



**SYLVAN TOWNSHIP**

## **REGULAR BOARD OF SUPERVISORS MEETING MINUTES**

***JUNE 06, 2019***

*(Recorded for Transcription Purposes Only)*

**Call to Order/Pledge of Allegiance/Roll Call:** Chair Booth called the meeting to order at 7:10 PM. The Pledge of Allegiance was said at the previous meeting. Those Present: Supervisor Greg Bennett, John Wulff, Arlene Schmit, Greg Booth, Yvette Adelman-Dullinger and Faith Broberg, Clerk Treasurer. Sign-In Sheet Attached.

**Agenda:** Supervisor Bennett **moved to approve the amended agenda**, seconded by Supervisor Adelman-Dullinger and the motion carried.

### **Clerk/Treasurer 's Report**

**Minutes Annual Road Review 05-04-2019** Supervisor Schmit moved **to approve the minutes seconded by Supervisor Adelman-Dullinger and the motion carried.**

**Minutes Regular Board of Supervisors Meeting 05-06-2019** – Supervisor Wulff **moved to approve the minutes as amended**, seconded by Supervisor Adelman-Dullinger and the motion carried.

**May 2019 Financial Report** – Supervisor Schmit **moved to approve the financials for 05-2019 as presented**, seconded by Supervisor Wulff and the motion carried.

**Public Input** – none at this time.

### **Old Business/Reports –**

#### **Road Engineer – Bryan Drown of Bolton & Menk –**

**Pillager Dam Road Culvert** – Bryan reported his findings on this shared road with the City of Pillager and has sent them to Cass County Soil and Water. The road is 18-foot wide. The culvert is 32 feet of 30" corrugated steel. The pipe upstream is half full of sediment and on the downstream end the culvert has been extended from its original installation as the final six feet is a 48" corrugated steel pipe. The side slopes are steeper than the Township Road Standards at a 1:1 slope. Bryan contacted the City of Pillager regarding the City utilities in this area and reviewed their plan sheets.

A 3' diameter culvert would work. An environmental benefit would be the elimination of erosion with a 3:1 slope. The project would cost about \$50,000.

**Shady Hollow Road** – having the survey done and looking at 20' paved with 1-foot shoulders. Looking at the paving and the grading of this road, which is about ½ mile long, Bryan estimates the cost for improvement would be around \$100,000.

**Camp Jim Road** – The Right-of-Way Plat has been drafted. Bryan has Zach Zetah (Licensed Land Surveyor) with him tonight and they will go through the process for having the easements recorded.

- 1) Sylvan's Complete Right-of-Way (ROW) Plat #1. Zach will place monuments along the road (Camp Jim Rd). The ROW Plat does not transfer titles. On the plat there is a Title Block and for this type of Plat the only signatures needed would be the Township Chair and Clerk, the Surveyor and Cass County Recorder. Zach will send the Plat in to have the document recorded with the County and mylars (large copy of the plat with proper signatures and then covered with a heavy plastic.)
- 2) Each property owner along the Camp Jim Road will need to sign over a ROW easement which Signature Title has given a quote of \$60/each for preparing the documents for each property owner. These will then need to be recorded with Cass County.

Supervisor Bennett **moved to approve Zach Zetah and Bolton & Menk to have the Mylars prepared and signed at the Board's next meeting on June 20, 2019 and then recorded with Cass County**, seconded by Supervisor Wulff and the motion carried.

#### **Construction Part for the Camp Jim Road -**

The months of June, July and August are heavy use months for Camp Jim. There was discussion on going out for bids in late July and opening them and awarding the bid at the second Board meeting in August.

#### **Road Supervisors Road Report -**

**Cracksealing** – went over our budget on this. Supervisor Bennett in looking over the Road & Bridge budget believes we can use the amount budgeted for shouldering as we did all the shouldering last year.

**Driveway on Upper Sylvan Road** – this driveway is located across the street from Supervisor Adelman-Dullinger. No one has applied for a driveway permit on that portion of the Nelson Lake Addition. It needs to be checked into as the driveway for that parcel would not go onto Upper Sylvan Road but onto Nelson Lake Road. Need to contact the people in the trailer that is parked there and find out what is the situation.

