

Albany Township
 Monthly Meeting
 Monday October 25, 2021, 6:00 P.M.

The regular monthly Albany Township meeting was called to order by Chair Tim Nierenhausen on October 25, 2021 6:06 P.M at the City of Albany Council Chambers. Supervisors Tim Nierenhausen Mary Rosen, John Greer, and Clerk/Treasurer Diane Noll, were present.

Guests: Ross and Nathan Tamm

THE PLEDGE of allegiance was recited.

ITEMS FOR CONSENT AGENDA October Agenda, Minutes September 27, 2021-monthly meeting; October Treasurer's report; Investments-\$274,735.05 Checkbook Balance-\$279,442.12; Receipts-\$755.46.

PAYROLL AND CLAIMS

9761-9764	September Payroll	\$2,160.20			
9765	AIP Management	\$2,997.08	9770	SWCD	\$200.43
9766	Couri & Ruppe	\$110.00	9771	Sunny Brook Ent.	\$2,992.50
9767	Mn Computer Sys.	\$93.81	20210014	PERA	\$99.00
9768	Noll, Diane	\$228.90	20210015	IRS	\$818.46
9769	Star Publication	\$77.52		Total Claims	\$7,617.70
				Total Claims + Payroll	\$9,777.90

ACTION: A motion to approve the consent agenda was made by Supervisor Greer, seconded by Supervisor Rosen, motion carried, unanimously.

APPROVAL OF CORRESPONDENCE

ACTION: A motion that members were advised of the mail we received and to dispose of the junk mail was made by Supervisor Rosen , seconded by Supervisor Greer , motion carried, unanimously.

GUESTS – None

OPEN FORUM-None

PLANNING COMMISSION

6a-Monthly Report-Supervisor Rosen

October meeting-residents in attendance complained about the grading being substandard. Road grader is tearing up the asphalt at the intersection of Orchard RD/County RD 10. Why is grading done after the dust suppressant is applied?
 Members will be reviewing the changes to the County Ordinance at the upcoming meeting.

6b-Building Permits

Adam Stangler, 33742 County Road 10 911 sign

Dale Austin, 36058 State Hwy 238, Albany MN Replace existing building

6c-TDR Request Ron and Joanne Tamm

33052 Co Road 41, Albany MN 56307

Transfer of a Building Credit from parcel 01.00265.0010
to a non-contiguous parcel, 01.00315.004

On September 23, 2021, Albany Township received the completed Variance request from Joann Tamm and Ronald Tamm, for a variance regarding the Transfer of a building credit from a non-contiguous 80 acre lot to a restricted 35.3 acre lot. Both lots have been owned by the Tamm's for more than 10 years.

While the proposed use (single family home) is allowed per Township Ordinance in the A-40 District, the transfer of development rights from non-contiguous lots is not allowed. The Township's Zoning ordinance; 9.3 Ag District A-40 has repealed the County Ordinance 9.3.7 C Density Transfers from Non-contiguous lots.

The Planning Commission recommended board approval with additional consultation of the attorney Supervisor Rosen-recommending to deny at this time, giving the township the opportunity to change the ordinance to allow TDR's in non-contiguous parcels.

ACTION: A motion to deny the Variance request to transfer a building credit to a non-contiguous parcel and to allow the Township Board to make changes in the Zoning Ordinance was made by Supervisor Rosen, seconded by Supervisor Nierenhausen, motion carried. (Findings of Fact Attached)

Supervisor Greer- Yes; Supervisor Nierenhausen- Yes; Supervisor Rosen- Yes.

Upcoming items:

November Planning Commission-Public Hearing to Re-Zone parcel by WeB Farming

ROAD REPORT

7a-Road report-Supervisor Nierenhausen

St Anna Dr/205 Ave-intersection needs work done

St Anna Dr-Corners grading needs to be improved- wash-boarding on corners, should we add crushed granite and then class 5? Supervisor Nierenhausen will research with contractors on what would be the correct way to repair.

373 St, east end-resident is doing work on the school bus turnaround. Farmers are damaging the area with big equipment. Needs to be rebuilt

ACTION: Motion to haul in crushed cement and load of class 5 to repair the bus turnaround was made by Supervisor Rosen, seconded by Supervisor Nierenhausen, motion carried, unanimously.

NW corner of township needs to be graded

330th St East of County Road 41-road repair was completed by Kotzer Excavating.

Orchard Road/County Road 10 complaint of grader damaging asphalt at intersection.

7b-Brush Removal Contract

Chair Nierenhausen will be contacting other contractors for the brush removal.

ACTION: Motion to table to next meeting by Supervisor Nierenhausen, second by Supervisor Rosen, motion carried.

WEED REPORT

2021 Annual Township Report to County

Report was completed, Total expenses Spraying \$2,997.08, Cutting \$4,102.00

Only a quarter of the township was completed. All the trees were sprayed in this area. County report was completed and signed.

OLD BUSINESS

9a-NMH Approach Permit Update

No correspondence has been received from the Haakanson's. They have been advised by our attorney that the approach will be removed after November 15 with all costs will be paid by owner. Final decision will be made at the November meeting for action on approach.

