

September 5, 2006

New Scandia Township Board met on the above date. The following were in attendance: Chairman Dennis Seefeldt, Vice-Chairman Michael Hinz, Michael Harnetty, Blair Joselyn and Nancy Madden. The meeting was called to order by Chairman Seefeldt at 7:00 p.m. Anne Hurlburt was introduced as the new Town Administrator, a position which Ms. Hurlburt began on this date.

FRED HIENONEN

Fred Heinonen, 13277 Lakamaga Trail, had approached the Board at the August 15, 2006 Town Board meeting regarding a complaint against Public Works mowing down a patch of wildflowers that were growing near Mr. Heinonen's mailbox. Supervisors Seefeldt and Hinz inspected the complaint. In reply, Chairman Seefeldt identified the wildflower as "beggar's tick" which had grown to a height as to interfere with site lines to the west. The wildflowers were growing in the right of way. Mr. Heinonen's complaint was termed unfounded.

TII GAVO – RECONVENED HEARING OF PRELIMINARY PLAT

Roger Tomten, Tod Drescher and Mark Sandercott, representing Big Marine Lake Development, LLC, were in attendance to present a revised preliminary plat of the development Tii Gavo. This is a proposed Open Space Subdivision located on 154 acres on the northeast shore of Big Marine Lake. The New Scandia Planning Commission recommended to the Town Board at the July 11, 2006 meeting to approve the preliminary plat, with a list of conditions. The Town Board tabled the application pending further refinement and discussion. A Workshop was held on July 25, 2006 with two members of the Planning Commission and two members of the Town Board. The following revisions were made as a result of the workshop:

- 1) Moved Lot #32 into the Central Meadow from the eastern shore of Rassmussen Pond.
- 2) Eliminated Meadowridge Circle (cul-de-sac to north toward Rassmussen Pond). Lots 30 and 31 now have a shared driveway off Meadowridge Trail.
- 3) Illustrated the location of bituminous trails within the development.
- 4) Revised the layouts of lots 19-24 in the East Point Woods:
 - a) Shifted west lot line of Lots 19 and 20 to the east.
 - b) House site 21 moved 40 feet back from shoreline; house site 22 moved 90 feet further back; house site 23 moved 38 feet closer (same elevation with no walk-out or look-out toward the lake); house site 24 moved 42 feet further from the south shoreline. All modifications were done to reduce the chances of any impacts to the natural vegetation and topography between houses and shoreline.
 - c) Height limit for the houses on the East Bay, Lots 21-23, reduced to 30 feet.
- 5) Renamed Meadowridge Lane Court North to Meadowridge Lane Circle North.
- 6) HOA storage facility buildings will meet 50 feet setback from adjacent property lines.
- 7) The concept of "Transfer of Accessory Apartments" has been dropped from the PUD.

Discussion among the Town Board followed. Supervisor Hinz stated that he felt that lot size was too small and that there were too many lots on the peninsula. Supervisor Harnetty stated that the positive design of the plat outweighs the negative. Harnetty felt that this design may set a standard for future development in New Scandia Township.

Michael Harnetty made a motion to approve the modifications presented by the developers and accept the recommendation of the Planning Commission made at the July 11, 2006 meeting as follows:

The Planning Commission recommended to the Town Board that they approve the Preliminary Plat of Tii Gavø, the Conditional Use Permit for Open Space Design (OSD) and Planned Unit Development (PUD) to divide 154 acres into 37 lots on the northeast shore of Big Marine Lake on the grounds that it is essentially in conformance with the Township standards for OSD and PUD, with the following conditions: 1) That the Homeowners' Association Open Space Management Plan is approved by the Township. 2) That the conservation easement is approved by the Township. 3) That the applicant confirms the community building will not encroach on the OHWL setback. 4) That the tennis court be located outside of the shore impact zone. 5) That a plan for creation and maintenance of the channel to Turtle Bay be contingent on approval by the Minnesota DNR and Watershed District, and suggested implementation of boardwalk and fishing dock. 6) That the plans recognize a maximum of 25% impervious surface within the Shoreland District. 7) That Washington County approves the community wastewater treatment system and well. 8) That before final plat approval, the covenants define maintenance and management practices of the community wastewater treatment system. 9) That any concerns from the Town Engineer are addressed. 10) That any concerns from the Carnelian Marine Watershed district are addressed and a permit granted. 11) That the applicant continues to work with the Conservation District in addressing stormwater management and erosion control. 12) That a more detailed landscaping plan, including plant quantities and treatment of the beach area and the buffer zone size, be approved before final plat approval. 13) That the combination of park fees and land dedication be resolved. 14) That the Developer and the Township negotiate a height limitation on houses on Block 13, Lots 1, 2 & 3. 15) That the size, placement and design of accessory storage buildings be provided. 16) That the Township Engineer investigate the location of the access roads on Newgate and Lakamaga and make recommendation for traffic management on both access roads. 17) That no copper sulfate or chemicals are used for weed control in Turtle Bay, only mechanical means. 18) That there is only one dock with 19 slips. Findings are the applicant has proved innovative, creative, cooperative and eager to collectively meet and exceed existing standards.

