

**MINUTES from the P&D Meeting  
Harris Township Board  
Wednesday, September 28, 2011 at 7:30pm**

The regularly scheduled P&D Meeting of the Harris Town Board was held on Wednesday, September 28, 2011. 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, and Larry Key, and Clerk Michele Smith. *Absent:* Treasurer Becky Adams.

Also in attendance: Julie Kennedy, SEH Road Engineer, and approximately 16 residents regarding the variances and conditional use permits on the agenda.

**1. Pledge to the flag**

**2. Variance:**

**Patricia & Charles Rodinsky, 29110 Sunny Beach Road / Agent: Lease Landscaping**

*This variance would allow the septic system to be brought into compliance with the drain field located 45' & tank 50' from Hale Lake. Parcel is already developed along with other surrounding parcels as residential use. To meet setbacks from deep/shallow wells from adjoining parcels, the placement of a septic system is limited. In 2006, neighbor also applied for variance and was approved. Variance is required due to can't meet Lake Setback.*

Jeff Christianson was in attendance from Lease Landscaping, on behalf of Rodinskys, as their agent. He explained that the Rodinsky's septic is leaking, and they need a new one. The distance from one neighbor's deep well is 52 feet (the minimum is 50'), and is 102 feet from the other neighbor's shallow well.

The board reviewed the information from the county on this Variance, and commented that the plan was well laid out, and did not have any further questions for Christianson. They proceeded to go through the Township's "Facts of Findings" form. All questions were answered in the affirmative.

***Because all questions on the facts of finding were positive, Supervisor Key made a motion, seconded by Supervisor Kortekaas, to recommend approval of the Variance Application as submitted from Patricia and Charles Rodinsky. Upon roll call, motion carried by a unanimous vote.***

**3. Conditional Use:**

**Donald Bischoff, So. Hwy 169 / lot # 19-018-4401 / Agent: T&M Marine, Inc.**

*This conditional use would allow applicant to establish an outside ground storage for commercial boats/pontoons. Also, would allow future, development of T&M Marine sales location. This parcel is located by other commercially zoned property & existing businesses. All ground surfaces will be stabilized and ensure that erosion is not an issue; there will be very little activity at site. Existing driveway off of Hwy 169 will be the access. Conditional Use Permit required due to parcel is zoned Rural Residential.*

Ken Forst from T&M Marine was in attendance at tonight's meeting, on behalf of Bischoff, as the agent. He explained that the property on each side for their lot it is currently zoned commercial, and that the property on the back side of their lot has a commercial conditional permit for a plumbing and heating business. In addition, a small portion of their lot is actually zoned commercial; the rest is zoned Rural Residential. Regarding the future location of T&M's sales site, Forst commented that there are no immediate plans for the sales to move to this lot, but would like that option in the future. Overall, it may or may not happen.

Supervisor commented that he did walk the property and found its good solid ground. He wondered if there should be a frontage road.

Regarding the township's Comprehensive Plan for this corridor, Julie commented that there is no concern, and could not find any reason not to support this type of business in this location.

The board reviewed the information from the county on this Conditional Use, and did not have any further questions for Forst. They proceeded to go through the Township's "Facts of Findings" form. All questions were answered in the affirmative.

***Because all questions on the facts of finding were positive, Supervisor Kortekaas made a motion, seconded by Supervisor Key, to recommend approval of the Conditional Use Permit Application as submitted from Donald Bischoff. Upon roll call, motion carried by a unanimous vote***

#### **4. Conditional Use:**

##### **Rex & Judy Myers, Crystal Springs Rd / lot # 19-017-2313 & 2315 (No agent)**

*This conditional use would allow applicant to establish 10 seasonal campsites, located on 2 acres off of Crystal Springs Road, on Pokegama Lake. Plans include electrical, water and sewer hookup. No out buildings. Excavation will be less than 1 acre, and silt fence will be used to prevent erosion. A private road will be constructed to access Crystal Springs Road. All state and county regulations will be met. Conditional Use Permit required due to property being zoned Light Industrial Commercial.*

Ron Myers was in attendance at tonight's meeting, on behalf of Rex & Judy (his parents). He explained that the campsite is being proposed due to other resorts closing, such as Birch Cove and Southwood Resort. The proposed campsite would be "seasonal", meaning the lots would be rented out by the year. This would *not* be a short term (transient) type of campground, with lots of in and out traffic. To have a 'transient' campground, it would require an office and caretaker on site, and a holding tank. The cost to do this would not be feasible, per Myers.

