

**MINUTES from the P&D Meeting
Harris Township Board
Wednesday, July 22, 2015 at 7:30pm**

The regularly scheduled Planning & Development Meeting of the Harris Town Board was held on Wednesday, July 22, 2015. The meeting was called to order at 7:30pm by Chairman Rosato at the Harris Town Hall, with the following officers present: Supervisors Gary Rosato, Dennis Kortekaas, Jim Kelley, Ken Haubrich, and Burl Ives, as well as Clerk Michele Smith and Treasurer Becky Adams. *Absent:* none.

Also in attendance: Residents Marge Kelley, Judy Myers, Cyndy Martin, Mr. & Mrs. Doug Pellymounter, and Peter Hengel.

1. Pledge to the flag

2. Variance Application – Lots 27-30; Plat: Urika Beach S.23, 54-25 #19-600-0270, 0280, 0290, & 0300

Agent: Paul Venne | Owner: Howard Carp Etal | Address: TBD Sunny Beach Addition

Proposed garage is to be located 23' from centerline of Sunny Beach Addition Road, and all other setbacks met. The depth of the parcels limits the placement of a structure. Proposed septic system will be installed for the use of the RV and laundry room in garage. Variance is required due to cannot meet the 68' centerline of road setback.

Chairman Rosato noted that the Itasca County Board of Adjustment will view the site on August 12, 2015 at 8:30 a.m. and the Board of Adjustment will review the variance application on August 12th, 2015 in the County Board Room of the Court House at 9:30a.m. *(It was determined later in the meeting that Supervisor Rosato will attend these meetings, as well as Supervisor Haubrich.)*

Rosato informed the board that he had reviewed the property and met with Itasca County Environmental Services.

A few of the neighbors to the property were in attendance at tonight's meeting and Rosato asked if they had any concerns about the proposed plans for the property:

- Doug Pellymounter – Has a permanent home on Sunny Beach Addition Road, and is new to the area. He only received a map, and not the detailed plans, so was attending to find out more information about the variance. One question he had was around the required set back from lake – as there's lake/wetlands on each side of this property. He wondered if the DNR was involved. He also questioned if the road was private or township. Overall, Pellymounter wanted to make sure that things were done fairly and equitably.
- Peter Hengel – Lives at the end of Sunny Beach Addition Road, and has been through variances in the past. When he bought his property, they were grandfathered in at being 50' from lake; it didn't matter how far they were from the center of the road – they just needed to be 15' from the edge of the road. He had a concern that the current Variance request is asking that the garage be closer to the road edge than 15 ft (as it would be 23 feet from the *centerline*.) Hengel also noted that the current ordinance requires structures to be 68' from the center line and the Variance request is to be 23' from the center line. He voiced concern about this significant difference due to the size of the proposed structure. When Hengel built his house, he said he had to make it smaller than he wanted due to the zoning code. He felt the applicant should reduce the size of his structure as well. Hengel also wondered if the applicant should get a variance for the septic system, with water on both sides of the property. Hengel expressed concern of the garage being so close to road, as plowing and safety when baking out could be issues. Overall, he wants to protect the lake shore, and would like to see everyone treated equally.

Chairman Rosato reminded the neighbors that the township does not have jurisdiction to approve or deny the Variance application, but that rather they make a *recommendation* to the county. He encouraged the residents to attend and speak up at to county board of adjustment review with their concerns.

With regards to the septic system placement, Rosato commented that while at Itasca County Environmental Services today, he asked about the septic - as he too thought it may be too close to the water. However, he was told that the County does not consider the swampy area 'lake' – just low land. Thus, the setbacks were acceptable.

Rosato did not measure between pads at the property, but did measure between the garage to the road, and found it is 26 ft from the stakes to the center line – rather than 23 ft. However, he did not include any overhang when measuring, which does count on boundary issues. Overall, he found it would be 19' from the edge of the road. And 33' to north edge of road, for the drain field.

Another item Rosato talked to Environmental Services about was the corridor proposed for a better view to the lake. He found out that this is a normal and acceptable thing to do. There is a stipulation, however, that only 1/3 of the trees can be removed. He'd like to request that the new owners maintain the mature trees, but he's not sure that the township can do that. Ives noted that anything smaller than 4" in diameter is not considered a tree, and could be cleared.

Supervisor Ives asked if the RV pad could be smaller, so as to not be so close to the edge of the road. He also commented that he was familiar with property and that it had been for sale for a very long time. He knows it's even harder now to do anything with this property, and that the proposed use in the Variance is about the extent of use for this property other than maybe a small cabin.

Supervisor Kelley noted that in the diagram, the trailer pad lists a *height* of 20'. He questioned if the plan was for more than just a pad; would it have a roof? For reference, the apx height of garage was 18'.