Nancy Madden seconded the motion. Voting in favor: Harnetty, Joselyn, Madden, Seefeldt. Voting opposed: Hinz. Motion adopted.

LANDMARK SURVEYING – JOEL ANEZ

Joel Anez, Landmark Surveying, was present to explain the placement of a drainfield in the 50 foot utility easement during the present construction of the business known as Prairie Restoration in the Hawkinson Business Park. It was a mistake on the part of the contractors. It will be necessary to vacate part of the utility easement to allow the septic mound to remain. A 10-foot utility easement can be established along the northern lot line to match the easement on the lot to the east. This vacation will require a public hearing. Town Attorney Hebert will prepare a resolution to call for the hearing. This resolution to be presented at the September 19, 2006 Town Board meeting. Town Engineer Tom Peterson will study the drainage plans through the swale.

2006 CULVERT REPLACEMENT PROJECT

The following bids were submitted for the 2006 Culvert Replacement Project:

	<u>Contractor</u>	<u>Bid Amount</u>	<u>Alternate No. 1</u>
Low	Jay Bros., Inc.	\$100,334.00	\$4,900.00
#2	Scandia Trucking, Inc.	\$105,922.00	\$1,500.00
#3	Peterson Excavating, Inc.	\$121,576.00	\$4,480.00
#4	Miller Excavating, Inc.	\$121,588.00	\$4,400.00
#5	Wipper Backhoe & Bobcat Service	\$125,964.00	\$5,000.00
#6	Hydrocon, Inc.	\$131,340.00	\$8,832.00
#7	Glenn Rehbein Excavating, Inc.	\$142,865.00	\$6,750.00
#8	RO-SO Contracting, Inc.	\$162,078.00	\$7,500.00
#9	Nord Excavating, Inc.	\$167,383.00	\$3,900.00
#10	Midwest Contracting, Inc.	\$174,762.00	\$6,265.00
#11	W. B. Miller, Inc.	\$233,751.00	\$1,875.00

The low bidder, Jay Bros., Inc., is currently on the Minnesota State Department of Administration debarment list as a result of misrepresenting facts on a state bid document. This debarment was not necessarily due to the quality of work. As this project does not involve the use of state funds, New Scandia Township may award this contract if so decided. The Town may hold a hearing on this bid award where Jay Bros. is asked to discuss the bid.

Michael Hinz made a motion to table the 2006 Culvert Replacement Bid award until the September 19, 2006 Town Board meeting. Nancy Madden seconded the motion and motion adopted unanimously.

At 7:30 p.m., the New Scandia Planning Commission began their regular monthly meeting. The following Planning Commission members were in attendance: Chair Chris Ness, Jim Malmquist, Kevin Nickelson, Peter Schwarz and Donnette Yehle.

KENNETH AND PAM HUBERTY – VARIANCE

Planning Commission recommended to the Town Board that they approve the variance request of Ken and Pam Huberty, 22899 Mallard Avenue North, Scandia, MN 55073, to construct an accessory building between the house and the road on the grounds that it seems the definitions of the Home Owner's Association and the Township ordinances are in conflict regarding what constitutes the front and rear of a lakeshore lot. Conditions are 1) That the applicant provide screening of the structure per Sec. 9.11 of the Town Ordinance, 2) Structure be of similar material and color to the residence, 3) That the Applicant pays all fees including those for the Attorney, Engineer and Planning services. Findings are it is preferable to locate the structure on the rear of the property, i.e. roadside of the residence, than on the lakeside as per Township Ordinance.

