

Second Monthly Board Meeting
Minutes
August 28, 2013

TOWN of BIG LAKE
"Sherburne County's First 5-Member Township Board"
P.O. Box 75, Big Lake, Minnesota 55309

On Wednesday, August 28, 2013, the Big Lake Board of Supervisors met at the Big Lake Town Hall located in the Big Lake Lions Park at 21960 County Road #5, Big Lake Township, Sherburne County, State of Minnesota. The meeting was tape recorded for transcribing purposes only.

Chairman Hofer called the meeting to order at 7:00 p.m. There were 10 people in the audience at the start of the meeting. Roll call was taken by the chairperson.

Board Members Present:	Bob Hofer, Chairman Bruce Aubol, Supervisor Larry Alfords, Supervisor Norm Leslie, Supervisor Ken Warneke, Treasurer Laura Hayes, Clerk LaDonna Braun, Deputy Clerk
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Board Members Absent:	Steve Pfliegaar, Supervisor
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All present stood and recited the pledge of allegiance to the flag of the United States of America.

Supervisor Leslie motioned to approve the Second Monthly Meeting agenda with the addition of reports from Commander Steve Doran, Sherburne County Sheriff's Department. Supervisor Aubol seconded. All present were in favor. The motion carried. The meeting proceeded in accordance with the agenda as amended.

Supervisor Aubol motioned to approve consent agenda items: a) Resolution 2013-23 Accepting Donations to the Big Lake Fire Department. b) Resolution 2013-24 Approving a Conditional Use Permit for Cargill Kitchens at 20021-176th Street. c) Approve List of Claims & Payroll (disbursement list received at meeting). Supervisor Alfords seconded. All present were in favor. The motion carried.

Sherburne County Sheriff's Department, Commander Steve Doran – Commander Doran provided the Board with a list of call responses for the previous month. The Board had no questions for Commander Doran. He advised there were 198 calls for the previous month.

OPEN FORUM

John Norgren advised the fence at Bailey Station Cemetery was sandblasted and painted with two coats of paint last week.

BUSINESS FROM THE CLERK

a) Michael Jardine/Eagle Scout Project-Horseshoe Pits at Big Lake Lion's Community Park – Michael Jardine appeared before the Board to present his Eagle Scout Project proposal of constructing horseshoe pits at the Big Lake Lion's Community Park. His project consists of constructing 4 pits/2 lanes. Michael Jardine advised he is a member of Elk River Boy Scout Troop 378. His project would start as soon as volunteers and supplies are secured. There was discussion regarding where the shoes would be kept. It was determined after discussion; people using the pits would need to provide their own throwing shoes. Supervisor Leslie motioned to approve the project as presented. Supervisor Aubol seconded. All present were in favor. The motion carried. Michael Jardine was advised to contact the Town Clerk's Office when he is ready to start the project.

b) Bob Godar, Govesco Properties – Requesting a Variance to the Shoreland Ordinance Re: 25% Impervious Surface Restrictions – Bob Godar appeared before the Board to request a variance to the Shoreland Ordinance Section 14, Subd 5:5B1 requiring impervious surface coverage of lots not exceed 25 percent of the lot. Bob Godar presented his proposal to construct a 34' x 77' expansion to an existing mini storage unit. Sherburne County Zoning staff has advised that currently there are approximately 135,000. Sq ft of impervious surface on the property, which is equal to approximately 46%. Bob Godar presented drainage information and water run-off/site grade plans between buildings used for water retention and short-term ponding. Distance from Preusse Lake was discussed. Bob Godar advised he has a waiting list of 16 people looking for storage units. His facility and others in Big Lake are currently full. Supervisor Alford's motioned to recommend approval of the variance request as presented. Supervisor Leslie seconded. All present were in favor. The motion carried.

c) Scott & Luan Carlson – IUP for a Home Business in an Accessory Building (Final Approval) –

