

Albany Township
 Monthly Meeting
 Monday November 22, 2021, 7:30 P.M.

The regular monthly Albany Township meeting was called to order by Chair Tim Nierenhausen on November 22, 2021, 7:30 P.M at the City of Albany Council Chambers. Supervisors Tim Nierenhausen Mary Rosen, John Greer, and Clerk/Treasurer Diane Noll, were present. Also Attorney Mike Couri. Guests: Mark Rodenwald, Attorney Kelly Springer, Tom Blattner, Chad Schmidt, Nathan Schmidt, MaryAnn Groetsch, Brian Simon, and Cathy Mitchell.

THE PLEDGE of allegiance was recited.

ITEMS FOR CONSENT AGENDA Move Blattner rezoning to 4A. November Agenda, Minutes October 25, 2021-monthly meeting; November Treasurer's report; Investments-\$274,781.52 Checkbook Balance-\$283,413.31; Receipts-\$10,463.76.

PAYROLL AND CLAIMS

9772-9777	October Payroll	\$2,249.07			
9778	Couri & Ruppe	\$2,997.08	9783	Stearns County Aud.	\$1,700.00
9779	MATIT	\$621.00	9784	Sunny Brook Ent.	\$5,007.50
9780	M R Sign	\$48.60	2021016	PERA	\$33.62
9781	Stearns County Env.	\$120.00			
9782	Star Publication	\$167.28		Total Claims	\$8,273.00
				Total Claims + Payroll	\$10,533.07

ACTION: A motion to approve the consent agenda with the change to move up Blattner 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 Nierenhausen, motion carried, unanimously.

NMH Approach Discussion

PIN 01.00330.0007 Permit for application for approach (after the fact)

Mr. Haakanson has completed an approach for a driveway prior to completing a permit. He has contacted Attorney Adam Ripple, Rinke Noonan to represent him in the discussion. Mr. Haakanson and Attorney Ripple were unable to attend this meeting.

Attorney Mike Couri representing Albany Township was present and stated the following:

- Approach is not compliant with Albany Township Ordinance.
- By law this is a 55 MPH road, not 45 MPH as stated by the engineer. Using the MNDOT Standards, it does not meet design standards. From a court of law this would be easy to show negligence on the townships part.

-Our ordinance states approaches should line with existing approaches to keep our residents safe.

-NMH Attorney has requested we move this to the December meeting allowing them to be present.

-Both attorney's would like it resolved without going to the court.

Options: The approach has been denied which gives the Township authority to have it removed. The Township has compromised and would allow an approach across from an existing approach.

Delaying to December would not allow removal because road would be frozen.

ACTION: A motion to have Attorney Couri contact the defendants attorney stating the access will need to be removed by the evening of Monday, November 29, or the township will have it removed at the owners expense. Motion was made by Supervisor Greer, seconded by Supervisor Rosen, motion carried unanimously.

Statement from Attorney Couri: The Approach Permits should not be presented to the Planning Commission, it should be directed to the Township board. Approaches are not a zoning issue and having the PC recommend to the board complicates the process.

OPEN FORUM-None

PLANNING COMMISSION

Rezoning request from A40 to R5

We B Farming, (Tom and Dawn Blattner), 37367 County Road 10, Albany MN, 56307.

Request to rezone a 62.9 acre parcel from A40 to R5.

At this time there is one building credit on the parcel.

Currently zoned as Agricultural Lesa Score 67.44

Westerly half is wooded and wetland

Only partial can be used for farming

Farming potentially is marginal

Planning commission final vote ended in a tie, they have recommended the Township board have the final decision.

Attorney Kelly Springer has proposed a change to the request:

To rezone the southern 21.5 acres to R5, the remainder would be A40

Discussion by Board members and residents present:

Supervisor Greer-Why the switch to 21 acres?

Tom Blattner-We would like to keep northern 40 acres with the existing one building credit and splitting the south 21 acres for 4 building lots.

MaryannGroetsch (neighbor)-Why do we want to build more, there are many houses in the area already.

Attorney Springer- this is currently zoned as A40, but very little of the land can be farmed.

Maryann Groetsch-This property has been used as ag and can be used as ag.

Supervisor Greer-about 18 acres is tillable

Mary Ann Groetsch- there is a subdivision close to this that is not selling, why more lots?

Cathy Mitchel-This is outside of the projected county growing area? It is tillable and it can be used as pasture. Why take this out of the ag land?

Attorney Springer- The board has shown some openness to accepting R5. An example is the Ebensteiner parcel that was split off as an R5. We would be surprised if you do not approve this.

Cathy Mitchell-once you start building, it opens up the window for more development. Once you remove A40 you start more potential for more growth.

Mark Rodenwald-Mary Ann Groetsch has lots that are 5 acres.

Maryann Groetsch-Yes it is, but it is going back into farm land, has been maintained as farm land. We are not building on it.

Cathy Mitchell -Every open lot does not have to be built on.

Supervisor Greer- the proposal is to have one building lot on the north 40?

