes

**PUBLIC HEARING FOR CLARK MCQUEEN VARIANCE REQUEST**

Stalboerger reviewed the staff report describing the variance request. McQueen is applying for a 15-foot variance from Oster Point Road, to construct a 572-sf addition to an existing garage. The existing garage dimensions are 22 feet x 22 feet. The proposed addition would convert the existing 2-stall garage into a 2-stall tandem style garage, by increasing the depth of the garage by 26 feet, resulting in post construction dimensions of 22 feet x 48 feet. The additional 26 feet is proposed to be added to the east side of the existing detached garage. The house and deck are located on the northwest side of the garage, preventing construction to the west side of the existing garage. Approval of a variance from the Wakefield Township Board of Adjustment is a condition of the Construction Site Permit the applicant is seeking from Stearns County, from Section 9.9.9.A.3 of the Stearns County Land Use Ordinance #439 to construct a 22 foot x 26 foot addition onto an existing (22 foot x 22 foot) garage 48 feet from the centerline of Oster Point Road, a platted township road located in a Residential 1 Land Use District [R-1]. Said Ordinance #439 requires a 63-foot structural setback from the centerline of township road. The Board had no further questions.

Willenbring opened the Public Hearing. Stalboerger read one (1) written comments regarding the variance request; Jon Roeschlein, Sauk River Watershed District, requesting the applicant to inquire about obtaining a permit from them (see attached). Stalboerger went on to report that one envelope mailed to a neighboring property informing of the public hearing was returned; and upon further research, Stalboerger found out that the resident was deceased. The Board reviewed the comments of the Planning Commission. Willenbring called three times for additional comments. Hearing none, Willenbring closed the public hearing at 8:49 pm.

The Board of Adjustment further reviewed the Findings of Fact.

1. In your opinion, is the variance consistent with the related Ordinance? Why or Why not?  
*Finding: The proposed use is an allowed use in the R-1 land use district.*
2. In your opinion, is the variance consistent with the Comprehensive Plan? Why or Why not?  
*Findings: Although the variance request is a deviation from the rules and regulations of the Land Use Ordinance, the variance will continue to be in harmony with the general purposes*

*and intent of the official controls by allowing for a residential accessory structure in a residential area and it is consistent with the Wakefield Township Comprehensive Plan Goal; Housing 5.02 – Provide a variety of residential uses based on the demand and yet promote a safe, healthful and aesthetically pleasing living environment.*

3. In your opinion, does the proposal put the property to use in a reasonable manner? Why or Why not?

*Findings: The Applicant plans to use the requested use in a reasonable manner. The Applicant plans to add on to the size of an existing residential accessory structure/garage to increase the parking stalls from two to four parking stalls.*

4. In your opinion, are there circumstances/characteristics unique to the property and not due to conditions that are common within the landscape? If so, list what they are. *Findings: The need for a variance from the road setback is due to circumstances not created by the Applicants. The existing residential dwelling and deck are placed in a location on the parcel that prevent placement of a residential accessory structure and access to that structure in any other location on the parcel.*

5. In your opinion, is there room on the property to meet the requirements of the Ordinance without the need for a variance? Why or Why not?

*Findings: The Applicants parcel is large enough to provide for the size of structure requested, however, the placement of the other existing structures on the parcel do not allow for placement or access of the proposed structure in a different location on the parcel.*

6. In your opinion, will the variance maintain the essential character of the locality? Why or Why not?

*Findings: The variance, if granted, will not alter the character of the area. The requested location of the residential accessory structure is not as close to the road as other structures in the neighborhood and will provide adequate storage space for the Applicant.*

7. In your opinion, does the need for the variance involve more than economic considerations? Why or Why not?

*Findings: The need for the variance does involve more than economic consideration. The Applicant cannot place the structure on another location on the parcel with access. The Applicant is proposing to construct a tandem style structure out of necessity.*

The Board of Adjustment continued the discussion and felt that the following conditions are necessary to add to the variance:

1. Variance is to be granted for only forty-three (43) feet from the standard road setback which is sixty-three (63) feet from the centerline of the road.
2. Applicant shall comply with all local ordinances, state and federal laws relating to their proposed remodeling project.

3. Applicant 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. The variance shall become void if Applicant does 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.
5. Applicant 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.
6. Applicant shall contact the Wakefield Township Maintenance Supervisor for driveway approval before driveway replacement to ensure size, placement and approach requirements are met.

