



SYLVAN TOWNSHIP

REGULAR BOARD OF SUPERVISORS MEETING MINUTES

JUNE 20, 2019

(Recorded for Transcription Purposes Only)

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL: Chair Booth called the meeting to order at 7:10 PM and the Pledge was said at previous meeting. Those present: Supervisors Yvette Adelman-Dullinger, John Wulff, Arlene Schmit, Greg Bennett, Greg Booth and Clerk/Treasurer, Faith Broberg. Sign-in sheet attached.

Agenda: Supervisor Schmit **moved to approve the amended agenda**, seconded by Supervisor Bennett and the motion carried.

Clerk/Treasurer Report

Regular Board of Supervisors Meeting Minutes 06-06-2019 Supervisor Schmit **moved to approve the minutes of 06-06-2019 as presented**, seconded by Supervisor Bennett and the motion carried.

Public Hearing Conditional Use Permit Foy Custom Cabinetry 06-06-2019 – Supervisor Bennett **moved to approve the minutes of the Public Hearing as presented**, seconded by Supervisor Adelman-Dullinger and the motion carried.

Public Hearing Minutes on Establishing a Moratorium Ordinance on Short Term Rentals 06-13-2019 – Supervisor Schmit **moved to approve the Public Hearing Minutes as presented**, seconded by Supervisor Wulff and the motion carried.

Approval of Transferring \$10,000 from the Township's Savings Account Fire Fund into the Township's Checking for the Fire Fund– Supervisor Wulff **moved to approve the transfer of \$10,000 from the Savings Account to the Checking Account**, seconded by Supervisor Adelman-Dullinger and the motion carried.

Public Input –

Foy's Custom Cabinetry Conditional Use Permit Application – the Public Hearing for Foy's Custom Cabinetry Conditional Use Permit Application held on June 6, 2019 was adjourned with the Board deciding that they would make a decision at the Regular Board meeting on June 20th, 2019.

Supervisor Bennett **moved to approve the Foy Custom Cabinetry Conditional Use Permit with conditions as read by Supervisor Bennett**, seconded by Supervisor Adelman-Dullinger. At this time Supervisor Bennett read the conditions as per the Conditions attached to these minutes.

Discussion –

Supervisor Wulff is still of the opinion that it doesn't fit putting a commercial building in a residential area. This business is different from a Home Business (which the Township's Commercial Ordinance does approve) in that this business will be a full-time business.

It doesn't mean that there will be an increase in traffic, safety or noise but the Comprehensive plan is to keep Commercial out of Residential areas and we do have Commercial areas in the Township where the business could go.

Supervisor Adelman-Dullinger believes that if Mr. Foy was to go and purchase that size of property and start from scratch, he probably wouldn't make it. The cabinet operation being a one-two man business – not a high-volume commercial operation with everything contained within the building and without a vacuum system it would be no different than someone working in their garage. In the Comprehensive Plan we have that we want to help people get established in businesses.

Supervisor Wulff pointed out that in the Commercial Ordinance it states that an economic factor cannot be used as a qualifying issue.

Supervisor Schmit – mentioned that she had received several comments from the neighbors in the area and they were not against the business being in the residential area.

Supervisor Bennett – has measured the length of the property that would abut the Township road and it is less than a quarter mile. He has also talked with surrounding neighbors and they would not have a problem with this permit.

Chair Booth – his concern is the location of a commercial business in a residential area that does not fit with Sylvan's Comprehensive Plan or our Commercial Ordinance. He is also concerned about setting a precedent where others might want to put a commercial business in a residential area. In searching through the Township's Commercial Ordinance, and the State's definition a CUP does not go with the property. A new owner would have to come in and may application for a new permit.

Supervisor Bennett **moved to amend his motion to state that one of the conditions would be for cabinetry use only and by this owner only**, seconded by Supervisor Adelman-Dullinger and the amendment carried. The vote on the motion was called and the motion to approve this CUP passed with Supervisors Adelman-Dullinger, Bennett and Schmit voting for the motion and Supervisor Booth and Wulff voting against.

OLD BUSINESS/REPORTS

Bryan Drown Road Projects Report –

Camp Jim Road – Sylvan Township Right-of-Way Plat #1 - Bryan presented the mylar for the Sylvan Township Right – of – Way Plat #1 regarding Camp Jim Road SW. Bryan explained that after the necessary signatures then the mylar will need to be sent up to Cass County Recorder for recording and because one of the properties is a Torrens property then the mylar will need to go to the Register of Title office for recording there. Supervisor Bennett offered to take the mylars up to Cass County and getting them recorded in both the County Recorder's office and the Register of Title Office. He will check into the Right-of-Way easements to see if the easement exhibits are correct with the name of the owner of the property and if a spouse is listed also. He is planning on going around with John Berg to get the residents on the Camp Jim Road signatures.

On the construction side, Bryan has been in contact with Chris Olson, Crow Wing Power, regarding the relocations of the power lines and wants to get them completed by this fall. He wants to get the design completed and get it to the Town Board.

Supervisor Bennett **moved to approve Bryan Drown, Bolton and Menk, to advertise for bids on the road improvement to the Camp Jim Road SW, with a completion date for next summer**, seconded by Supervisor Wulff and the motion carried.