Tom Blattner-We would like to have a 40 acre piece for one house. But they could put 4 houses on the 20 acre parcel

Maryann Groetsch- The other sub-division has not sold, why more?

Cathy Mitchell-If this is rezoned to R5 they could build more houses.

Tom Blattner- We want to retain the 40 acres and rezone to remainder to R5 so we can sell the one parcel.

Cathy Mitchell-curious why a real-estate agent is needed if you are only planning on selling one parcel?

Tom Blattner-We needed to partner with someone on this.

MaryAnn Groetsch-The neighbors are against it , they do not want to see it developed.

Cathy Mitchell-We understand it is your land, and you have the right to do what you want.

Supervisor Nierenhausen- If this is rezoned to R5, it will be given 4 building credits. His intent is for only one house, but will be rezoned for 4.

Supervisor Greer-I would support if we would split off one R5, then do an administrative split to split off the 20 acres.

Attorney Springer- if township is willing to split off one R5, do and administrate split for the additional 16 acres, it will still need County approval.

ACTION: A motion to approve the 21.4 acres split, taking 5 acres for the one R5 and an Administrative Split for the additional acreage was made by Supervisor Greer, seconded by Supervisor Nierenhausen. Motion Carried. Nierenhausen-yes, Greer-yes, Rosen-No

FINDINGS OF FACT RE-ZONING REQUEST

NAME OF APPLICANT: We B Farming (Tom & Dawn Blattner) DATE: November 22, 2021

ADDRESS: 37367 County Road 10 , Albany MN ACRES: 5 ACRES

Findings shall be made in either recommending approval or denial of a rezoning application, and should reference specific sections of ordinances that apply to the project. Questions which you could be asking include, but are not limited to:

1. Does the proposal conform to the Townships Comprehensive Plan? Why or why not?

Chapter 4-Land Use

To provide rural housing opportunities that minimize the demand for public services, minimize the loss of agricultural land, and minimize impacts on natural features. Limit residential densities consistent with or more restrictive than Stearns County density standards.

2. Is the proposed rezoning compatible with the present and future land uses in the area of the proposal? Present Zoning A40 Proposed Zoning R5
The proposal to split off one R5, and administrate split for the additional 16 acres is compatible in the area. This will allow for the majority of the acreage to remain in A40.

3. If the property is rezoned, how will the environmental impacts be addressed?
Minimal impact.

4. What are the potential impacts of the rezoning on the property values of the area in which it is proposed? *No impact.*

5. Is there a potential for public health safety or traffic generation impacts based on the proposed rezoning and how will they be addressed? *None*

6. How are the potential impacts of the proposal on existing public services and facilities including schools, parks, streets and utilities being addressed and will this rezoning potentially overburden the service capacity? *No burden*

7. Other issues pertinent to this matter:
None

6b-Monthly Report-Supervisor Rosen

The Planning Commission suggested to have one meeting with both boards present to decide on the Ordinance changes.

6C-Building permits

Christine Traeger, 20134 St Anna Dr, move in 3 storage buildings
Tim & Mary Sauerer 34835 County Road 10, Cold Storage shed
Kurt & Kristine Krebs, 34390 County Road 10-911 sign

ROAD REPORT

7a-Road report-Supervisor Nierenhausen
205/St Anna Drive-has been straightened out
St Anna Drive corners are still bumpy
239 Avenue, farming in the ROW send letter to owner Ryan Pratt

OLD BUSINESS

Albany Recycling Center IUP update.

Because of the County change to the holding pond, ARC is planning to plant the trees after the work is completed to not have to plant them twice.

Attorney Couri has advised if the board is willing to extend the IUP, until the trees are planted, no Public Hearing would be needed.

It is recommended to have Administrator Forster send a letter to Albany Recycling Center advising them we will extend to when the trees are planted. The letter will be needed by our December 27 meeting.

ACTION: A motion to table to the December meeting to approve the correspondence from Albany Recycling Center was made by Supervisor Rosen, Seconded by Supervisor Nierenhausen, motion carried, unanimously.

NEW BUSINESS

Poling places for 2022 Resolution

ACTION: A motion to have the March Annual Township Election at Albany City Hall Council Chambers and the Primary and General Elections at the Arban Church, Pioneer Park, 21565 360th Street, was made by Supervisor Rosen, seconded by Supervisor Nierenhausen, motion carried unanimously.

OFFICER REPORTS

Clerk Noll report from weekly MAT meeting.

Assistance in residents over 70 for the Christmas Care program-only for residents south of I94

UPCOMING EVENTS

November 29-Fifth Monday Meeting

ACTION: A motion to approve members attend the Fifth Monday Meeting was made by Supervisor Rosen , seconded by Supervisor Greer, motion carried. Supervisor Rosen, Greer and Clerk Noll plan to attend.

December 14, PC Meeting

December 27-Monthly Meeting

ADJOURNMENT

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

Meeting adjourned at 9:30 P.M.

Respectfully Submitted,

Diane E Noll

Diane E Noll

Clerk/Treasurer

Approved Minutes: *Tim Nierenhausen* Date: December 27, 2021

Township Board Chair