The road being private was discussed by the board. The private part of the road starts at Pellymounter's driveway, where the blacktop ends. However, Rosato commented that the township does maintain the road per a verbal agreement. Hengel commented that he helped built road and they followed the stakes so he was confident it was within the proper ROW as shown on the plat map. He noted that the Sunny Beach Addition Road is only 15' feet wide.

Rosato and Ives also noted that there were other garages just as close to the edge of the Sunny Beach Addition Road as was being proposed in the variance application.

The Harris Township "Facts of Finding" form was then reviewed and answered by the board unanimously as follows:

1. Are the terms of the variance consistent with the Harris Township Comprehensive Plan? A: YES
2. Without a variance, is the owner deprived of a reasonable use of the property? A: YES
3. Are the circumstances which justify the variance unique to the property and not created by the applicant? A: YES
4. If granted, will the variance maintain the essential character of the neighborhood: A: YES
5. Have environmental concerns or precautions been addressed: A: YES
6. Have boundary lines been found, correctly identified, and agreed upon? A: Yes

Comments: The height of trailer pad needs to be clarified. And could the pad width be reduced?

A motion was made by Supervisor Kelley to recommend the variance be accepted. The motion was seconded by Supervisor Haubrich and upon roll call, passed by a unanimous vote.

3. Business from the Floor

- None

4. Consent Agenda

- None

5. Roads

- Application for Utility Permit on Township Road Right of Way from Lake Country Power (Sunny Beach Road)

The board reviewed the Application for Utility Permit from Lake Country Power and the accompanying diagram. It described where they needed to replace an existing underground power line, and where they would bore under Sunny Beach Road near Kathryn Avenue.

A motion was made by Supervisor Kelley, seconded by Supervisor Kortekaas, to approve the Lake County Power application for utility permit as presented. Supervisor Haubrich asked if it would be beneficial to ask the contractor how they will fix what they disturb, to prevent erosion. Chairman Rosato commented that there has never been a problem in the past, and they always seem to stabilize the ground after work is done. The board agreed to have Chairman Rosato ask the maintenance crew keep an eye on the area and see how it looks when it's done. If not acceptable, then they would contact the contractor. The motion to approve the permit passed by a unanimous vote.

- Bonding Memo – Treasurer Adams

Treasurer Adams shared a 7 page memo with the board on talking points of “General Obligation Street Reconstruction Bonds” (*a copy will be attached to these minutes*) that she received from Paul Donna of Robert W. Baird & Co. She just received it today, due to a family emergency of Mr. Donna, so apologized that the board did not get it prior to tonight’s meeting.

Adams did look through the information and noted the following:

- Street reconstruction and bituminous overlays *are* eligible costs to be financed. And any money borrowed by the township would be considered “bonding” (even a loan from a bank).
- Baird & Co. would be the underwriter of the bonds. They’d find the township the cheapest money to do the proposed road work.
- Kind of bonds: There are 3 options, but the street reconstruction type of bonding was recommended.
- The memo showed payback options, with the money borrowed in 2 chunks – the first chunk being \$2.5 million borrowed, for the proposed project including Sunny Beach Road. The second chunk would be taken out the following year for subsequent road projects on the 5 year road plan list. The interest was estimated, and the annual payback amount was shown for 10 and 15 year amortizations, noting that the township cannot take out a loan for longer than the life of the road.
- On average, the township budgets \$400,000/year for major road work; if the township borrowed \$2.5 million dollars at 2.44% interest for 10 years, the annual payback amount would be \$282,904. That would leave apx \$100,000 in the budget each year for other road projects, unless the road levy was raised.
- Paul Donna said now is a good time to borrow, because interest rates are so low.
- The bonding process can be completed within 90 days.
- Adams noted that the township is limited by state law on debt; no more than 3% of the township’s Estimated Market Value (EMV) can be borrowed. For Harris Township, 3% of its EMV would be \$11 million – the maximum that could be bonded. Therefore, bonding for \$2.5 million is well below that maximum amount.

One of the Supervisors asked if there was a penalty to pay off the loan early. Adams said she would have to find that out.

