

November 28, 2005

On the above date a special meeting of the Town Board was held at 11:15 a.m. to consider authorizing a study regarding the effect of community residences on the health, welfare and safety of the Town and to consider enacting a moratorium on the establishment of community residences while the study is being conducted. The following Board members were in attendance: Chairman Dennis Seefeldt, Vice Chairman Mike Hinz, Michael Harnetty, Nancy Madden, and Blair Joselyn. Approximately 40 people were also in attendance.

The meeting opened with a brief review by Dennis Seefeldt of the current ordinance in place regarding community residences in New Scandia Township. Michael Ahrndt, 21770 Olinda Lane, was called upon to give a summary of the position the residents have concerning this issue, in particular to a Community Residence being proposed at 21523 Oland Avenue. He read from a letter written to the Board by Terry and Colleen Gorham, stating their feeling about the safety of the community being threatened and the need for action to be taken against group homes from continuing to be established in the Town. Mr. Ahrndt also made known the restrictions placed on communities through HUD and the Department of Justice, but he felt that there are alternatives to be explored through mediation which would be acceptable to all parties.

Dave Hebert, Township attorney, provided his research on moratoriums. Minnesota Statutes allow municipalities to adopt an interim ordinance but they may not delay a single project. To put a moratorium in place, the Board must first authorize a study, set a budget for the study, then pass a resolution. The study must show factual reasons and in what ways a change in ordinance would be different from what is already in place. If adopted, the moratorium may be in place for one year. The New Scandia Development Code (Section 10.7) does require a Certificate of Compliance for Community Residences serving 1 to 6 persons and a Conditional Use Permit in serving 7 to 16 persons. In answer to a question of the current ordinance being too vague, Mr. Hebert pointed out that the requirement of a CC is actually more restrictive than what Washington County requires. Mr. Hebert stated that he did speak with the project owner of 21523 Oland Avenue and the plans are for the home to accommodate 3 to 4 mentally handicapped persons with a 24-hour staff.

Michael Harnetty spoke of the situation as a chronic issue (how to control the number of homes and where they can be located) and as an acute issue (the house on Oland being licensed as a group home). All discussion must be addressed to the chronic issue, as it is illegal to discriminate against one particular project. Mr. Harnetty asked if they could regulate the number of community residences in the township. Mr. Hebert: No, not legally.

Mike Hinz questioned the need for a CUP for any of these group homes; such as can they be considered a profit-making business. Mr. Hebert: No, they are not regulated as a business.

Nancy Madden asked whether the Township has any input as to the licensing of the homes. The license is issued from the county and state, based on the granting of a CUP from the municipality when necessary. April Johnson, 22245 Jude Avenue North, Forest Lake, informed the Board that Community Living Options, the interested buyer for the home on Oland Avenue, is required to have their license checked every two years. As of January 2004 there were four violations on their record.

Discussion of going ahead with a study concerning group homes in New Scandia Township involved comments on possible holes in the current ordinance, review the density of group homes in an area, what constitutes a threat, fencing, and the proximity to schools, churches, daycare facilities, playgrounds. Emphasis was not to direct this to a particular case.

A motion was made by Michael Harnetty to authorize a study reviewing the current ordinance relative to group homes. Blair Joselyn seconded the motion and by a voice vote, the motion passed unanimously.

This study will be lead by an independent party, possibly Town Planner Richard Thompson. A budget will be established. A formal resolution to enact the study will be made at the December 6th Board meeting, thus putting in place an interim ordinance on a moratorium regarding community residences, up to 12 months. A Public Hearing would follow if any changes to the Development Code were felt necessary.

Meeting adjourned.



Brenda Eklund
Acting Town Clerk