

MINUTES
P&D and Reorganization Meeting
Harris Township Board
Wednesday, March 24, 2010 at 7:30pm

The Planning & Development and the Reorganization Meeting of the Harris Town Board were both held on Wednesday, March 24, 2010. The meetings were held at the Harris Town Hall, with the following officers present: Supervisors Gary Rosato, Larry Key, and Dennis Kortekaas, and Clerk Michele Smith. Absent: Treasurer John Jokela.

Also in attendance: Julie Kennedy - SEH, and approximately 8 residents.

REORGANIZATION MEETING

The reorganization portion of tonight's meeting was called to order by Supervisor Kortekaas at 7:30pm.

1. Oath of office by Clerk Michele Smith and Larry Key

Re-elected Supervisor Key and re-elected Clerk Smith took the *Elected Official Oath of Office*, as led by Supervisor Rosato. These oaths will be kept on file at the Town Hall.

2. Re-organizational items:

◆ *Elect Chairman:*

Motion by Supervisor Rosato, seconded by Supervisor Key, to appoint **Supervisor Kortekaas** as Chairman. Upon roll call, motion passed unanimously.

◆ *Elect Vice Chairman*

Motion by Supervisor Kortekaas, seconded by Supervisor Key, to appoint **Supervisor Rosato** as Vice Chairman. Upon roll call, motion passed unanimously.

◆ *Appoint Deputy Clerk*

Clerk Smith informed the board that she has asked **Katie Fannin** to be her Deputy Clerk, but that she had not yet confirmed Katie's acceptance of this duty. The board had no objections.

◆ *Appoint Deputy Treasurer*

Treasurer Jokela was absent; he will be asked to appoint a deputy treasure at the next board meeting, on April 14, 2010.

◆ *Designate Official Newspaper*

Board agreed **the Grand Rapids Herald Review** be the official newspaper of Harris Township.

◆ *Designate Township Attorney*

The board agreed to designate **Andy Shaw** as township attorney.

◆ *Designate a township road engineer*

The board agreed to reappoint **Short Elliot Hendricks (SEH), with Julie Kennedy** currently serving as the representative for Harris Township; Julie agreed to serve again.

◆ *Designate a Bank as the Town Depository*

Treasurer Jokela was absent, and the board would like his recommendation for this item. He will be asked to comment at the next meeting, on April 14, 2010. The banks currently being used are Wells Fargo for checking and savings, and American bank for savings and CDs. This will be put on the agenda for Apr 14th meeting.

◆ *Designate an Official Posting Sites*

The board agreed to again designate the **posting board in front of the Harris Town Hall** as the township's official posting site, along with the boards at Crystal and Wendigo Parks to be used when 3 posting sites are legally required.

◆ Affirm / Appoint members to committees/boards:

The following appointments were made and accepted by those indicated:

a. *Weed Inspector:*

Dennis Kortekaas (re-appointment)

- b. *South Central Intergovernmental Planning Board* (2 representatives)
Larry Key (re-appointment) and Gary Rosato (re-appointment)
- c. *Trails Task Force*
Dennis Kortekaas (re-appointment)
- d. *Maintenance Crew Leader*
Larry Key (re-appointment)
- e. *Safety Representative*
Gary Rosato (re-appointment)
- f. *Human Resource / Personnel Representative*
Gary Rosato (re-appointment)
- g. *Cable Commission*

In keeping with Resolution 2006-002, Supervisor Rosato was re-appointed as the designated Cable Commission Director, with Supervisors Key and Kortekaas appointed as alternate Directors, to fill in for Rosato as needed. However, Rosato will also ask Treasurer John Jokela if he'd be interested in serving on the Cable Commission, since the representative does not need to be a supervisor.

h. Other committees/boards?

Supervisor Key was appointed to attend county zoning and environmental services site visits and public hearings, with Rosato and Kortekaas as back-up representatives. Key will be the main contact person for these issues.

The re-organization meeting adjourned at 7:39pm upon a motion by Supervisor Key and a second by Supervisor Kortekaas. The P&D meeting was immediately called to order.

3. Variance and Conditional Use Permit Applications

a.) *Kevin Figgins / Pumphouse Express, Inc.*

The conditional use permit would allow applicant to add set-ups to existing business (Hollywood Pizza). All zoning requirements will be met. A conditional use permit is required for this type of use. Planning Commission subcommittee site visit on April 12, 2010 at 8:45am. Planning commission will review application on April 14, 2010 at 9:00am in the County Board Room.