Supervisor Alford's motioned to approve the IUP for a Home Business in an Accessory Building: Warehouse Distributor of Flexible Packaging Materials – No Retail, as recommended by the Planning Commission and approved by the County Board of Commissioners on 8/6/2013 with the following conditions; but, noting exception to item #16:

1. All business activities shall be conducted within the existing accessory structure (1,728 sq ft). If the accessory structure is to be expanded or used for non-business use (i.e. personal storage), a partition wall or similar divider must be used to separate business from nonbusiness use to identify compliance with this condition.
2. Days and hours of operations shall be Monday through Friday, 8:00 AM – 5:00 p.m.
3. There shall be no employees other than a member of the household residing on the premises.
4. There shall be no sandblasting, chemical/paint spraying, or similar use associated with the business.

5. There may be no more than one non-illuminated business sign totaling not more than 12 sq ft on the premises.
6. There shall be no commercial vehicles or trailers parked or stored on the property. There shall be no more than four semi-truck deliveries per month, excluding UPS deliveries.
7. All exterior lighting shall be directed away from the right-of-way, and any neighboring homes.
8. There shall be no hazardous waste stored on the property.
9. Any solid or liquid waste must be handled and disposed of according to any applicable County or State regulations.
10. The IUP holder and/or property owner shall permit the County to inspect the property, including any buildings used for the business during normal working hours. Further, the IUP holder shall allow the County to inspect any business records for the purpose of ensuring compliance with the terms of the IUP.
11. This IUP is valid for Scott & Luan Carlson.
12. The building shall comply with the MN Building Code prior to the OUP being recorded.
13. The IUP shall expire with a change in ownership of the property, or as determined by the Planning Commission at the public hearing.
14. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.
15. No outside storage.
- ~~16. Sunset date of two years.~~
17. The findings in Section 18, Subd 6(4) have been made.

The Board went on record stating in their opinion item #16 should be stricken from the list of 17 conditions approved by the Planning Commission and Sherburne County Board of Commissioners.

The Big Lake Town Board found the requirement to reapply and pay the \$500. fee in two years to be an unnecessary hardship placed on the applicant, noting the purpose of an IUP is that it runs with the property owner, not the property, and therefore is revocable at any time if the requirements of the IUP are not being met. It would seem appropriate that the applicant be given the benefit of being trusted to operate their business within the guidelines and reserve reprimand actions for non-compliance.

The Board also found the two year sunset to be an arbitrary act. Noting IUP's have been available and granted to Big Lake Township residents since the adoption of IUP's by Sherburne County. The Town Board questioned why this particular IUP request received a sunset limitation on it.

Supervisor Alford's noted the accessory building is a good location for this type of business. The main road can accommodate the minor amount of traffic that will be generated by the business and this is not located in a housing development with any close neighbors. He further commented that it will be good to have this business in the Big Lake community.

Supervisor Aubol seconded the motion. All present voted in favor. The motion carried.

d) Carol Letellier – IUP for a Home Business in an Accessory Building (Final Approval) -

Supervisor Alford's motioned to approve the IUP for a Home Business in an Accessory Building: Small Consignment/Thrift Retail Store Named "Bailey Station", as recommended by the Planning Commission and approved by the County Board of Commissioners on 8/6/213 with the following conditions; but, noting exception to item #16:

1. The business shall not operate until the accessory building is in compliance with the MN Building Code, and the Building Official has issued a Certificate of Occupancy.
2. All business activities shall be conducted within the existing accessory building (1,440 sq ft).
3. There shall be no access onto CSAH 15.
4. There shall be sufficient off-street parking, including a minimum of (5) 9' x 18' parking stalls.
5. There shall be no employees other than members of the household residing on the premises.
6. There shall be no sandblasting, chemical/paint spraying, or similar use associated with the business.
7. There may be no more than one non-illuminated business sign totaling not more than 12 sq ft on the premises.
8. Days/hours of operation may be Mon-Sat, 9:00 am to 6:00 pm.
9. All items delivered to the Thrift Store by the public shall be immediately brought indoors. There shall be no after-hours drop off.