Supervisor Schmit reported that someone on Little Pine Road SW is selling automobiles and there is another one on 43<sup>rd</sup> Avenue SW. There have been some complaints regarding the increase use of large trucks on Upper Sylvan Road. They are using the road as a short cut and not taking State Hwy 210. At 13<sup>th</sup> and 120<sup>th</sup> there is an area that needs a cut and patch. Need to talk to Scott Hendrickson about this.

**Sylvan Lane SW** – going up the hill on the west side of the road, we have talked about getting some paving there. We need to get a quote from Anderson Brothers for this paving.

**Planning Commission (PC)**- There hasn't been a PC meeting since the Board's last meeting.

**Dave Johnson** – PC Chair was disappointed at the results of the Public Hearing. Several Board members wanted to review the Commercial Ordinance. One of the written comments received at the Public Hearing in the previous meeting held tonight

was referring to Home Business and this CUP application from Mr. Foy is not a Home Business.

**Sylvan Lake Park** – Dave Johnson informed the Board that the Department of Natural Resources will not be building a kayak landing at the park this year. The DNR didn't get a license fee increase this year so do not have funds this year.

**History Series** – Dave Johnson reported that there were around 45 people that attended this first presentation. He would like to have the Township purchase a walking microphone for the speaker. Dave doesn't think it would be very expensive maybe around \$50.00 or less. It would improve the quality of the presentation. Supervisor Wulff **moved to approve the purchase of the walking mike or lapel mike that would be compatible with our present system**, seconded by Supervisor Adelman-Dullinger and the motion carried.

**Central Lakes Motor Sports CUP Application** – since the public hearing for this CUP was recessed to the June 20<sup>th</sup> meeting at 6:00 PM here at the Town Hall, it is felt that we need to do a 60-day extension. Supervisor Wulff **moved to do a 60-day extension for Central Lakes Motor Sports in order to obtain more information and review the conditions that were recommended by the Planning Commission**, seconded by Supervisor Adelman-Dullinger and the motion carried.

Supervisor Adelman-Dullinger **moved to send information on the Central Lakes Motor Sports Conditional Use Application to our attorney, Adam Ripple to write up some findings for or against the application**, seconded by Supervisor Bennett and the motion carried.

### **Planning Commission**

#### **Variances:**

**Gregory & Joann Ostrowski** – requesting a variance to put a 6/12 pitch roof on a pre-existing non-conforming cabin riparian to the Gull River. The flat roof was not created by the current owner. Granting the variance would be consistent with the Sylvan Township Comprehensive Plan with the conditions recommended.

Recommendations for this variance is:

- New roof should be guttered to the back and discharged into a rain garden.
- Owner should consult with Environmental Service Staff to enhance the buffer zone with low shrubs to strengthen an already good buffer.
- Applicant will meet all other Minnesota Power, local, county and state regulations.

Supervisor Wulff **moved to accept the recommendations for the Ostrowski variance application as corrected**, seconded by Supervisor Adelman-Dullinger and the motion carried.

**Anthony Berndt – After the Fact Variance** – the property is in the Nelson Lake Addition and is within the required 150-foot setback required for a Natural Development classification. The home was built with less setback than indicated on the permit. Granting the variance after the fact is not consistent with the Sylvan Township Comprehensive Plan as the environmental concerns of the Plan require a full setback whenever circumstances allow. The problem requiring a variance is due to the actions of the owner. Granting the variance will not alter the character of the neighborhood since the home fits existing neighborhood very well. The home as built puts the property to a reasonable use.

Recommendations for this variance:

- Applicant must immediately regrade the north lawn to create a large basin or water retention area to adequately hold all runoff from the property and protect the lake.
- Applicant shall immediately establish turf in the back yard by adding additional topsoil to ensure healthy growth to be inspected by the Environmental Service Department staff.
- The Cass County Planning Commission may want to consider having the sewer moved to a point that does meet required setback.
- The applicant must satisfy all other local, county and state regulations.

Supervisor Wulff **moved to approve the recommendations for the Anthony Berndt Variance**, seconded by Supervisor Adelman-Dullinger and the motion carried.

**Carl Christensen Variance** – request to build a home on Pillager Lake which is classified as a recreational development lake with a setback of 54 feet while a 100-foot setback is required by ordinance. The property contains 1.75 acres and is riparian to Pillager Lake. Existing cabin will be torn down saving the trees growing in close proximity. The existing cabin has a setback of 41 feet and is 900 square feet and the proposed cabin is 1232 square feet.