One adjustment that Myers would be adding, that was not in the information from the county, was to have one 10' x 12' building on the site for the pressure tank to be protected from the frost. They recently discovered that the pressure tank needs to be above ground due to its size and accessibility. Also, they need a place for the electrical to be mounted. Overall, Myers stated that they would be following all the rules & regulations.

##### Comments from residents:

One resident, who lives near the Myers property, stated that he is against the conditional use permit for the campground. While there is a lot of lake frontage, it's not accessible without disturbing the lakeshores. He also expressed concern about the location, as the noise from Zorbaz is already bad – and adding a campground could make things even worse. Overall, this is a residential area, he did not see how a campground would maintain the integrity of the neighborhood.

Another resident, who has adjoining property to the west, stated he was also against the campground and feels that it's not in keeping with residential nature of the lake. Their neighborhood is made up of single family homes. Having seasonal campers left up all year could soon look like a junk yard. Plus, the additional traffic coming in around the corner to enter the proposed campground property was a concern, especially for kids in the neighborhood.

Another resident voiced that she feared the campground, given its location to Zorbaz, would become a party campground for patrons after the bar closes at 2:00am, especially since the previous owners of Zorbaz let people camp on the beach.

Yet another resident voiced that a campground of seasonal trailers would decrease property value of the neighbors. Additional noise was also a concern, as was the waste water.

The clerk noted a phone call she'd received from a neighboring land owner, who was against the campground, primarily due to additional noise and traffic issues.

A letter received from another neighbor was shared with the board. They too were opposed to campground for the reasons of traffic, noise, lower property value, and sewer.

A representative from the Pokegama Lake Association asked several questions; the responses by Ron Myers are noted (after the "A"):

- Q: Would there be a caretaker on site?  
A: Not really, though one seasonal has agreed to maintain the lawn, and so would be around much of the time.
- Q: Will there be access to the lake from the campground?  
A: Yes, a 7' path – which is shown on the map – would be located in the 88' area on the Zorbaz side, that is not considered a bluff. There are no plans to touch the bluff area.
- Q: Would the lake access be a boat launching site? Have a dock?  
A: It would not be a boat launching site per Myers. Regarding a dock, he hadn't really thought about that yet.
- Q: Another resident asked if the property is still for sale, as there is a "for sale" sign up.  
A: Yes, it's still for sale per Myers. He'd love to sell it, but has had not had any reasonable offers, nor is Zorbaz interested in the property. Because it has not sold, they are looking at using it for a campground, for income purposes.

A resident asked what types of businesses *are* permitted to be on property that is zoned Light Industrial Commercial, as is this parcel. Julie Kennedy looked up the zoning guidelines and read the list of permitted uses, which included: houses, gift shops, bed & breakfasts, contractors, daycares, resort expansions, forestry, foster homes, offices, recycling, and trailers/camper sales.

In reviewing the township's comprehensive plan, regarding the highway 169 corridor, Julie noted that it states that large lots, with less intensive uses, was desired in this area. That would mean for 10 homes, a parcel of 7.5 acres would be needed. However, the Myers property is only 2 acres, for 10 seasonal campsites – and so would not meet the density guideline of the comp plan. If the two lots of the Myers were combined, it would allow for 2 homes on it – possibly 3 single family units. (Duplex would also be allowed.)

The board reviewed the information from the county on this Conditional Use, and did not have any further questions for Myers. They proceeded to go through the Township's "Facts of Findings" form:

- Question 1, "Is the use consistent with the Harris Township Comprehensive Plan?" was answered "No".
- Question 2, "Is the conditional use compatible with the existing neighborhood?" was also answered "No".
- Question 4a, "Does the site have sufficient vehicle access in and out of the property?" was answered "No"; 4b, "Is there adequate parking?" was answered "N/A".
- The other questions, #3, 5 & 6 were answered in the affirmative:

***Because some questions were answered "No" during the Facts of Finding form review, and because the proposed camp ground does not fit the township's comprehensive plan, Supervisor Key made a motion to recommend rejection of the conditional use permit by Rex and Judy Myers. The motion was seconded by Supervisor Kortekaas, and upon roll call, the motion passed by a unanimous vote.***

## 5. After-the-Fact Variance:

**Thomas R. Hammerlund, Gravel Pit on Airport Road / Agent: Tom Hammerlund Sr.**

*This variance would allow applicant to continue plans of an existing gravel pit, which would be to extend the excavation within 50' of the North boundary line, which currently is within 120'. The expansion to the north would allow a great buffer to residences located on the west side of the property. The applicant was under the impression that the residential buffer boundary was 50', and that the municipal buffer boundary was 100'. The*

*After-the-fact Variance is required due to the required set back from the boundary line is 200' (and current excavation is within 120').*

Mr. Hammerlund was not in attendance to speak on this matter, but a letter was received from Anderson, Ophoven & Stauffer law office, in lieu of Thomas R. Hammerlund's attendance. This letter was shared with the board, and read aloud by Chairman Rosato. A copy will also be attached to these minutes.