Kevin Figgins was present at tonight's meeting and shared that about a year or two ago, 3.2 beer was added at Hollywood Pizza. This brought in pool leagues and additional supper business. Since then, he's had a lot of requests for "set ups". This would allow people to bring in their own bottles of liquor, and Hollywood Pizza would provide the patron with pop to mix with the alcohol. This is much less expensive for the patron than going to a bar and purchasing a mixed drink.

Mr. Figgins informed the board that he had checked with his insurance company regarding liability issues, and was told that adding set-ups would be fine. He went on to discuss that there will be conditions set, and that he will not determine if a person can have another drink. Hollywood is only open now until 10pm. If the conditional use permit is approved, they may stay open a little later to extend their supper clientele but only until 11pm or so (not 1:00am).

Q: Will there be separation between kids and the area where drinks/set ups are allowed?

A: Yes; mixed drinks will only be served in designated area, and only at certain times.

Q: Has anyone from the State talked to him about entrance/exit concerns? Specifically, about exiting to the south, turning left, onto Hwy 169 "s" curve?

A: No, the State has not contacted him. The north entrance is quite wide – apx 80 feet. And there has only been one accident.

The facts of finding form was then reviewed (a copy will be attached to these minutes); all six questions were answered in the affirmative.

Supervisor Rosato made a motion to recommend the approval of the proposed conditional use permit for adding set-ups to an existing business (Hollywood Pizza). Upon roll call, motion carried.

b.) Jessie Altonen – 2081 Isleview Road / Plat: Erickson Addition #19-465-0120-0125

This **variance** would allow the applicant to develop a vacant parcel not in single and separate ownership. This 1.4 acre parcel was legally created in 1980. However, adjoining parcels were owned by same owner and sold separately in 2009. Applicant was not aware that parcel was non conforming at the time of purchase. New development is permitted use in Farm Residential, and surrounding area is already developed with lots of similar size. Proposed residential development and all applicable setback /requirements can be maintained with new dwelling/garage/septic system. Variance is now necessary to develop a residence on the parcel. The Itasca Board of Adjustment will **view the site on April 12, 2010 at 9:00am**. The Board of Adjustment will **review the variance application on April 14, 2010 at 9:00am** in the Itasca County Board Room.

Jessie Altonen was in attendance and explained that when she purchased this property in October of 2009, she didn't know it needed to be a certain size lot to build on. When she went to get a building permit, that's when she was told it did not meet the minimum size requirement for a house.

She explained that she hoped to build a one level house with a basement. She provided a diagram of how the lot would be laid out. It was noted that a well is shown on diagram, but has not yet been installed.

Supervisor Key reported that Harry Weiss – who owns property behind this party – had called with some concerns. He was afraid that Jessie would divide the property again, and have even more homes on the lot. When Key explained what was actually happening, Weiss was fine with them putting just one house on the existing lot.

The facts of finding form was when reviewed (a copy will be attached to these minutes), and all six questions were answered in the affirmative. There were additional comments on two questions, as noted:

1. Yes, because the lot was legally platted in 1980, in good faith to be a proper sized lot at the time (before change of minimum size).
5. Yes. Applicant has been informed that they need to get a separate sanitation permit before building, especially given close proximity of the well to the adjacent land owner.

Supervisor Rosato made a motion to recommend approval of the variance request by Jessie Altonen, to develop an undersized vacant parcel not in single and separate ownership. Supervisor Key seconded the motion, and upon roll called, motion passed.

c.) Joseph & Jessica Nelson, 19306 Tolerick Road / Plat: Erickson Addition #19-465-0120

This **after the fact variance** would allow the applicant a "change in use permit" to convert an existing garage into residential dwelling. Also, parcel is not in single and separate ownership. This 1.4 acre parcel was legally created in 1980. However, adjoining parcels were owned by same owner and sold separately in 2009. Applicant purchased parcel in 2009 to be their residence, not knowing at the time that a "change in use permit" or "variance" was required. Variance is now necessary to develop a residence on the parcel. The Itasca Board of Adjustment will **view site on April 12, 2010 at 9:00am**. The Board of Adjustment will **review the variance application on April 14, 2010 at 9:00am** in the Itasca County Board Room.

The Nelson's bought this property and dwelling in March 2009 with a construction loan; in August 2009, it was turned over into mortgage. The building was a garage, but had been blueprinted and intended to be a home. The Nelson's finished it as a home. The well was already drilled when they bought it, and the septic was in place. Nelson's worked with the county on the loan, homesteaded it, and purchased title insurance. They installed new doors and windows, not realizing that they needed a building permit to do that. Their taxes went up as they made improvements; the county assessor had been out there, but did not indicate that anything was out of compliance. The dwelling meets all the set back regulations.

