



SYLVAN TOWNSHIP

REGULAR BOARD OF SUPERVISORS MEETING MINUTES

AUGUST 15, 2019

(Recorded for Transcription Purposes Only)

Call to Order/Pledge of Allegiance/Roll Call: Chair Booth called the meeting to order at 7:00 PM and the Pledge of Allegiance was said. Those present: Supervisors John Wulff, Arlene Schmit, Greg Booth, Greg Bennett, Yvette Adelman-Dullinger (arriving later) and Faith Broberg, Clerk/Treasurer. Sign in Sheet Attached.

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

Clerk/Treasurer Report –

Minutes: August 1, 2019 Regular Board of Supervisors Minutes – Supervisor Schmit **moved to approve the minutes as amended**, seconded by Supervisor Wulff and the motion carried.

August 8-2019 (Public Hearing on Ordinance 2019-02 Short Term Rentals)-Supervisor Schmit **moved to approve the minutes of August 8, 2019 as amended**, seconded by Supervisor Bennett and the motion carried with Supervisor Wulff abstaining.

July 2019 Financial Balances – Supervisor Schmit **moved to approve the July 2019 Financial Balances**, seconded by Supervisor Wulff and the motion carried.

Public Input –

Dave Johnson – Planning Commission Chairman – Dave gave a report on the Sylvan Lake Park – the park needs an Archeological Study as a requirement for grant purposes. The DNR will probably not do any work this year on the Kayak landing due to a lack of funds.

The Archeological Study would cost \$3820 and the clean up of the pit by Hengels would be \$2300.00. Dave would also like to have topsoil added to the first trail and have it seeded. Supervisor Bennett added that the gate had been moved at the park and that wood chips were being dumped into a pile for future use. There was discussion on keeping track of volunteer time as this would be information needed when we apply for a grant.

Supervisor Bennett **moved to transfer \$10,000 from the Road & Bridge Fund into the Park Acquisition and Development Fund, for the Sylvan Lake Park**, seconded by Supervisor Wulff and the motion carried.

Supervisor Wulff **moved to approve the Archeological Study in the amount of \$3,820**, seconded by Supervisor Bennett and the motion carried.

Supervisor Bennett **moved to approve Hengel's cleaning up the pit area in Sylvan Lake Park for \$2,300.00**, seconded by Supervisor Wulff and the motion carried.

Old Business/Reports –

Bryan Drown Road Projects Report –

Camp Jim – we have the cost from Crow Wing Power on the power lines which is very close to their original estimate.

With the Anderson Brothers Bid of \$263,243/75 and Crow Wing Powers Cost of \$48,720.00 the total cost of improving Camp Jim Road is \$311,963.75. Bryan believes that Anderson Brothers are planning on starting mid-September. We have most of the signatures on the Easement Deeds. He has not been able to connect with the Lindahls as their phone is no longer a working number. Supervisor Schmit will contact Lindahls' granddaughter to see if she knows their phone number. The Town Board has not accepted the bid at this time. After discussion, Supervisor Bennett made a **motion to accept Anderson Brothers low bid of \$263,243.75 for doing Camp Jim Road, contingent on getting all the Easement Deeds signatures with a start date of September 10, 2019**, seconded by Supervisor Wulff and the motion carried.

Gregory Drive SW – Shared Road with Fairview Township. Bryan Drown reviewed the differences between Knife River's Bid and Bryan Drown's Engineer's estimate.

Differences:

- Traffic Control – Bryan thinks it probably isn't necessary.
- Amount of pavement – different between 365 tons and 300 tons and the difference between a 2" overlay versus the 1.5" listed.
- Knife River didn't include shouldering, but Bryan thinks it is necessary.
- Difference between Knife River estimate of 430 square yards of patching deteriorated areas to Bryan's estimate of 250 square yards.

There was discussion on whether to do this road project, comparing cost to use of the road. Supervisor Wulff feels we should do it now as Fairview is doing their portion of the road and with the differences mentioned the cost will probably come in at a lower price. Supervisor Wulff **moved to go ahead with the overlay**, seconded by Supervisor Adelman-Dullinger and the motion carried. The Clerk will email the contract to Knife River that Sylvan has accepted their quote of \$40,145.00 for doing Gregory Drive SW.

Pillager Dam Road – Bryan Drown has submitted the Conservation Practice Assistance Contract to the Township for a Signature and then sending to Kelly Condiff, Cass County Environment Services Department.

Road Supervisor's Road Report -

Delineators – Supervisor Bennett reported that delineators have been installed on West Gull River and is hoping to put some on Hardy Lake Road by Justin Boyer's Well Service.

