

Albany Township–Monthly Meeting–March 25, 2013

The regular monthly township meeting was called to order by Chair Mary Rosen on March 25, 2013 7:30 P.M. at the Albany City Council Chambers. Supervisors, Mary Rosen, Tim Nierenhausen, and Rosanne Lehnen were present. Also present, Diane Noll, Clerk .

The pledge of allegiance was recited.

2. The agenda; The additions to the agenda were 7e. 360 Street Construction and 7f. 350 Street Construction. A motion to accept the agenda with additions, was made by Supervisor Nierenhausen, seconded by Supervisor Lehnen , motion carried unanimously.

3. Minutes The minutes from February 25–Extended and Monthly, March 4–Extended, and March 22–Organizational meetings were reviewed. A motion to approve minutes as reviewed was made by Supervisor Nierenhausen, seconded by Supervisor Lehnen, motion carried, unanimously.

Also, the Annual meeting minutes were reviewed.

4. Treasurer's Report The Treasurer's report was reviewed; total investments as of today are \$303,293.24 with a checkbook balance of \$295,164.03 This month deposits were \$21,223.63 claims were \$16,542.29 and payroll is \$1,328.56. A motion to approve the treasurer's report was made by Supervisor Nierenhausen, seconded by Supervisor Lehnen, motion carried, unanimously.

The certificate at Stearns Bank in the amount of \$54,512.40 will mature on March 27, 2013

A motion to place back into a six month CD was made by Supervisor Nierenhausen, seconded by Lehnen, motion carried.

5. Approve Claims

A motion to approve claims 8111 to 8129 plus electronic transfer of 20134 was made by Supervisor Lehnen, seconded by Supervisor Nierenhausen, motion carried.

List of Claims

8111–8116 Payroll–\$1,328.56

8117–Albany Phone	\$30.95	8118–Couri/Ruppe	\$450.00
8119–Sunny Brook	\$5,915.00	8120–County Auditor	\$387.50
8121–Gary Bloch	\$70.00	8122–Star Pub.	\$93.80
8123–Schlenner/Wen	\$5,750.00	8124–Post Office	\$44.00
8125–M/R Signs	\$365.00	8126–Herdering	\$2,960.00
8127–Sheela Arceneau	\$103.12	8128–Diann Laing	\$103.12
8129–MaryAnn Groetsch	\$115.62	20134–PERA	\$154.06

Total Payroll and Claims: \$17,870.85

6. Guests

a. Orderly Annexation with City of Albany–Tom Schneider

A request for Orderly Annexation of 34658 225 Ave, Albany Parcel number 01.00194.0000, into the City of Albany. This 5.74 acre parcel has municipal sewer and water and abuts the City limits on three sides.

There is an acre of lowland in this lot and will need to comply with the county ordinance. The Planning Commission recommends approval of this request.

A motion to approve the Request for Orderly Annexation of 5.74 acres, was made by Supervisor Nierenhausen, seconded by Supervisor Lehnen , motion carried.

c. Variance Request–Trestle Ridge–Paul Eisenschenk

A request for a Variance to allow Trestle Ridge 2 to enlarge the lots allowing Outlot C to be divided into smaller 1–2 acre not build–able lots. These lots would have separate deeds and tax statements. They would be available for purchase by the

buyer of the existing lots. At this time no lots have been sold in Trestle Ridge 2.

The Planning Commission recommends denial of this request.

Present for the request are, Paul Eisenschenk, representing Joe and Janel Schiffler, Mark Rodenwald, Real-estate Agent, Brian Simon, Dennis and Judy Roering concerned neighbors.

Mr. Eisenschenk presented a written statement, stating in September he forwarded an email to Supervisor Nierenhausen advising him of the request to enlarge the lots in Trestle Ridge 2. Being as there was no response, he went forward to the county with his changes, thinking that there would be no concerns in the township. Supervisor Nierenhausen never received the email. At the county public hearing, Albany Township was represented and requested to have further information and a public hearing on this variance.

