

CORINNA TOWNSHIP BOARD MEETING

Unofficial Minutes

Tuesday, December 6, 2011, 7 p.m.

Corinna Township Hall

9801 Ireland Avenue NW, Annandale, MN

Present: Chairman John Dearing; Vice-Chairman Richard Naaktgeboren; Supervisor Chuck Carlson; Clerk/Treasurer Mary Barkley Brown; Deputy Clerk/Treasurer Jennifer Kemp.

Others in Attendance: Corinna Planning Commission Chair Charlotte Quiggle; Corinna Township Attorney Tim Young; Maintenance Man Mark Miller; Maintenance Man Doug Smith.

Meeting Call to Order and Pledge of Allegiance was at 7:00 p.m.

November 15, 2011 Town Board Meeting Minutes: A motion was made by Naaktgeboren, seconded by Carlson, to approve the November 15, 2011 Town Board Meeting Minutes with the following change: In the motion regarding Cedar Acres, the sentence that read "Another condition is that there be a designated person who will contact the township for an annual review of compliance issues, before January every year" be changed to "Another condition is that there will be a designated contact person. The township will require an annual review of Cedar Acres Association of their compliance/non-compliance of conditions – for future use – by January each year." Motion carried unanimously.

Agenda for the December 6, 2011 Town Board Meeting: A motion was made by Carlson, seconded by Naaktgeboren, to approve the Agenda for the December 6, 2011 Town Board Meeting, with the following additions: Clarification of Cedar Acres Conditions and Findings of Fact; Possible Ordinance Changes at Planning Commission Meeting of Dec. 13; CGI Contract for 2012; Denise Carlson Letter of 11/30/2011 to Corinna Township; 11993 – 89th ST NW Fish House in Right of Way Letter of 12/6/2011; Final Levy Certification; E-Update 12/2/2011. Motion carried unanimously.

Maintenance Men: Work order log; work orders # 48, 51, 61, 86; 107 were reviewed with maintenance men.

Maintenance Outlook Report: Reviewed.

Check Town Road Mileage: The Town Board directed the Maintenance Men to measure selected road mileage segments in the township to compare with Wright County road mileage calculations.

Requests to be on the Agenda: None.

Other Business:

Clarification of Cedar Acres Conditions and Findings of Fact from Nov. 15, 2011 Meeting:

REQUEST: Variance to expand an existing nonconforming recreational campground to allow for up to 12 RVs, campers or tents at any one time and 20+ tents for camping 1-2 times per year.

ZONED: Urban/Rural Transitional (R-1)/Residential Recreation Shore lands (S-2) Overlay District, Cedar Lake (General Development Lake).

OWNER: Cedar Acres Association Inc

LOCATION: Property Address: 7755 Isaak Avenue NW, Annandale. Sec/Twp/Range: 27-121-027. Parcel Number: 206035000020

The above mentioned matter came on to be heard before the Corinna Township Board of Adjustment on the 9th day of November, 2011 and the Town Board on the 15th day of November, 2011 on a petition for a variance pursuant to the Corinna Township Zoning Ordinance.

Variance denied:

- Variance to expand an existing nonconforming recreational campground to allow for up to 12 RVs, campers or tents at any one time and 20+ tents for camping 1-2 times per year.

Variance approved:

- Variance to expand an existing nonconforming recreational campground to allow for up to 4 RVs, campers, fish houses or tents at any one time.
- If the applicants meet the standards of and are approved by the MN Department of Health as a campground, they are allowed up to 6 RVs, campers, fish houses or tents at any one time.
 - **The Corinna Town Board clarified at its December 6, 2011 meeting that this approval requires that the applicant meet whatever requirements may be imposed by the Department of Health in issuing a campground license/permit. The Town Board makes no specific requirements except that the applicants receive approval from the MN Department of Health.**