This variance will be consistent with the Comprehensive Plan of the Township if recommended conditions are included. The need for a variance is not a circumstance created by the applicant due to where the cabin is located on the property. This variance will not alter the character of the neighborhood as most homes along the south side of Pillager Lake are closer to the lake and larger than the cabin proposed. The variance puts the property to a reasonable use since the property can be improved visually and environmentally.

Recommended for this variance:

- Proposed cabin should be moved back an additional 20 feet and slightly to the west to allow full access to the garage.
- Landscaping the new front yard, the slope must be as it existed prior to construction.
- The buffer along the lake must be maintained as it currently exists.
- The applicant will meet all other local, county and state regulations.

Supervisor Schmit **moved to approve the recommendations for the Christensen variance**, seconded by Supervisor Wulff and the motion carried.

**Sylvan's Salt/Sand Shed Permit** – Supervisor Bennett is going to work on getting the variance application ready for approval.

**Fire Report** – Supervisor Adelman-Dullinger gave this report. There have been six applicants for the fire department. Three passed the agility test. There are now 24 members in the fire department. It costs \$8000 to train and outfit a firefighter. Uniforms will arrive next week, and policies will be developed. Fairview Township is having a community outreach on June 18<sup>th</sup>, 2019. The firemen will be getting safety vests at a cost of \$30/\$40 each.

There were 20 runs in May, 116 year to date and last year at this time there were 120 runs.

## **NEW BUSINESS –**

**Clean Up Day-** the Township received an email from John Ringle of Cass County regarding costs to assist the Township with a cleanup day. The Township would contract for roll-off containers, staff the pickup, keep the correct materials in the correct container and transport materials to Pine River. Cass would then pay for the cost of disposal.

**Set Public Hearing for 42<sup>nd</sup> Avenue SW** – Supervisor Wulff moved to set the public hearing for Thursday, July 18, 2019 at 6:00 PM with the Regular Board of Supervisors meeting on the road with the Board of Supervisors meeting following immediately after, seconded by Supervisor Schmit and the motion carried.

**Summer Short Course-**Supervisor Wulff moved to approve Board Members and Staff attending the Summer Short Course, seconded by Supervisor Bennett and the motion carried.

**Approve Checks for July 3, 2019-** Supervisor Wulff moved to approve payroll checks for July 3, 2019 due to the 4<sup>th</sup> of July falling on the first Thursday of the month the Board's regular meeting night, seconded by Supervisor Schmit and the motion carried.

**Other Township Business –**  
**Correspondence –**

Cass County Sheriff's Incident Report –  
Building Permits issued for Sylvan Township-  
Compliant regarding Michael Frank – on going garage sale.

**Review Claims –**

Supervisor Wulff moved to approve the payroll check #'s 23529 – 23438 in the amount of \$4,558.16 and the claims #'s 23439 – 23459 in the amount of \$24,409.69 for a total of \$28,967.85, seconded by Supervisor Bennett and the motion carried.

**Resolution 2019-03 – 2019-07** Authorization Contracts with interested Officers under Minnesota Statute §471.88, subd.5:

- Supervisor John Wulff—Supervisor Bennett moved to approve Resolution #2019-03, seconded by Supervisor Schmit and the motion carried with Supervisor Wulff abstaining.
- Supervisor Arlene Schmit – Supervisor Bennett moved to approve Resolution #2019-04, seconded by Supervisor Wulff and the motion carried with Supervisor Schmit abstaining.
- Chair Greg Booth – Supervisor Bennett moved to approve Resolution #2019-05, seconded by Supervisor Adelman-Dullinger and the motion carried with Chair Booth abstaining.
- Supervisor Adelman-Dullinger – Supervisor Bennett moved to approve Resolution #2019-06, seconded by Supervisor Wulff and the motion carried with Supervisor Adelman-Dullinger abstaining.
- Supervisor Greg Bennett – Supervisor Wulff moved to approve Resolution #2019-07, seconded by Supervisor Schmit and the motion carried with Supervisor Bennett abstaining.

**Adjournment:** Supervisor Wulff moved to adjourn, seconded by Supervisor Schmit and the motion carried with the meeting adjourning at 9:42 PM.

Minutes submitted by,

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Faith C. Broberg, Clerk/Treasurer

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Chair, Greg Booth

Supervisor Schmit moved to approve the minutes as **presented**/as amended, seconded by Supervisor Bennett and the motion carried.

Amendments: None

Date: June 20, 2019