Next steps:

- Adams asked the supervisors to let her know what questions they had about bonding, after reviewing the information from Mr. Donna.
- Adams still wants to talk to Barb Baird at the city for words of wisdom from their bonding experience, and to the MN Association of Townships on what other townships have done.
- The board asked Adams to find out if Mr. Donna could attend a township work session on Tuesday, August 4th. A face to face meeting was preferred to a conference call. Adams agreed and will let the clerk and board know what she finds out. If it works out, the clerk will post and determine a meeting location.
- Copies of memos/emails from Glen Hodgson – SEH Road Engineer (Note: Hodgson was NOT at the meeting)
 - Norberg Road wide crack repair - Email from Glen to Bargaen Inc. dated July 9th, and a copy of their quote (previously approved by the board on 7/8/15)
 - Underwood Road (west) – Memo to residents dated July 10th, 2015
 - Crack sealing project – Memo to residents dated July 15, 2015
Ives commented that he had calls from Mishawaka Shores residents, asking when they could expect crack filling on Mishawaka Shores Trail. The memo states that it should be completed the first half of August.
- Other road issues/concerns
 - Supervisor Rosato commented that he will meet with the maintenance crew on Sunny Beach Addition Road, to do some patching like they did on Sunny Beach Road a few weeks back.
 - Supervisor Ives had a concern about a large crack within the first 5 feet of where the Harris Town Road meets Sunny Beach Road – right on the corner. The crack is 8 – 10 ft long and he'd like to see it repaired by the maintenance crew if possible. However, he was not sure which road jurisdiction would be responsible - given the location.
 - Ives also commented about a crack on Isleview, just beyond the first 90 degree corner towards Chippewa Drive in the middle of the road. Rosato was familiar with it, and added that it's been an ongoing issue. Ives would like to see this crack repaired also.
 - Supervisor Rosato reported that he checked on the cost of the flashing lights for stop signs, as requested by a resident for the Wendigo Park Road / Harris Town Road intersection. They cost \$94 each plus freight, are solar powered, and attach to the top of a stop sign. Rosato added that all four stop signs belong to the county – even those on Wendigo Park Road. He'll stop at the county to discuss this option with the highway department and report back to the board.
 - Supervisor Haubrich received a call from a Sunny Beach Road resident with a question about a culvert that is coming up in his approach, making it difficult to get over it on one end. He was told the culvert would be fixed when the Sunny Beach Road was rebuilt – and wondered when that would be. And, if his section of Sunny Beach Road would *not* be fixed next year, the resident would like the township to fix the culvert. The board discussed if it was the township's responsibility to replace the culvert. The crew has unplugged culverts, and one was removed earlier this year as it was a real safety hazard, but they did not need a culvert so it was not replaced. Chairman Rosato stated that because culverts are put in to protect the township's road by controlling the water, it makes sense that replacing them would also be the township's responsibility.
 - Haubrich also shared pictures of another problem on Sunny Beach Road - sloped gravel driveway in which the gravel fines from the driveway wash down onto Sunny Beach Road when it rains, and extend about a block in length– which could be a safety hazard. Ives commented that this has been happening for a while and is getting worse. Haubrich could not find a culvert near the driveway, but wondered if the maintenance crew could look to see if there was one there, and if not, determine if adding one would make a difference. Rosato will share the request with the maintenance crew.

6. Recreation

○ Volley ball court – Crystal Park

Rosato reported that there was a problem with grass and weeds growing up in the volleyball court at Crystal Park. In checking with Mike Hendricks of Creative Services, he recommended that a Rototiller be rented and then 12 yards of washed sand brought in.

7. Town Hall Report dated 7-16-15

The town hall report as prepared by the Town Hall Caretaker was reviewed by the board. There were 17 cleaning hours reported, 16 resident rentals and 1 no-charge rental for the sexual predator information meeting put on by the Sheriff's department. \$375 was collected.

Rosato commented that he had not yet met with caretaker to work through the questions she had, but hopes to in the next few weeks. There were no other comments by the board.

8. Maintenance Report

The board reviewed the Maintenance Report as prepared by the maintenance crew. Clerk Smith noted that she did not receive the sheet which listed the hours worked per area.

Items noted by the board were:

- At Wendigo Park, someone lifted the gate and mowed part of the ball park. Rosato commented that the ball field was last on the priority list at this time as the crew was behind on mowing and needed to give attention to the cemetery. This was before an intern was hired to help with the mowing.
- A water tank was purchased for road clean off and culvert unclogging.
- Supervisor Ives recommended that the maintenance crew try a water filter - rather than water softener - to get rid of the smell in the water at the town hall as he didn't think a water softener would handle smell. However, Range Water could come out and test the water at no charge, and advise if a water softener or other means could help with the smell. Also, Ives suggested flushing the well and chlorinating it, which may get rid of smell. Rosato will discuss these options with the crew.

9. Old Business

- Consider options regarding the discrepancy in the number of cemetery sites sold to Don Hafar, Section 1, Block 10 where four sites are unusable as they are in the River Road right-of-way (tabled from 6/24/15 P&D meeting)

A motion was made by Supervisor Kortekaas, seconded by Supervisor Ives, to table this issue again until the August P&D meeting as Kortekaas and Rosato had not yet had a chance to meet at the cemetery with the maintenance crew to discuss the possibility of moving the fence near the sites to make them usable. The motion passed by a unanimous vote.