Conditions

- 1) The applicant must submit a plan for adequate sewage treatment. This may include submitting a copy of a contract with a portable toilet company for maintenance of a portable toilet on the site at all times when camping is occurring on the site. This documentation must be kept current and the portable toilet properly maintained at all times so as not to create a pollution problem.
- 2) The applicant shall ensure that RVs and tents meet a minimum lake setback of 75 feet at all times.
- 3) The applicant shall ensure that RVs and tents meet a minimum side-yard setback of 50 feet and a minimum road setback of 300 feet (or enough so that they are not located on the steep slopes leading up to the road) at all times.
- 4) The applicant shall create a 10-foot vegetative buffer along the shoreline that is to remain unmowed, between the lake and the lawn area, for permanent storm water management.
- 5) The applicants shall designate a person to serve as the contact person with the Township.
- 6) Covered trash receptacles shall be on site and need to be emptied properly on at least a weekly basis.
- 7) No camping unit shall be located on the property for longer than seven (7) days at a time.
- 8) No fire rings shall be located within 50 feet of Cedar Lake.
- 9) The Township shall review, before January of every year, compliance with the above conditions.

Findings of Fact

- 1) Will the granting of the variance be in harmony with the general purposes and intent of the Corinna Township Land Use (Zoning) and/or Subdivision Ordinance?
 - a) Yes. The spirit and intent of the ordinance is to limit uses in residential areas that would have an impact beyond what would be expected on a single residential lot or a number of residential lots in a neighborhood. Given the size of this parcel (approximately 5 acres and 450 feet of width), a density of one RV per 0.8-1.25 acres or one RV per 75-112.5 feet of shoreline frontage is not inconsistent with the allowance for one RV on a residential lot. Within about ¼ mile of this property, existing residential properties have an average width of about 63 feet and lot sizes that are much less than one acre in most cases.
- 2) Will the granting of the variance be consistent with the Corinna Township Comprehensive Plan?

Yes. The Corinna Comprehensive Plan identifies this property as “Shoreline Residential”. This is defined as “A designation for shoreline properties already developed, or to be developed, residentially”.

See the discussion in Findings of Fact 1), 3) and 5) about how the allowed use of this property for up to four (4) to six (6) RVs, tents or campers is consistent with that of a residential neighborhood. Clearly, allowing three or more RVs/tents/campers in combination would not be allowed under today's ordinance. However, the fact that the applicants have provided some evidence indicating that the area has been used for more than three RVs or tents at a time for more than 30 years provides at least some argument for allowing more than three units at a time, which would be consistent with state law protecting existing nonconforming uses. The Comprehensive Plan discusses the need to follow state law.

The Comprehensive Plan also states the following as strategies to "protect, preserve, and enhance lake water quality":

- Require on-site storm water retention and erosion-control plans for all new lakeshore development and redevelopment of existing sites, to ensure that storm water runoff is properly managed and treated before entering surface waters.
 - Comment: The site is currently mowed almost all the way down to the lake, if not the entire way for most of its lake frontage. While some storm water does soak into the large grass area, it is also likely that much of it flows into the lake fairly directly. See letter from Wright County SWCD for the discussion of storm water issues. The recommended number of RVs/tents/campers allowed under this variance would not be likely to significantly increase the amount or rate of storm water beyond what has existed in the past.
- Seek ways to ensure that new development, landscaping, or other alterations on lakeshore properties preserve and/or provide for the planting of native trees and shoreline vegetation.
 - Comment: The west portion of the property is heavily treed. The east portion is mowed regularly down to the lake for most of the frontage. See comments above.
- Require the use of best management practices as outlined by the Minnesota DNR, University of Minnesota Extension, or other appropriate agencies during the development and re-development of all property in the Township to prevent erosion and sedimentation that eventually reaches area lakes and wetlands through ditches, direct runoff, or other means.
 - Comment: See previous discussion and SWCD letter.
- Limit the amount of grading and filling in the shore land area so as to minimize the disturbance of soil and prevent erosion.
 - Comment: No grading or filling is proposed as part of this application, and would not be anticipated in the future unless it involved the construction of a small berm perhaps, along the shoreline to capture runoff and help it infiltrate into the ground before entering the lake.