This parcel is currently undersized for a home. However, the plat was legally created in 1980, a couple years before the minimum changed from 1.5 to 2.5 acres.

The board reviewed the facts of findings form (a copy will be attached to these minutes), and answered all six questions affirmatively.

A motion was made by Supervisor Key to recommend approval of this after the fact variance, that would allow the Nelson's a "change in use permit" to convert an existing garage into residential dwelling. Supervisor Rosato seconded the motion, and upon roll call the motion carried.

4. Discuss Township Service Center property plans with ICC engineering students

This discussion was postponed until the April 14th Regular Meeting, as one of the interns could not attend tonight's meeting. Three or four students will come to the next meeting and give a 5-10 minute presentation on their thoughts for the Service Center property plan project. Supervisor Key shared the preferred maintenance garage size and content "wish list"; the town hall size/design was shared by Supervisor Rosato. They added that two separate driveways would be preferred – one for the hall and one for the maintenance garage.

Julie Kennedy will be supervising the intern students on this project, through the ICC engineering program. She found out that the contract with the students can extend throughout summer; it does not need stop at the end of the semester as previously thought.

5. **Business from the floor**

- Ed and Janet Probst came to tonight's meeting to ask about **Norway Road**. Is it vacated on the west side of their property? The board stated that it is *not* vacated, as it is a public cartway. The Probsts indicated that Carl Erickson, an adjacent land owner, has posted a sign indicating that the cartway is a private drive, and has piled snow on the cartway as well. The township, being the lowest level of government, has jurisdiction of the cartway.

The Board requested that Clerk Smith send a letter to Carl and Jodi Erickson, with a copy of the final road order (Julie will provide), explaining that a public cartway cannot be blocked or marked as a private drive. A date to remove the sign should be stated.

- Ed and Janet Probst also asked if the east/west **Schmidt Road** had been vacated. The county surveyor couldn't tell them; the land department couldn't tell them. The county recommended they ask the township about it. The board thought the county vacated their portion of the road, back when they had it. However, if it was vacated, the Probsts said they were never notified. Julie will look into the status, as it is something the township needs to verify.

6. **Roads**

- FAA phone call regarding Underwood Road (Gary/Julie)

Julie returned Jeff Romaneck's call from the FAA, as referred to by Supervisor Rosato. However, Julie had yet not connected with him as of tonight's meeting. It was Supervisor Rosato's understanding, per his conversation with Romaneck, that the FAA is doing an upgrade to the old Gunderson driveway and roadway at the end of Underwood Road, including drainage. Romaneck knew that the township was also doing a project with the Underwood Road, and wants to work together. The FAA's timeframe is flexible, and they are willing to work with the township's time line.

- Harbor Heights Road turnaround area

Supervisor Rosato emailed Ernie Jacobson, and briefly explained that the land he has for sale includes an area that the township uses for a turnaround. Rosato requested that he meet with the board to discuss the situation, but he was unable to make tonight's meeting. However, Jacobson stated in his email that he was willing to help out the township.

For many years, the township has used and maintained a turnaround at the end of Harbor Heights Road for general traffic and school buses. During this time, a verbal agreement for the township to use this land had been made by previous owners and by Jacobson. The township's concern is losing this turnaround if not properly agreed to or noted on the land transaction. Ideally, the township would like a permanent easement for the turn around.

Julie will look at the area, to make sure we could write a description for an easement, and to determine what size was needed, including an area for snow to be plowed. The area that the township has graveled should be all that is needed.

- Harbor Height Rd – shed in ROW

Someone is building a storage shed right at the edge of Harbor Heights Road – about 1 foot from the edge of the road. Dennis will get the address and turn it into the county zoning department. This is within the clear zone, and is not acceptable.

- Bayview Place

Julie met with Bob Trombley, partner of Ron Nelson, regarding the proposed plat off of Bayview Place. The project is not dead, and will be coming back before the county.

In most minor subdivisions, the road stays private. However, with this minor, Trombley explained that they would want to petition to have the township take over the road. The township road standards have been shared with Trombley/Nelson.

- Sunny Beach Road –trees along ROW

A complaint was received about an old pine tree near Woodtick landing that is leaning over Sunny Beach road. The tree is outside the township's ROW, but poses a hazard to the road. Key will talk to the landowner to request approval to cutting the tree; the stump will not be taken.