From the audience, Dan Butterfield spoke on behalf of the Airport Road & 7<sup>th</sup> Ave. SE Grand Rapids Neighborhood Association. He shared a letter dated May 26, 2011 from Don Dewy/Itasca County Environmental Services to Rusty Eichorn, County Commissioner. This letter stated that Thomas Hammerlund Jr. told him (Dewy) that he was under the impression that a 100' setback was required (rather than the actual set back requirement of 200'). It was noted by Butterfield that this is different than what is stated in the new letter dated 9/28/11 from Anderson, Ophoven & Stauffer, which says Hammerlund was operating with the understanding that there was only a 50' setback (rather than 100' as noted in the letter from Mr. Dewey). In addition, the attorney's letter state that there is only a 50' setback to the west (residential boundary), but Butterfield found that the county zoning ordinance requires a 250' set back from an established residence.

The May 26, 2011 letter from Don Dewy also went on to say that excavation in the Hammerlund gravel pit was found to be approximately 120' from the municipal property line. As a result, the letter was to be considered a "notice of violation", and called for Hammerlund Construction Inc. to cease all operations in the area, and fill and slope the bank to the 200 mark. However, the association stated that Hammerlund's gravel pit operations were *not* ceased, as instructed in the notice of violation, nor has the land been restored as instructed.

Peter Lotti, another member of the Association said he is personally being affected due to the dust/noise/trembling due to crusher. He then read a position letter of Association with regards to negative support for the proposed "After the Fact' Variance Permit for Parcel #19-003-2200. A copy will be attached to these minutes.

The City of Grand Rapid's position, which has the municipal border north of the pit, was unknown on the matter.

Regarding this matter and the township's comprehensive plan, Julie commented that it was hard to determine the guidelines, regarding economic development vs. mixed land use.

The township's "Facts of Finding" form was reviewed. (See attached copy) The results were as follows.

1. "Are the terms of the variance consistent with the Harris Twp Comprehensive Plan?" This was answered as "N/A" as this matter is not specifically discussed in the comprehensive plan; while the plan does encourage economic development, it does not address how to handle the mixed land use.
2. "Without a variance, is the owner deprived of a reasonable use of the property?" This was answered "No".
3. "Are the circumstances which justify the variance unique to the property and not created by the applicant?" This was answered "No", as the setback rules have not changed, and so the circumstances are caused by user.
4. If granted, will the variance maintain the essential character of the neighborhood" This was answered "No".
5. Have environmental concerns or precautions been addressed? This was answered "No".
6. Have boundary/property lines been found/identified/agreed upon? This was answered "Yes".

Supervisor Key noted that while we do need gravel pits to maintain our roads, they need to follow the rules and work with the neighbors to maintain harmony.

***With several questions being answered "No" during the Facts of Finding form review, Supervisor Key made a motion to recommend rejection of the conditional use permit by Thomas E. Hammerlund and Thomas R.***

**Hammerlund.** *The motion was seconded by Supervisor Kortekaas, and upon roll call, the motion passed by a unanimous vote.*

## 6. Business from the Floor

None

## 7. Roads

- Updates by Julie Kennedy – SEH
  - Department of Commerce – Julie shared a copy of the “Construction Project Report” she did, as requested by the US Department of Commerce. A copy will be attached to these minutes. Overall, \$275,000 of the \$285,000 contracted cost has been spent on Mishawaka Road.
  - Update on the Mishawaka Project: The speed humps are finished, and have been found to be effective, if driving too fast – over 40mph. The sub cut area of the roadbed has been paved, has were the speed humps. The remaining punch list items still need to be done, including tree removal and mailbox placement.
  - Lakeview Drive neighborhood meeting: Julie shared a letter with the board that went out to all residents on 9/22/88 for the neighborhood meeting on Wednesday, October 5<sup>th</sup>, regarding the temporary drainage improvement project in the area. She suggested that after the neighborhood meeting, the board consider making a decision on next steps at the October 12<sup>th</sup> Regular Meeting.
  - Paul Bunyan update: Julie called Paul Bunyan, and found that construction for cable was not occurring on Mishawaka Road as was shown on the map Clerk Smith had received. Instead, construction was thought to be planned for just Birch Street and Chippewa Drive.