Bryan clarified with the Town Board that the half a dozen mailboxes and a UPS box by the Lindahls property are Baxter's mailboxes and so the bid will not include replacing with the swing away mailboxes.

Dave Johnson asked if there could be a requirement on deeds specifying if the road is a Township road or a private road. Many residents purchased their property and weren't aware that it was a private road and not maintained by the Township.

Road Supervisors Road Report –

Shady Hollow Road SW – some loads of gravel have been distributed on Shady Hollow Road SW and 13th Avenue. The mowing is supposed to have been started.

Crow Wing River SW – needs a “Driveway Permit Required” sign needed on the East side of this road.

Upper Sylvan Road SW – Resident on Upper Sylvan Road SW - Jim Statz has been mowing the sides of this road as a courtesy to the Township. He apologized to Supervisor Bennett that he was only able to do one side of the road last time as he had surgery.

Letters to Residents – Supervisor Bennett **moved that we need to send letters to those residents who are operating a commercial business without a permit; one on the north end of Little Pine Road, one on 127th Street SW and Mike's Small Engine**, seconded by Supervisor Adelman-Dullinger and the motion carried.

Sylvan Lane – there is a washout on this road that the Board has viewed on their Annual Road Review, and it needs to be taken care of. Supervisor Wulff has offered to get a quote from Anderson Brothers for this work. Other places that need repair are 13th Avenue SW, 120th Street SW. Also, Anderson Brothers need to be reminded that they need to do some patch work on West Ridge Road SW.

Sylvan Township Welcome Sign – East side of Sylvan Township --- Supervisor Bennett contacted MnDOT regarding putting our sign in the States ROW. If we were a City, we would be able to do that. He is planning on talking to Russell Heittola, again to see if he would be willing to let the Township put the sign on his property. Otherwise he will also talk with Eric Fornshell even though his property is further into the Township. There was also discussion on if we should contact Minnesota Association of Townships to see if they would put this issue (Townships not allowed to put signs on State ROW, but Cities can) before the State Legislature.

PLANNING COMMISSION (PC) – Supervisor Adelman-Dullinger (PC Liaison) – Greg Bennett, Sylvan Town Board Representative – presented an application for a side lot setback variance for the Township's Salt/Sand Shed. Sylvan Lake Park was discussed and the 4-wheeler meeting that was held here at the Town Hall. There have been two interested individuals in the open spot on the Planning Commission. There were 45 attendees at the first History Series. Mike North will be the second presented in June. A video copy of the History #1 presentation – will be put on the Township's website. Dave would also like to send a copy to the Cass County Historical Society. The microphone cost more than originally planned as we needed a receiver also.

Sylvan Lake Park – a representative from the DNR (Wade) met with Dave Johnson and they discussed that it is a long walk to carry a watercraft down from the parking lot to the proposed launch area. There was discussion on a short dock. We need a design permit which we have.

Wade recommended an archeological study be completed and a cultural study. The DNR will be giving us the quantity amount that will be needed and applying to the Anderson Family Foundation to see if they would supply the materials and from the handicapped parking down to the launch will have to have materials needed for it to be handicapped accessible.

Set Date for Variance for Sylvan Township's Salt/Sand Shed – Requesting a setback to the north side where we would be within 2 feet of the Railroad land to get more room for the trucks making delivery of the salt and sand. Supervisor Wulff **moved to set the Public Hearing for this Variance for July 11, 2019 at 6:05 PM**, seconded by Supervisor Adelman-Dullinger and the motion carried.

New Business

Sign the Sylvan Township Plat #1 for Camp Jim Road SW – Supervisor Wulff **moved to approve the Chair and Clerk to sign the mylars for the Sylvan Township Plat #1 for the Camp Jim Road SW**, seconded by Supervisor Schmit and the motion carried. Supervisor Bennett has offered to take the mylars to the Cass County Courthouse in Walker.

Cement

Other Township Business – Correspondence –

An invitation to the Economic Development Corporation Annual Meeting on Thursday, October 3, 2019 at the Leech Lake Event Center in Walker Minnesota.

Leadership Management Training on October 7-9 in Eden Prairie, Minnesota cost is \$499.

Review Claims -

Supervisor Wulff **moved to approve the payroll check numbers #23461 through #23464 in the amount of \$2,288.06 and the claims check #23465 through #23482 in the amount of \$68,965.47 for a grand total of \$71,253.53**, seconded by Supervisor Adelman-Dullinger and the motion carried.

New Driveway on Upper Sylvan Road – discussion on a driveway that has gone in on Upper Sylvan Road without a driveway permit which really should be on Nelson Lake Road SW.

Adjournment – Supervisor Wulff **moved to adjourn**, seconded by Supervisor Adelman-Dullinger and the motion carried with the meeting adjourning at 8:32 PM.

Minutes submitted by,

Faith C. Broberg, Clerk/Treasurer

Chair, Greg Booth

Supervisor Schmit moved to approve the minutes as presented/as amended, seconded by Supervisor Adelman-Dullinger and the motion carried.

Amendments:

Date: July 11, 2019