Upper Sylvan Road – Tree clean up on Upper Sylvan Road is 80% completed. The wood, available for residents, has been picked up fast.

W. Sylvan Drive SW – guardrails have been put in and it looks good and safe. Residents on that road also like them.

Gull River Bridge – curb and gutter might be good idea for this road.

Subordinate Service District (SSD) – Supervisor Bennett talked with Brad Person regard the SSD process and Brad has talked with the County and the County would like the SSD's to be done as straight assessments. It was decided

to have Brad Person come and speak to the Town Board at their next meeting. Brad has experience in doing assessments

Gull River Bridge – Supervisor Wulff reported that on the opposite side of the bridge some brushing needs to be done. On the east end of the north side.

Lake Placid SW – Supervisor Wulff had received some comments from residents who appreciated the cut and patch. It looks very good.

West Sylvan Drive – this road needs some cut and patch. The culvert will be the next thing done on this road.

Planning Commission –

Supervisor Adelman-Dullinger gave this report.

Maschke Variance- requesting to replace existing cabin with a new construction within lakeshore setback. Also expanding the existing SSTS within the Bluff Zone by excavation. The Planning Commission had no specific conditions to recommend since the owners have addressed our usual concerns. We do ask that the owners work with Environmental Services Department staff to enhance the buffer to minimize runoff.

History Series – the one held in July had 75 people in attendance.

Corner Store – has not gone to the downward lighting yet on the north side of their storage building property.

Sylvan Lake Park – the DNR hasn't funds to go ahead with the Kayak Landing that was planned for this year. Looking to see if Anderson Brothers would donate gravel for the parking lot. PC member Vickie Kettlewell will check into this.

W. Sylvan Drive – SW – discussion on junk cars that are collecting on a property on W. Sylvan Drive. In talking with Cass County, they don't really want to enforce their ordinance as there are so many cars and the cost of enforcing the ordinance. Sometimes vehicles are on the edge of the asphalt on this road – cars can't be parked in the road right-of-way. It was suggested that we need to send Cass County a letter asking them to enforce their ordinance regarding the number of vehicles that can be stored at a residence and then carbon copy the resident. Chair Booth thinks the ordinance states there cannot be more than 3 unlicensed vehicles stored on a property. There was discussion that the resident should also come in and get an application for a business permit. Supervisor Adelman-Dullinger **moved to send them a letter regarding parking in the road right-of-way and they need to come in and get an application for a business permit, seconded** by Supervisor Schmit and the motion carried. Chair Booth will research the name and address of the resident.

Shady Hollow Resort – Dave Johnson is finishing up the annual review of Shady Hollow Resort.

Sylvan Commercial Ordinance # 2017-08 – The Planning Commission has started doing a review of this ordinance.

Review of Short-Term Rental Draft Ordinance 2019-02 – the Committee has gone over the draft ordinance making changes after the Public Hearing that was held on Thursday, August 8, 2019. Changes are in red on the draft copy that is being reviewed tonight. Items removed have a red line through them.

Changes discussed:

Name Change- to Sylvan Township Short-Term Rental Ordinance.

- Section 2 – 60 days rental or less is considered short term.

2.2 Requirements – Owners are only allowed one (1) short-term rental unit in Sylvan Township. Owner must be compliant with all Sylvan Township and Cass County taxes at time of application.

2.2.1 Annual – the word annual was removed.

Rental Restrictions – the number of rental events were changed to 6 rental events in the summer months and 8 rental events in the off-season.

2.2.1.2 Floor Plan – at end of paragraph added Two (2) forms of egress will be required to be considered a legal bedroom. (this could be a window and a door)

2.2.1.3 Contact Information – removed this information and will not be on the Township's website.

2.2.1.6 Parking – the parking layout must be part of the site plan. All parking must be two (2) feet off the roadway.

2.2.1.7 Shoreline Setback – added that no variance to setback requirements shall be granted for new construction of a short-term rental. Short-Term rentals must meet impervious surface and side lot setback requirements of the Cass County Land Use Ordinance.

2.2.1.8 Premises Inspection – removed the Short-Term Rental Authority and put in the Board of Supervisors.

2.2.1.9 Proof of Insurance – Property owners will be required to carry one million dollars (1,000,000.00) liability insurance and provide a certificate of insurance prior to getting a permit.

2.2.3 Issuance – the short-term rental authority will be removed and replaced by Township staff in first sentence. The last line in this paragraph will state that the application must be submitted two (2) weeks prior to the next Planning Commission meeting at which the Planning Commission will make a recommendation to the Town Board for final determination.