3) Is the proposed use of the property reasonable?

Yes, with the lesser number of RVs/tents allowed. The allowance for up to four (4) to six (6) RVs, tents or campers in combination represents a reasonable use of the property in that it is consistent with the residential setting of the area, taking into account current minimum lot width (150 feet) and size (one acre) requirements and the average lot width of existing residential lots within ¼ mile of the property (about 63 feet). At four or fewer units, the site would be unregulated by the Minnesota Department of Health. At 5 or 6 units, the site becomes regulated by the Department of Health, allowing for additional oversight and management of the use of the site.

4) Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

Yes. There has apparently been a lot of confusion in recent years over what is allowed on the site or not allowed. It seems fairly clear from records submitted to the Township that the site was created and used for more than 35 years as a recreational camping area. While this was not allowed by the 1973 Zoning Ordinance without a conditional use permit (for three or more RVs/tents), the County either was not aware of the use or it was not a problem for the neighborhood as there is no record we have seen of

complaints or enforcement action until the last 18 months (at least one public comment indicated there was a complaint to the County Sheriff regarding noise at the property about 5 years ago). As such, there is a question about what the applicants should have known or not – particularly because they are an association whose membership has changed over the years.

- 5) Will the variance, if granted, alter the essential character of the locality?

No, with the lesser number of RVs/tents allowed. The allowance for up to four (4) to six (6) RVs, tents or campers in combination represents a density of RVs that is consistent with the residential setting of the area, taking into account current minimum lot width and size requirements and the average lot width of existing residential lots within ¼ mile of the property.

- 6) Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?

No. There are other considerations than simply economic. These include the apparent historic use of the site for recreational camping (more than 35 years) and the lack of any complaints or enforcement by the County – which may not have had knowledge of the violations of its ordinance.

- 7) Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?

No. The practical difficulty (not being able to use the site for group camping as it apparently has been for more than 35 years) cannot be alleviated by any other method given that the grandfathered number of RVs, tents and campers allowed is two (2). The property owners have previously applied for, and been denied, a rezoning to the Commercial-Recreational Shore land District (S-3) that would allow for a recreational campground area via a conditional use.

- 8) Will the granting of the variance adversely affect the environmental quality of the area?

No, if properly managed. There are a number of potential environmental impacts that could occur from a group camp setting. So long as sewage is properly managed, this should not be one of them. Use of the surface water and potential impact on lake quality from that is a potential concern, but enforcement is more of a DNR or Wright County sheriff issue as it involves surface water use which is not subject to the Township Zoning Ordinance. Impervious surface coverage – even with 12 RVs or 20 tents would be much lower than the maximums allowed under the ordinance.

Possible Ordinance Changes at Planning Commission Meeting of Dec. 13: There was a discussion of possible ordinance changes. These will be reviewed by the Planning Commission on 12/13/11 and sent back to the Town Board after the 12/13/11 meeting, for consideration at the Regular Town Board Meeting of 12/20/2011.

Planning Commission: Charlotte Quiggle, Chairman talked about the Wright County Meeting in which the Revised Planning and Zoning Agreement between Wright County and Corinna Township was not passed.

Appoint Planning Commission Members: A motion was made by Dearing, seconded by Naaktgeboren, to appoint Charlotte Quiggle and Steve Huff each to three year terms on the Planning Commission. Motion carried unanimously.

Impervious Lot Coverage: Documents relating to ongoing Cedar Acres Park neighborhood properties and property at 6829 Ingram AVE NW, Maple Lake, were reviewed. John Dearing stated that he had asked Wright County P and Z about impervious coverage violations on some of the properties several years earlier, but did not receive an answer. A motion was made by Naaktgeboren, seconded by Dearing, to authorize Ben Oleson to find out more detailed information on permits, variances, and dates of permits and variances granted in regard to impervious coverage. Motion carried unanimously.