10. There shall be no exterior storage of business materials. Applicant shall provide a map showing a designated area for personal items prior to action taken by the County Board so that it can be included as a part of the approval.
11. Any solid or liquid waste must be handled and disposed of according to may applicable County or State regulations.
12. The IUP holder and/or property owner shall permit the County to inspect the property during normal working hours, including any buildings used for the business. Further, the IUP holder shall allow the County to inspect any business records for the purpose of ensuring compliance with the terms of the IUP.
13. The applicant shall comply with all local, state, and federal regulations.
14. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the IUP.
15. This IUP is valid for Carol Jean Letellier.
16. ~~The IUP shall expire in two years from date of approval by County Board.~~
17. The application complies with the findings in Section 18, Subd 6 (4) of the Zoning Ordinance.

The Board went on record stating in their opinion item #16 should be stricken from the list of 17 conditions approved by the Planning Commission and Sherburne County Board of Commissioners.

The Big Lake Town Board found the requirement to reapply and pay the \$500. fee in two years to be an unnecessary hardship placed on the applicant, noting the purpose of an IUP is that it runs with the property owner, not the property, and therefore is revocable at any time if the requirements of the IUP are not being met. It would seem appropriate that the applicant be given the benefit of being trusted to operate their business within the guidelines and reserve reprimand actions for non-compliance.

The Board also found the two year sunset to be an arbitrary act. Again, noting IUP's have been available and granted to Big Lake Township residents since the adoption of IUP's by Sherburne County. The Town Board questioned why this particular IUP request received a sunset limitation on it.

Chairman Hofer noted this is a small, one-owner business that will have to deal with major County Road construction during the first year of business. He advised that Carol Letellier has already made several changes to the structure and surrounding area to comply with the requirements made by the County. Chairman Hofer noted he is a neighbor and friend of the applicant and will therefore abstain from the vote.

Supervisor Leslie seconded the motion. Supervisors Alford, Leslie and Aubol voted in favor of the motion. Chairman Hofer abstained. The motion carried.

e) Other-Meetings-Updates – Clerk Hayes reminded the Board and staff members volunteering for Music in the Park concessions on Thursday, August 29, to be to Lakeside Park by 4:45 p.m.

BUSINESS FROM THE SUPERVISORS/COMMITTEE REPORTS

TOWN ROADS

1) Other-Meetings-Updates – Treasurer Warneke advised Jeff Rhodes is working on cracksealing. Allied Blacktop is currently patching on 172nd Street South of Highway 10 and will be seal coated, as an add-on to the contract. Seal coating will begin next week, after Labor Day. Patching is being done in Sleepy Hollow. Grinding has been delayed on 214th Avenue due to grinding equipment breakdown. Overlay projects are progressing.

CHAIRMAN'S REPORT

Chairman Hofer advised he had nothing to report at this time.

SUPERVISOR'S REPORT

1) Other-Updates-Meetings – Supervisor Leslie and Chairman Hofer advised they attended the EDA Meeting. Discussion included the revenue bonds for the industrial park expansion area are due February 2014. The current rate is 6.45%. the 60 month extension would be 4.75%. The EDA is recommending an extension. A representative from Cargill was also present regarding Cargill's recent application for building expansion and concerns mentioned by Dennis and Paula Wiltsey at the Joint Powers Board Meeting. The representative advised the Wiltsey's concerns will be addressed by Cargill. The City of Big Lake is planning to hire for the EDA position. A new title and job description is being created by the City for this position.

BUSINESS FROM THE TREASURER

a) Other-Updates-Meetings – Treasurer Warneke advised claims tonight total \$13,565.13 therefore; there is only a minor change to fund balances.

ADJOURNMENT

A motion was made by Supervisor Leslie to adjourn the meeting. Supervisor Aubol seconded. All present were in favor. The motion carried. The meeting adjourned at 7:49 p.m.

Respectfully Submitted,

Laura Hayes, Clerk

Robert Hofer, Chairman