2.2.4 Permit Renewal – renewal applications must be initiated two (2) weeks prior to the November Planning Commission meeting.

2.3.1 Occupancy – Bedrooms do not include using kitchen; dining room; living room; den; or any porch for sleeping space.

2.3.1.3 Pets – has its own line.

2.3.2 Rental Restrictions – Properties may not be rented or leased more than 6 rental events during the May 20 through September 10 summer season and an additional 8 rental events during the off-season.

Safety Codes must be inspected annually by the MN Department of Health.

Fire Inspection – required to have a walk through by the Pillager Area Fire Department at initial or with renew application.

2.3.5.1 Watercraft Launching – Added, at no time shall a watercraft be launched from the rental property. Wake boats are prohibited as part of the Short-Term Rental Ordinance.

2.3.6.1 Outside Lighting – All outside lighting on the rental property must be down lighting.

2.3.10 Guest Records – transient removed, and dates inserted.

2.3.11 Annual Report – permittee shall annually provide the Township with a written report with their new application. The report will include number of guests, number of rental events, number of watercrafts, number of pets and dates. Other items may be required in the future.

Annual – the word annual was put back into the Ordinance.

Section 3 – Rental Event - A rental event is defined as any rental to an individual party from 1 – 7 days. Every 1 – 7 days thereafter is a separate rental event.

Section 5 – Prior Rentals – All rentals in existence prior to this Ordinance shall be in compliance with this Ordinance by January 1, 2020. If owner chooses not to comply with the Ordinance, they must comply with Sylvan Township Commercial Ordinance.

There was discussion on if the property lines and septic systems are outlined or defined so that residents/visitors know the boundaries of the rental unit and not trespass onto neighbor's property.

Discussion on Short-Term Rental Authority being designated by the Town Board of Supervisors.

Adoption of Short-Term Rental Ordinance 2019-02—Supervisor Bennett **moved to adopt the Short-Term Rental Ordinance #2019-02**, seconded by Supervisor Adelman-Dullinger. There was discussion on the ordinance being effective on September 1, 2019. The question was called, and the motion carried.

Resolution 2019-09 – establishing an Ordinance on Short Term Rentals within Sylvan Township. Supervisor Bennett **moved to approve Resolution 2019-09 establishing the Short-Term Rentals Ordinance 2019-02**, seconded by Supervisor Adelman-Dullinger and the motion carried.

Cost for Short-Term Rental Permit – after discussion on what the annual fee should be for a Short-Term Rental Permit, Supervisor Adelman-Dullinger **moved that the annual fee should be \$250.00**, seconded by Supervisor Wulff and the motion carried.

New Business –

Zebroski Acres Lane a Petition to Form a Subordinate (SSD) - Chair Booth read the petition that had 13 resident signatures. Supervisor Bennett informed the Board that Attorney Brad Person is qualified to handle this SSD. Supervisor Schmit **moved to accept the petition from the residents on Zebroski Acres Lane to form a Subordinate Service District**, seconded by Supervisor Adelman-Dullinger and the motion carried.

Supervisor Wulff **moved to have Attorney Brad Person assist the Township in forming a (SSD) and certifying the signatures on the petition that they are the property owner, and having Mr. Person attend our Meeting on September 5, 2019**, second by Supervisor Bennett and the motion carried.

There was discussion on the house on Upper Sylvan Road that doesn't have a swing away mailbox. He isn't required to have a swing away. J.B Western has some horse barns(sheds) in the front of their parcel. Discussion on if this is an expansion of their business.

Other Township Business –

Correspondence-

Roscoe – Brock White – Pick up slip for merchandise returned.

2020 Levy Certification – reviewed by the Board.

Road Maintenance Contractor – discussion that a letter should be sent requesting attendance by either himself or one of his crew. Supervisor Bennett will send the letter.

Review of Claims –

Supervisor Schmit **moved to approve the payroll check #23578 thru 23584 in the amount of \$3,216.93 and the claims #23585 thru #23608 in the amount of \$54,872.65 for a total of \$58,089.58**, seconded by Supervisor Wulff and the motion carried.

Adjournment – Supervisor Wulff **moved to adjourn**, seconded by Supervisor Bennett and the motion carried with the meeting adjourning at 9:40 PM.

Minutes submitted by,

Faith C. Broberg, Clerk/Treasurer

Chair, Greg Booth

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

Amendments: Page 5, Bottom of page change Upper Sylvan Drive to Upper Sylvan Road.

Date: September 5, 2019