There is a \$15,000 line item in the current budget for tree clearing.

7. Recreation

- Mike Hendricks met with Supervisor Key. Mike will be at a meeting in April to propose a cost for various park improvements. Julie will bring an estimate for paving the park parking lot(s).

8. Maintenance Report

- The monthly road report as prepared by the Township's maintenance crew was reviewed by the board without any questions or comments.
- As the safety representative, and HR representative, Rosato asked when the best time would be for him to meet with crew, to discuss various housekeeping items for this time of year. Supervisor Key reported that early mornings are good (8:00am).

9. Town Hall Report

- None received.

10. Old Business

- Review proposals for portable toilets from Portable John and Northland Portables

Portable John presented a proposal to Supervisor Kortekaas on March 4th for portable bathroom needs in the township. Before bringing to the board, Kortekaas requested a proposal from Northland Portables, the township's current provider. However, Northland chose *not* to submit a proposal for next year, and agreed to remove their toilets on May 1st. Supervisor Kortekaas did try calling "Johnny on the Spot" to obtain another bid for comparison purposes, but no reply was received.

Therefore, the award for portable bathrooms in Harris Township during the May 1, 2010 to May 1, 2011 season was given to "Portable John", as outlined in their proposal (a copy will be attached to these minutes). There will be 4 Handicapped bathrooms @ \$85/unit at the Cemetery, both parks/ and the Wendigo Picnic area; and there will be 3 regular bathrooms @ \$60/unit at Troop town, Mishawka and LaPlant landings. Hand sanitizer will be free, and there is no charge for delivery/pick up nor their winter services.

- Update on Paul Bunyan – see email from Attorney Andy Shaw

Shaw had an opportunity to review the franchise details from Paul Bunyan, and it meets with Shaw's approval. The line extension agreement is identical to that which has been adopted by several other neighboring cities and townships to Grand Rapids. The basic structure is that of an extension of the current Grand Rapids franchise, and avoids the need for a completely new cable franchise. Instead, it adopts the provisions of the Grand Rapids franchise.

In an email from PB to Shaw, PB states that it is their goal to serve 100% of Harris Township, but that the economy, availability of financing, technology and equipment availability, construction costs and ever-changing state and federal regulations are all significant determinants of their ability to expand.

The Board asked the clerk to contact Attorney Shaw and request that he attend the next board meeting on April 14, in order to move forward with the PB agreement. And, if Shaw feels it would appropriate, to also invite PB to the meeting.

- Set date for Annual Road Review meeting

The board chose to hold the **Annual Road Review at 8:00pm during the April 28th P&D meeting.** Julie Kennedy, SEH, will provide the road review forms to the board so that they can inspect their roads prior to that meeting. The Board agreed that reviewing the same roads as last year was a good idea. Then, perhaps next year, they could switch. Julie noted that the inspection of signage has been pulled off the forms, due to the sign inspection process now in place.

Clerk Smith will publish and post notice of the Annual Road Review meeting.

- Roadside clean up

Roadside clean up of the township's 2 mile adopt-a-highway portion of River Road was discussed. Last year, Supervisor Rosato and Treasurer Jokela did roadside clean up using their 4-wheelers. Rosato was willing to do that again. He will talk to Jokela, and pick a date for clean up and then let Supervisor Kortekaas know about it. Supervisor Key will do his portion of the road in the next few weeks.

11. New Business

- Consider setting a date in April for the annual review of Township employees and Township Officer wages

The date was set for **April 20th (Tues), at 7:30pm** at the Service Center. The portion when employees are discussed will be posted as "closed", due to the personal nature of the meeting. However, the portion where the township officer's wages are discussed will be posted as "open" to the public.

- Consider publishing another township newsletter, and who will write on what:

The board discussed when the next newsletter should go out. They agreed that residents should have it in their mail boxes before Memorial Day. Supervisor Key would like to continue writing about the Harris Cemetery history; Supervisor Rosato offered to write something on Memorial Day.

With the possibility of signing an agreement with Paul Bunyan, which would be a great front page story, the board agreed to **postpone** further discussions about the newsletter until after the April 14th meeting, when PB will be discussed further.

12. Adjourn

A motion to adjourn the March 24, 2010 P&D meeting was made by Supervisor Key at 9:57pm; upon a second by Supervisor Rosato, the meeting was adjourned.

Respectfully submitted,

Michele Smith, Clerk of Harris Township