11/21/2011 Orville Jonsrud Letter to Wright County Commissioners: Reviewed.

Resolution of Joint Powers Agreement with Wright County for 2012: 11/2/2011 Sean Riley Executive Summary; 11/07/2011 Oleson e-mail to Ceil Strauss - DNR; Wright County Committee of the Whole meeting 11/8/2011; 11/08/2011 Rose Thelen e-mail to Corinna; 11/10/2011 Proposed agreement between Wright County and Corinna for 2012; 11/15/2011 Revised Planning and Zoning Agreement between Wright County and Corinna Township for 01/01/2012 to 12/31/2014; As Wright County did not approve, no action was taken.

Next Corinna Planning Commission Meeting: Tuesday, 12/13/11, 7 p.m., Town Hall.

Clearwater/Pleasant Regional Park: Tim Young letter of 9/8/2011 to Assistant Wright County Attorney Greg Kryzer, along with 8/29/2011 Draft Road Agreement sent to Kryzer with items 6 and 7 to ask for no cost sharing by the County, with all costs of road maintenance (Kramer and Lathrop) to be borne by Corinna Township; Kryzer letter of 10/6/2011 to Corinna Township Attorney. No action taken.

2. Robert Balogh, Jr. – 8611 Griffith Avenue NW: In regard to noxious weeds: Mr. Balogh received a continuance for dismissal on the condition that he mows his grass by 5/20/2011; Emails of 6/13/2011 and 6/10/2011 with Wright County Commissioner Rose Thelen and Wright County Weed Inspector Ken Johnson; Resolution 2011-14 ordering the razing of hazardous buildings located at 8611 Griffith Avenue NW, Maple Lake, MN 55358 was passed 7/19/2011. Paperwork signed and delivered to Tim Young 7/22/2011; Young letters of 7/22/2011 to Wright Co. Sheriff and Seven County Process Servers; Served 7/25/2011; Repairs must be made within 60 days of 7/25/2011; E-mail of 9/26/2011 to Craig Schulz, Building Inspector; Tim Young letter of 9/26/2011 to Building Official Craig Schulz; Craig Schulz e-mail of 9/27/2011; Tim Young letter of 9/27/2011 to Balogh; Balogh has until 10/24/2011 to demolish the buildings as repairs were not made within 60 day time limit; Wright County letter of 10/26/2011 regarding re-inspection of Balogh property; 11/1/2011 Young letters to Sheriff and Seven County Process Servers requesting Summons and Complaints to be served on Robert Balogh and TCF Corporation; Young letter of 11/7/2011 to Balogh; Balogh Stipulation; Young letters of 11/17/2011 to Balogh and TCF Corporation; Young letter of 11/29/2011 to Balogh; Buildings may be torn down beginning Dec. 7, 2011.
Demolition Quotes for Balogh Buildings: Quotes from Mares and Flygare were reviewed. Mares was the low quote at \$5,300.00. A motion was made by Naaktgeboren, seconded by Dearing, to award the demolition contract to Mares for \$5,300. All costs associated with this demolition project will be specially assessed to Balogh's property taxes. Carlson reported that the well is in the basement and needs to be capped. Board directed Carlson to get well capped as soon as possible.
Olson - 11597 – 89th Street NW, Annandale: Corinna Letter of 8/24/2011 regarding junk violation; Olson response letter of 9/5/2011; Dearing reported that as of 9/28/2011 no work had been done; Corinna letter of 10/6/2011 to Oleson regarding status of clean up; Olson letter of 10/26/2011 to Corinna Township; Corinna letter of 10/27/2011 to Olsons; Corinna Letter of 11/18/2011 to Olsons. Dearing reported that there are now two fence sections down.
11001 108th Street NW: 6/13/2011 e-mail from Sean Riley to Corinna regarding sewer. No action taken.
8128 Street Highway 24 NW: Complaint of 7/25/2011 regarding unlicensed car dealership. Naaktgeboren stated that after observing the property for several weeks, he does not feel that this rises to the level of an unlicensed car dealership.
Geisinger - 11585 67th ST NW: Corinna letter of 9/23/2011 to Geisinger regarding road surface edge damage due to ditch work by property owner; Corinna letter of 10/14/2011 to Geisinger; Corinna letter of 11/7/2011 to Geisinger; Clerk Brown checked into re-seeding the area and billing the cost to Geisinger and was advised to seed in the Spring.
Gordon - 6400 – 102nd Street NW: Complaint received regarding new "dump" on or near Hanford Gordon property; 10/28/2011 E-mail and photos to Wright County Sheriff and Wright County Attorney Greg Kryzer regarding Hanford Gordon junk violation and Wright County response; Corinna Email of 11/28/2011 to Kryzer regarding status of violation; Kryzer letter of 11/28/2011 to Corinna – Mr. Gordon is scheduled to appear in court on 12/20/2011 at 1:00 p.m., for probation violation on this matter.
Thomas - 11017 Guildner: Corinna building Official Craig Schulz letters of 9/29/2011 and 10/24/2011 to Anthony Thomas regarding dilapidated property; 11/7/2011 Corinna letter to Thomas; Corinna Letter of 11/11/2011 to DNR Officer Brian Mies. No action taken.
11173 Hart: Corinna Letter of 11/18/2011 to Denise Carlson regarding junk violation; Denise Carlson Letter of 11/30/2011 to Corinna Township. Naaktgeboren reported that he had inspected the property and said that it has been cleaned up and a portion has also been fenced.
11953 Kramer AV NW: Corinna letter of 11/14/2011 to Dohmen regarding Right-of-Way violation was reviewed. On 11/14/2011 Corinna Maintenance Department reported a dirt pile, covered with a tarp and trampoline on the Township Right-of-Way. 11/28/2011 Miller reported that pile is gone from Right-of-Way.
Hiler – 10655 Hollister: 11/21/2011 complaint regarding snow plow ripping up grass. Naaktgeboren reported that he spoke to Ms. Hiler. The following is a summary of their conversation: Naaktgeboren told Ms. Hiler that the grass is in the township road Right-of-Way. The plow is very large and cannot avoid grass in the Right of Way consistently. It is not the intention of the snow plow driver to rip up any grass.