Mark Rodenwald – At this time buyers are looking for larger plots of land. We have also seen when developments have an outlot that is the responsibility of the homeowners association, no one takes ownership, and the outlot is not cared for.

Supervisor Nierenhausen–Has an offer been made on outlot C?

Mark Rodenwald–yes there is a buyer for part of it.

Supervisor Nierenhausen–if outlot C stays, would it be the homeowners responsibility to maintain the property?

Paul Eisenschenk–Yes, they would. Most homeowners do not enforce the covenant, in reality they are seldom enforced.

Mark Rodenwald–agreed enforcement is seldom done.

Supervisor Nierenhausen–what is the price on these lots?

Mark Rodenwald–They range from \$85,000–\$100,000 per lot. Some prospective buyers are reluctant, because they are concerned with what will happen with the property in the outlot.

Supervisor Nierenhausen–has the amount been reduced?

Mark Rodenwald–it has been recommended that the price of the lots be reduced.

Supervisor Rosen–if this lot is split up, where would the road be placed to access these lots?

Paul Eisenschenk–if the buyers are the homeowners of the existing lots, no road would be needed.

Brian Simon–no road would be needed as long as the property is owned by the homeowners, but these parcels can be sold, they would then be land locked. I have concerns about fences, campers, etc on these lots.

Paul Eisenschenk–we would include in our covenant rules on how this property can be used. They are not build-able lots, and we can request no fences.

Brian Simon– who will enforce the deeds and covenants?

Supervisor Nierenhausen–Can sheds on skids be put on these lots?

Paul Eisenschenk–yes, we could put in the deed that this is not allowed. There are active covenants and with the cooperation of landowners, they work well.

Supervisor Rosen–Can anyone buy the outlots?

Paul Eisenschenk–at this time they are not available for anyone to purchase, only for the homeowners.

Supervisor Nierenhausen—the outlot was intended to be a buffer between the houses and the neighboring property owner.
Mark Rodenwald—this would still be a buffer, there are no building rights on these lots.
Paul Eisenschenk—the area is pretty steep and has granite out crop-pings, it would be very difficult to build on.

Supervisor Nierenhausen—is there an association at this time?

Paul Eisenschenk—yes, Joe Schiffler is the sole owner, he owns all the lots.

Supervisor Rosen—why would anyone want to buy these lots, if they have no building rights?

Mark Rodenwald—because today buyers want to own more property, people like to have land.

Supervisor Lehnen—What if the homeowner purchasing the lot, decides to sell, will a road need to go in?

Mark Rodenwald—we will then need an easement for the lots.

Paul Eisenschenk—the market is saying buyers want to purchase more acreage.

Supervisor Rosen—If we allow the expansion to 4 acre lots, and they still do not sell, are you going to come back requesting another change?

Paul Eisenschenk—we could "give" the homeowners the corresponding lot.

Brian Simon—outlot C was set up for water drainage and utility easement, how will this change?

Paul Eisenschenk—the water retention ponds have been built on the north side of the development, not in outlot C.

Supervisor Nierenhausen—Mr. Simon, what were you planning on purchasing from outlot C?

Brian Simon—I would have been interested in any part of it. I moved to the county to have privacy, I do not want fences and dogs running in this area.

Paul Eisenschenk—I do not feel Mr. Simon has been working with me on this project.

Brian Simon—my request to purchase any of this property has been denied.

Paul Eisenschenk—the request is denied, because he does not help the cause of us selling more lots.

Mr. Schiffler has resided here his entire life. I am working on his behalf to help him make some money. I have not been paid a nickle since this has started.

Supervisor Nierenhausen—The township would like to see the covenants and restrictions for the new proposal. We need to think about all the people living out there. Mr. Simon's understanding was that outlot C would stay as a buffer.

Paul Eisenschenk—ordinances have been established for this area to prohibit building.