9B-Albany Recycling Center

Letter was sent from attorney reminding them of the November 1, 2021 deadline. Have Ordinance Administrator Forster do a final inspection.

NEW BUSINESS

10a-State Park Road Improvement Grant

Do we want to consider rebuilding Pine Lake Road with the grant?

Something we can consider for 2022.

OFFICER REPORTS

Clerk Noll report from weekly MAT meeting.

Assistance in residents over 70 for the Christmas Care program

Get copies of ordinance for all members

UPCOMING EVENTS

November 9, PC Meeting

November 22-Monthly Meeting

ADJOURNMENT

ACTION: There being no further business to come before this meeting, a motion to adjourn was made by Supervisor Rosen , Seconded by Supervisor Greer , motion carried unanimously.

Meeting adjourned at 7:05 P.M.

Respectfully Submitted,

Diane E Noll

Diane E Noll

Clerk/Treasurer

Approved Minutes: Tim Nierenhausen Date: November 22, 2021

Township Board Chair

ALBANY TOWNSHIP
FINDINGS OF FACT WORKSHEET

NAME OF APPLICANT: Ron & Joann Tamm _____ DATE: 10/25/2021 _____

VARIANCE REQUESTED: Transfer of Developmental Rights (TDR) from a non-contiguous parcel
A variance may be granted only when it is in harmony with the general purposes and intent of the official control and consistent with the comprehensive plan and where the strict enforcement of township zoning controls will result in a practical difficulty. A determination that a "practical difficulty" exists is based upon the consideration of the following criteria as defined in Minnesota Statutes, Section 394.27:

1. The proposed use is allowed in the zoning districts in which the subject property is located?
YES or **NO**

While the proposed use (single family home) use is allowed per Township Ordinance: in the A-40 District, the transfer of development rights is not allowed under the Township's Zoning Ordinance:

9.3 Agricultural District A-40 (A-40 District)

REPEALED BY TOWNSHIP:

County Ordinance 9.3.7 C. Density Transfers from non-contiguous lots

2. The variance will be in harmony with the general purposes and intent of the official control(s) any related Ordinances? YES or **NO**

Allowing a TDR between non-contiguous parcels is not in compliance with our Ordinance as the transfer of development rights was specifically repealed by the Township (see #1 above) as a means of preserving the rural character of the Township.

3. The variance will be consistent with the Comprehensive Plan? YES or **NO**

Comprehensive Plan Chapter Four-General Land Use; To provide for controlled growth.

Page 4: Albany Township does not support the transfer of development rights within the township.

While, the proposed transfer is in close proximity to three other residents, which would place the housing in one area, not spreading it out over agricultural farm land, our Comprehensive Plan does not allow from non-contiguous parcels.

4. The variance may be granted if there are Practical Difficulties in complying with the official control(s):

a. The property owner proposes to use the property in a reasonable manner? **YES** or NO
Property owner's plan is to sell this parcel to allow his grandson to assist in the farming operation. Allowing for an additional residence on the acreage is a proposal to use the property in a reasonable manner.

b. The plight of the landowner is due to circumstances unique to the property, not created by the landowner? YES or **NO**

In 2014 the landowner allowed a house to be built on a section of this 40 acres transferring the building credit off the remaining parcel. There is nothing unique about the circumstances; this property is in the present circumstance was created by the property owner's past actions in allowing the construction of a house on the 40 acre parcel.

c. The variance, if granted, will not alter the essential character of the locality? YES or **NO**

By itself the proposed transfer would not alter the essential character of the locality, as the property would still be agriculture in nature.

However, because this home would be in close proximity to three other residents, the area will lose some of its rural character which is why the Township modified the zoning ordinance to prohibit these types of transfers.

d. The need for the variance involves more than economic considerations? YES or NO
Economics have no impact on the Variance request.

The Township should consider each of the elements listed above. If any one element is voted "NO" in the majority, then the criteria for granting a variance, per Minnesota Statutes, Section 394.27, has NOT been met and the variance, as requested, should be denied.

ACTION: A motion to deny the Variance request to transfer a building credit to a non-contiguous parcel and to allow the Township Board to make changes in the Zoning Ordinance was made by Supervisor Rosen, seconded by Supervisor Nierenhausen, motion carried.

Supervisor Greer- Yes; Supervisor Nierenhausen- Yes; Supervisor Rosen- Yes.

DECISION

Ron & Joanne Tamm, request for approval of a Transfer of Developmental Rights (TDR) from a Non-contiguous parcel has been granted/**DENIED**.

The parcel is described as:

Albany Township:Pin 01.00265.0010 to a non-contiguous parcel, 01.00315.004

Sections 33 and 27, Township 125, Range 031, Albany

Address: 33052 County Road 41, Albany MN 56307

Adopted this __25__ day of __October__, 2021.

ALBANY TOWNSHIP

BY: _____
Township Board Chairman

ATTEST: _____
Township Clerk