- Mediacom / Paul Bunyan

Supervisor Ives noted that he talked to Mediacom to ask if they are going to expand in Harris Township. The person he talked to said they would take the question to the vice president of the company to discuss.

Ives also noted that he also just found out that Paul Bunyan did some build out recently in Harris Township; they ran some line down Highway 169 and hooked up some of the businesses along Hwy 169 south; he felt this was edging upon the "Cherry Picking" law, and did not recall this coming to the board. Clerk Smith said she did recall Paul Bunyan mentioning this expansion a year ago, in 2014, but it was prior to Ives coming onto the town board.

- Intergovernmental Collaboration Opportunities Team

Ives talked about the Intergovernmental Collaboration team. The group wants to hold a meeting this fall to discuss future visioning of the group. They'd like to invite any/all townships and cities to come, to learn how to

collaborate more effectively around common resources, issues and problems. Supervisor Haubrich expressed an interest in attending future meetings.

10. New Business

- Review survey from ICMA – Leaders at the Core of Better Communities; consider filling it out
After reviewing the survey, a motion was made by Supervisor Ives to not fill out the survey. The motion was seconded by Supervisor Kelley and passed by a unanimous vote.

- Request for vacation or acquisition of “slot” area of “Old Sunny Beach Road” ROW (see email from Brent Bocnuk, resident of Sunny Beach Road, and the GIS map showing the area, noting it is near Forest View Trail)

Clerk Smith passed along a request she’d received from Brent Bocnuk to Supervisor Rosato, requesting to vacate and acquire a ‘slot’ area of ‘Old Sunny Beach Road’. Bocnuk lives on Sunny Beach Road would like the extra land so he could build a pole building for storage, and meet the set back requirements.

Rosato went to the court house to check into this request, as Forest View Trail was built in a portion of the Old Sunny Beach right of way, which was a county road prior to becoming a township back in apx 2008. He found that no action was taken on vacating any parts of the Old Sunny Beach Road ROW when Forest View Trail was built.

After reviewing the plat map, Rosato commented that he did *not* see where the township would have any use for this property and so proposed that he advise the resident about the township’s vacation process. The board agreed and noted that when land is vacated, each adjoining landowner gets half the property – and is taxed on it.

The board then discussed and agreed that it would make sense to vacate the entire length of the old road ROW in this area, so that *all* property owners would have better use of their properties. Rosato agreed to review the vacation process, and determine next steps.

- Round table discussions with City of Grand Rapids staff

Supervisor Rosato explained to the newer board members that the township board used to meet quarterly with the City of Grand Rapids staff (city administrator, city planner, and city engineer) for a ‘round table discussion’. However, the group has not met in quite a while – over a year. Supervisor Rosato recommended that the town board initiate these meetings again, as he found it helpful to know what is happening along our common border. The board agreed that early September, after Labor Day, would be a good time to meet. Rosato will talk to the city staff about possible dates.

- Dead birch trees – near Casper Landing

Supervisor Kelley reported there were some dead birch trees near the corner of Caper Landing marina, on the small piece of land that belongs to the township. Rosato will talk to maintenance crew and get these trees taken down.

11. Public Input

- Judy Myers – asked the following questions of the board:
 - Q: Sunny Beach Road was the only road mentioned with regards to bonding. What about Birch Street and Islevue, that the board had considered doing in conjunction with Sunny Beach Road?
A: The board responded that the \$2.5 million they talked about bonding did cover 5 roads; they just failed to mention them all. No roads had been omitted.
 - Q: Every month, the maintenance crew ‘checks’ the town hall and service center; why? T
A: The board responded that they are checking for any damage or any issues.
 - Q: Since the township just purchased a pressure washer tank for water, could the maintenance crew clean the picnic tables at Wendigo Picnic Park and the Mishawaka Landing?
A: Rosato will talk to the crew about this, but noted it sounded like a good idea.
 - Q: Why did so few roads get treated for dust control this year?

- A: The board responded that the same roads were done in 2015 as were done in prior years. Myers commented that the road near Casper Landing (Bayview) was treated last year, but was not included on the list in the maintenance report. The board clarified that not every gravel road gets dust guard, but that Bayview was treated – it just got missed in the report.

12. Upcoming meetings/events

- Mon Aug 10 Itasca County Twp Association Meeting 7:00pm Court house (room TBD)
- Wed Aug 12 Regular Meeting 7:30pm Harris Town Hall
- Wed Aug 26 Planning & Development Meeting 7:30pm Harris Town Hall

13. Adjourn

With no other business to come before the board, a motion was made at 9:21 p.m. by Supervisor Kortekaas, seconded by Supervisor Kelley, to adjourn the meeting. Motion passed.

Respectfully submitted,

Michele Smith – Harris Township Clerk