Judy Roering—if the owner wants more property, why can't they just buy two lots, or a lot and 1/2.

Mark Rodenwald— a building entitlement is worth money, and Mr. Schiffler would loose a building entitlement if he sold the lots together; buyers cannot afford to purchase two build-able lots. Because no lots have sold, we are trying to entice people to purchase, by offering them a larger lot.

Supervisor Rosen—if it stays as is, then any of the landowners can use this outlot C?

Paul Eisenschenk—yes, all homeowners could use outlot C. If we split it up, they would always remain as separate parcels. At this time Mr. Schiffler could clear cut this property, because it belongs to him.

Supervisor Nierenhausen— can our Planning and Zoning ordinance be enforced in this area?

Paul Eisenschenk- we would like to have covenants in place to protect the no fences go up and to have some control over what happens in these lots.

Supervisor Nierenhausen-We. would like to see covenants are in place to township satisfaction and to protect Mr. Simon.

Paul Eisenschenk-If these don't sell, we still do not gain anything from this.

Brian Simon-what does that do to the value of my property, having this sight split up?

Paul Eisenschenk-Mr. Schiffler would like to retire and have his son take over the farm, this would allow him to do so.

Paul Eisenschenk-This needs to go to the county, and the township can add the requests to the approval letter. I would meet with Supervisor Nierenhausen to discuss the provisions that would need to be added to the covenant.

Supervisor Nierenhausen-Would these splits have separate deeds?

Mark Rodenwald- yes they would have separate parcel Numbers and separate deeds.

Both Findings of Fact were presented to the board

Paul Eisenschenk-do not see how not allowing this request would be against the ordinance.

Supervisor Nierenhausen-I would like to look at this property again to decide if this is acceptable. Can we make this not to have separate deeds to add them to the other lots?

Paul Eisenschenk--only if the township changes the ordinance.

Supervisor Nierenhausen motioned to approve the Variance, if the covenants are very restrictive and the township approves the covenants, Motion died for lack of a second.

Supervisor Nierenhausen- do you know about how many feet it is to the lot lines?

Paul Eisenschenk- on average 200-250 feet

Paul Eisenschenk.-we would protect the ingress/egress for the road going into the Simon property. I think it is fair to assume that people would build closer to the road, than going down into the second lot.

Paul Eisenschenk-I could work with Tim on this and have Mr. Schiffler sign it over.

Supervisor Nierenhausen- we could continue this to look at the property. Mr. Eisenschenk would need to have something to the county before the 18, we could then hold a meeting and make a decision at that time.

Supervisor Rosen motioned to deny the request for the variance. Motion died for the lack of a second.

Supervisor Nierenhausen motioned to table this to allow the board to do a sight visit and then make a decision. Seconded by Supervisor Lehnen, motion carried,unanimously. The sight visit is scheduled for April 9 at 5:30 P.M., members will meet at the sight and a meeting will follow at City Hall.

b. Administrative Split-Glen Haven-Greg Stelton

A request to do an Administrative Split of Parcel Number 01.00330.0000 located in section 35 of Albany Township. The 94.58 acres would be split into two lots, a 40 and 54.58 acre. The southern section has an existing farm house, the northern piece would be a build-able 40 acre lot. Our ordinance allows for administrative splits to A-40 property. The Planning Commission recommends approval of this request.

A motion to approve the administrative split was made by Supervisor Nierenhausen, seconded by Supervisor Lehnen, motion carried, Unanimously.

7. Road Reports–Supervisor Nierenhausen

a. Road Report

Road tour will need to be scheduled–April 16 at 5:15 P.M.

The weight restriction signs have arrived–decision as to where to post them will be made at the road tour.

b. Gravel Bids for 2013

Kotzer Excavating and WM D Scepaniak have submitted quotes for the 2013 Gravel Bid.

Kotzer–\$9.80 per cubic yard

Scepaniak–\$9.17 per cubic yard.