*MOTION BY ERKENS SECONDED BY GARDING TO APPROVE RESOLUTION#2020-005, RESOLUTION TO APPROVE FINDINGS OF FACT AND APPROVE VARIANCE REQUESTED BY CLARK MCQUEEN FOR PID# 36.24653.0000 WITH CONDITIONS, CONTIGENT UPON ATTORNEY REVIEW. MOTION CARRIED 3-0.*

Roll Call	John Willenbring	Yes
	Shawn Garding	Yes
	Cyril Erkens	Yes

*MOTION BY ERKENS SECONDED BY GARDING TO ADJOURN THE BOARD OF ADJUSTMENT AND RECONVENE THE WAKEFIELD TOWNSHIP MONTHLY BOARD MEETING AT 9:00 PM. MOTION CARRIED 3-0.*

Roll Call	John Willenbring	Yes
	Shawn Garding	Yes
	Cyril Erkens	Yes

**RECONVENE WAKEFIELD TOWNSHIP BOARD MEETING  
MAY 7, 2020 9:00 PM**

Chairman Willenbring reconvened the May 7, 2020 Wakefield Township Board Meeting at 9:00 pm.

**MAINTENANCE SUPERVISOR UPDATE**

A. 200<sup>th</sup> Street Gravel – Rick Utecht from Luxemburg Township contacted Menke to add 10 loads of gravel to the 1-mile gravel portion of 200<sup>th</sup> Street. The two townships would split the cost of the gravel. There are 13 yards/load at \$9.25/yard. The amount for which Wakefield Township would be responsible is \$601.25. Menke stated that there are two soft spots on the Wakefield Township side of

the road. Menke stated that gravel was added last year as well. Menke feels the soft spots will correct themselves over the summer with added gravel. The soft spots reoccur every spring. The Board inquired if additional gravel could wait until later in the summer. The Board felt hesitation to continue adding 10 loads of gravel each spring rather than address the underlying issue. The Board would like to meet with the Luxemburg Board to review the line road agreement and discuss the additional gravel each spring. Menke stated that the Luxemburg Board is waiting for the decision and would like to add the gravel now.

*MOTION BY GARDING SECONDED BY ERKENS TO ADD 130 TON OF GRAVEL ON 200<sup>TH</sup> STREET AT A COST OF \$9.25/TON TO SPLIT WITH LUXEMBURG TOWNSHIP, FOR A COST TO WAKEFIELD TOWNSHIP OF \$601.25 AS PRESENTED BY LUXEMBURG TOWNSHIP. MOTION CARRIED 3-0.*

Roll Call	John Willenbring	Yes
	Shawn Garding	Yes
	Cyril Erkens	Yes

B. Part-Time Seasonal Employee – Menke inquired if he could have part-time help for summer maintenance to help with road maintenance equipment for clearing township roads right of way. Menke is looking for a person with more experience than a high school aged person. Willenbring stated his reluctance to add another employee, especially in light employment requirements, paperwork and expense. He would rather see Menke continue to work with independent contractors as he has in the past. The group discussed the cost of another employee and would prefer to review this item during the annual budget review. Menke understood and said he will keep moving forward as in the past.

C. Westbrook Drive Culvert – Menke reviewed culvert work performed on Westbrook Drive. Krippner Excavating was available to help complete the project. It turned out well.

-Erkens inquired if Menke was award of culver flares in need of repair in the road right of way on 153<sup>rd</sup> Avenue. Menke will check into the issue.

D. Mailbox Installs – Menke reported that now that the frost is out of the ground, he was able to install mailbox’s for people who have requested them.

**FIRE DEPARTMENT UPDATE**

A. Chain of Lakes: Willenbring reported that there was not a meeting last month. The bills were reviewed by the Board members and paid. Willenbring stated that the Chief shared the new COVID-19 protocol for fire and rescue calls and is doing a great job during this unprecedented time.

B. Cold Spring: No update available.

-Garding inquired about the progress on the 200<sup>th</sup> Street reconstruction project. The group reviewed the unfinished items and will review with Mike Nielson, WSB.

**RECESS OR ADJOURN**

*MOTION BY ERKENS SECONDED BY GARDING TO ADJOURN THE MEETING AT 9:19 PM. MOTION CARRIED 3-0.*

Roll Call	Willenbring	Yes
	Erkens	Yes
	Garding	Yes

Respectfully Submitted,

WAKEFIELD TOWNSHIP

Approved by:

/s/Heidi M. Stalboerger, Clerk

/s/John Willenbring, Chairman