## 8. Recreation

- Crystal Park: Supervisor Rosato commented that Crystal Park looks great – and that he really likes the new walkway from the parking lot to the pavilion. Supervisor Key added that the fence work to add a bypass to access the walkway has been completed, and the project is done.
- Key commented that the granular application of herbicide and fertilizer would be applied to the township properties on Wednesday by Tournament Turf.
- The dugouts were removed from Wendigo Park, per Supervisor Key. He commented that this had been discussed previously, and agreed upon by the board.

## 9. Town Hall Report - for August 10 – September 10, 2011

The board reviewed the Town Hall report, as submitted by the caretaker. \$275 was collected, and there were no accidents or damages reported. Also included was a thank you note from the Star of the North Humane Society, for allowing them to use the town hall parking lot as a drop off/pick up site for their spay/neuter program in August.

Supervisor Rosato commented that he is still working with the caretaker on developing a ‘no-show’ policy and consequences for town hall rentals, as previously discussed.

## 10. Maintenance Report – for August 2011

The report was reviewed by the board, as submitted by the Maintenance Crew. There were no questions or concerns from the board.

## 11. Old Business

- Consider moving forward with G.I.S. system for Harris Cemetery, with City of Grand Rapids (*was tabled from September 24<sup>th</sup> Regular Meeting*)

***Due to the lateness of the evening, a motion was made by Supervisor Key to table this matter until the October 26<sup>th</sup> P&D meeting. Supervisor Kortekaas seconded the motion, and upon roll call, motion carried.***

- Notice of Itasca Co. public hearing to consider adoption of Amendments to Zoning Ordinance: Oct 11, 2011 at 3:15pm at County Board Room (courthouse). This was an FYI for the board only – no action was necessary.
- Consider approval of payment to GR PUC in the amount of \$45.06, for balance due on street lights. (Paid \$148.97, from 1 statement, but there were 4 statements, totaling \$168.45.)

***A motion was made by Supervisor Key, seconded by Supervisor Kortekaas, to approve payment for the balance due to GR PUC in the amount \$168.45. Upon roll call, motion carried.***

- Notice received that October Itasca Co. Twp Association Meeting will be October 3<sup>rd</sup> (not 11<sup>th</sup>). Again, this was an FYI – no action was needed.
- Lakeview Neighborhood Meeting will be October 5<sup>th</sup>, 7:30pm, Harris Town Hall
- Cemetery policy: Supervisor Key requested that the cemetery policy fee schedule be adjusted for consideration of overtime hours during day light savings. The current schedule shows an option for overtime (burial start times) between 3:15pm and 5:00pm. However, it will be too dark after a 5:00pm burial for the restoration work needed, once the clocks are turned back in late early November. Key suggested that only the “standard burial times”, from 9am – 3pm, be allowed from late October until Labor Day. The board agreed.

Clerk Smith will revise the Grave Opening Fee Schedule accordingly, for the board’s review and approval.

## **12. New Business**

- Consider request to extend end date of summer maintenance intern  
During the August 24<sup>th</sup>, 2011 P&D meeting, Supervisor Key stated that that both student workers were done, and had went back to school. However, Key recently requested that one of the interns have his employment agreement extended, on an as needed basis, to assist the Maintenance Crew with winter prep. This was needed due to the longer grass growing season this year, which was making it difficult for the crew to complete the necessary preparations for winter. One of the interns has confirmed he would be available for this type of work, while was attending Itasca Community College.

***After confirming that there was money in the budget for this additional expense, Supervisor Rosato made a motion, seconded by Supervisor Kortekaas, to extend the employment of 1 summer intern this year, until December 1<sup>st</sup>, 2011, on as needed basis. Upon roll call, the motion passed by a unanimous vote.***

- Repairs on roof on garage at service center  
Supervisor Key reported that the roof on the service center garage was leaking and needs to be fixed. He asked a contractor, Tim Suey, to look at it. He found that the cap has been installed wrong, and that the chimney is leaking also. An estimate will be submitted for consideration by the board.

## **13. Adjourn**

***Supervisor Key made a motion to adjourn the meeting at 10:10pm, which was seconded by Supervisor Kortekaas. Meeting adjourned.***

Respectfully submitted,

Michele Smith, Clerk