A motion to accept WM D Scepaniak quote of \$9.17 per yard was made by Supervisor Nierenhausen, seconded by Supervisor Lehnen, motion carried unanimously.

We will be redoing 360 Street and will need it to be topped with gravel after it has been completed. Part of the contract will state this will need to be done at a later time.

c. Contractor Quotes–expiring in April and July

The form for Contractor Quotes was distributed to the board members for review.

A motion to send the form to Herdering, Inc., Forster Excavating, Lange Trenching, David Gerads Construction, Craig Bardson Excavating and Kotzer Excavating, was made by Supervisor Nierenhausen, seconded by Supervisor Lehnen, motion carried unanimously.

d. Grading/Snowplowing Contract–expires May

Request for quotes for the grading and snowplowing contracts to be sent to Sunnybrook and Herdering was made by Supervisor Nierenhausen, seconded by Supervisor Lehnen, motion carried unanimously.

e 360 Street Construction–

No further progress has been done on the construction of 360 Street. At this time we are unable to review the road because of snow. Before any construction starts, the county will need to review the wetlands. When we are ready to start we will use the format used when 255 Avenue was rebuilt. We will work with ITT for the specifications needed.

f. 350 Street Construction–

No further progress has been done on the construction of 350 Street. County will need to be contacted to review the wetlands prior to construction.

Both 360 and 350 Streets will be inspected at the annual road tour.

8. Planning Commission–Supervisor Rosen

a–Monthly report

The Planning Commission recommended the approval of the Orderly Annexation to the City of Albany and the Administrative Split for Greg Stelton. They recommended the denial of the Variance for Trestle Ridge.

b. Building permits issued–Supervisor Nierenhausen

None issued

9. Old Business –NONE

10. New Business

a Items from Annual Meeting

Approve Payment of Fire Departments

Supervisor Nierenhausen made the motion to pay Albany Fire Department and Freeport Fire Department their annual fees, seconded by Supervisor Lehnen, motion carried.

Approve Payment of Albany City for room use

Supervisor Nierenhausen made the motion to pay \$600 to the City of Albany for the use of their meeting rooms, seconded by Supervisor Lehnen, motion carried.

Approve Payment of Albany Area Schools Community Education

Supervisor Lehnen made the motion to pay \$1,000 To Albany Area Schools Community Education, seconded by Supervisor Nierenhausen, motion carried.

b. Approval of Ordinance establishing a fee schedule

A motion to table this approval until after we have the public hearing on the Zoning Ordinance was made by Supervisor Nierenhausen, seconded by Supervisor Lehnen, motion carried.

11. Officer Reports

Supervisor Lehnen-will contact Duane Holmgren this week to get on the schedule for spring spraying.

Supervisor Nierenhausen-we will need to contact Herdering to do the spring disking of the road's shoulders. After the road tour, contact will need to be made with a contractor for the crack sealing and dust suppressant.

12. Upcoming Events

March 26- Short Course, St. Cloud

April 8- 7 P.M. Board of Appeal

April 9-5:30 P.M. Board tour Trestle Ridge

April 16-5:15 Road tour meet at city hall.

April 22-Monthly Meeting

April 25-County Meeting - Freeport

April 29-Fifth Monday Meeting

13. Public Open Forum

Paul Eisenshenk-Requested the immediate resignation of Clerk Diane Noll, and Commissioner Mike Noll. If they do not immediately resign, then he is requesting the Township board terminate them. If the board does not comply, then he will contact his attorney.

14. Adjournment

A motion to continue to April 8, 7:00 P.M. for the Board of Appeal, April 9, 5:30 P.M., for the sight visit at Trestle Ridge and then to April 16 at 5:15 P.M. for our annual road tour was made by Supervisor Nierenhausen, seconded by Supervisor Lehnen, motion carried unanimously.

Meeting recessed at 10:18 P.M.

Respectfully submitted,

Diane E Noll

Diane Noll

Approved minutes signed.

Mary Rosen
Township Chair

04/23/13
Date