Michael Hinz made a motion to approve the recommendation of the Planning Commission for a variance to construct an accessory structure closer to the road than the primary residence. Nancy Madden seconded the motion. Voting in favor: Harnetty, Hinz, Madden, Seefeldt. Voting opposed: Joselyn. Motion adopted.

For the variance request regarding building size, there was no hardship found. Therefore, Planning Commission recommended to the Town Board that they deny the variance to construct a 1,200 square foot accessory building because of the following findings of fact: 1) The 1,200 square foot accessory building is not required to make reasonable use of the property. 2) The

request to exceed Ordinance standards is not due to circumstances unique to the property. 3) The need for the 1,200 square foot accessory building is a circumstance created by the property owner.

Michael Hinz made a motion to approve the recommendation of the Planning Commission and adopt the written findings of fact -- to deny the variance request to construct an accessory structure 200 square feet larger than the maximum allowed. Nancy Madden seconded the motion and motion adopted unanimously.

For the record, Town Attorney Dave Hebert presented the written findings contained in the Planner's report directly to Ken and Pam Huberty. These written findings of fact state:

- 1) The 1,200 square foot accessory building is not required to make reasonable use of the property.
- 2) The request to exceed Ordinance standards is not due to circumstances unique to the property.
- 3) The need for the 1,200 square foot accessory building is a circumstance created by the property owner.

The Planning Commission adjourned their meeting. The Town Board meeting continued.

SALE OF THE SEPPI THREE-POINT MOWER

A request to purchase the old roadside mower has been received. It was decided to get at least three quotes for the value of the mower before considering a sale.

FOREST LAKE/COMFORT LAKE WATERSHED MEETING

The Forest Lake/Comfort Lake Watershed is meeting with the Bone Lake Homeowner's Association on September 20, 2006, 6:30 p.m., at the New Scandia Community Center. New Scandia Town Board has been asked to be in attendance. A Special Meeting notice will be posted.

CHRIST HOUSEHOLD OF FAITH FEEDLOT

Christ Household of Faith will be making improvements to their horse operation. This work will require soil to be hauled in. Washington County will be issuing a permit for the feedlot improvements.

BIG MARINE LAKE STORE

The Town has received notice that a fence has been constructed approximately three feet off the property line at the Big Marine Lake Store, 19261 Manning Trail. Washington County is following up on this matter, as a permit had not been obtained. Washington County has given Mr. Reicherts, owner, until September 22, 2006 to have the property surveyed and a permit application submitted.

WILD BUSH ACRES

Washington Conservation District has given a failing Erosion Control Report to the Wild Bush Acres subdivision. Mark Woolston, developer, replied with plans to take immediate action. Town Engineer Tom Peterson will oversee the corrective measures to be undertaken by Mr. Woolston. A seeding deadline of September 30th was agreed upon. All other corrections need to be in place by mid-October.

CITY OF MARINE – DEPUTY POSITION

The City of Marine has informally approached the Town Board with a request to discuss the possibility of entering into an agreement in which a deputy position can be shared among the two municipalities. A meeting will be held involving Washington County Sheriff Potts, Marine City Council representatives, and Supervisors Seefeldt and Madden and Administrator Hurlburt to further discuss this option.

MOSTAD CASE – SMALL CLAIMS COURT

Howard and Marney Mostad have filed a claim against New Scandia Township in regards to a \$1,500.00 Park Fee. The case will be heard on September 14, 2006 at the Washington County Government Center. Supervisor Harnetty will represent the Township for this hearing.

WORKSHOP MEETING

A Workshop Meeting will be held on September 13, 2006 at 5:00 p.m. The Town Board will meet with Administrator Hurlburt to further discuss the details of Ms. Hurlburt's position. The Workshop involving the Town Board and Planning Commission to discuss possible changes to the Development Code will follow at 7:00 p.m.

Nancy Madden made a motion to adjourn and meeting adjourned at 10:15 p.m.


Brenda Eklund
New Scandia Township Deputy Clerk