Attorney Tim Young also reminded the Town Board that according to "common law dedication", the township gets, as a Right-of-Way, what we have used, to a maximum width of 66 feet. This includes the "snow landing area", where snow has been thrown by the plow.

11993 – 89th ST NW: Fish House in Right of Way Letter of 12/6/2011 was reviewed and signed.

3. 108th Street: Project work is nearly done for 2011.
4. 108th Street-Notify Utility Companies: Project work is nearly done for 2011.
4. November Planning and Zoning/Building Permit Report: Reviewed.
5. December Building Use Report: Reviewed.
6. US Census Bureau: Letter of 11/28/2011 regarding boundary changes. There have been no changes this year.
7. Wright County Dept. of Highways: No action will be taken on Federal Funding Notice.
8. Final Levy Certification: A motion was made by Carlson, seconded by Naaktgeboren, to approve the Final Levy Certification. Motion carried unanimously.
9. CGI Contract for 2012: Will be available for review at Dec. 20, 2011 meeting.

Any Other Business That May Come Before the Board: None.

Payment of Claims: Motion by Carlson, seconded by Naaktgeboren, to approve Direct Deposit Payroll Checks #306 through 309; EFT 2011-74 through EFT 2011-78, Check #17546 through Check #17547; Check # 17550 through Check # 17554; Check # 17556 through Check #17578; Check # 17582 through Check # 17587, in the amount of \$40,528.61. Motion carried unanimously.

With no further business to come before the board, a motion was made by Naaktgeboren, seconded by Carlson, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

December 20, 2011

Mary Barkley Brown, Clerk/Treasurer

John Dearing, Chairman