

Warsaw Township

Township Board Meeting Minutes

November 8, 2021

1. CALL MEETING TO ORDER

Chair Duwain Eglund called the meeting to order at 6:00 pm and the Pledge of Allegiance was recited.

Members Present: Duwain Eglund, Larry Madsen, Emery Maher, Diane McCorkell and Darla Frandrup

Others Present: Bob Flom, Cassandra O'Hern, Todd Greseth, John and Susan Beck

2. APPROVE MEETING MINUTES

Motion made by Supervisor Maher to approve the minutes as read; Supervisor Madsen seconded. All voted in favor; motion carried.

3. NEW BUSINESS

- Todd Greseth, County Commissioner shared updates on County news. The County would like to use ARPA funds for public safety and are watching to see if this will be allowed. A Veteran Service officer has been hired which should provide some stability for our Veteran services. Emery did research on writing our own garbage ordinance only to discover Rice County won't recognize it and we would be on our own. This would be too difficult for us to manage, so the Township will have to follow the County ordinance.
- The planning commission shared their unanimous approval of the Eggum variance application to replace a garage that does not meet the front yard setbacks. They found that after a redesign they can replace the garage as it was previously built and the additional square footage would be conforming to the ordinance. Supervisor Eglund moved to approve the redesigned building plans and variance application submitted by the Bryan Eggum; Supervisor Madsen seconded. Supervisor Maher opposed; motion carried. See attached document for the planning commission's full rationale.
- The Shared Road Agreement with Stanton Township was reviewed and signed. Supervisor Maher moved to approve the shared road agreement as written with Stanton Township; Supervisor Madsen seconded. All voted in favor; motion carried.
- Marie Valburg, daughter of Ervila Sumner, is asking about the procedure to move forward on a zoning appeal approval from 2004 to build a "replacement" home on their property. This section has 12 dwellings, the maximum according to the Township ordinances. Marie referenced approval from the Township in 2004 and we did find this in the minutes. The Township will do research on if there has been changes in the ordinances from when this replacement structure was approved in 2004.
- Updates from Darla on meetings with the Minnesota Association of Township
 - a. Do we have minimum maintenance roads? Do we have anyone living on one of these roads? If somebody is harmed because of the reduced maintenance, the Township is not on the hook for injury if the road is designated by resolution, and signs posted. Another option is to close the road if we don't want to plow or do minimum maintenance, and a sample resolution is on the MAT's website. Then if anyone uses this road it is a crime and anything that happens to them is

on them, not the Township. The Supervisors asked about one specific road in our Township and possibly moving this to a minimum maintenance road. Darla will check on this.

- b. Township and trees in the right away responsibility. Townships must be very careful when they consider removing trees from the right-of-way because that action is regulated by statute and trees in the right-of-way are often owned by the neighboring landowner. Should the Township need to cut trees in the right-of-way landowners must be given 14 days' notice and include their right to a hearing. Unless there's a mistake the Township has the right to take the tree. We were reminded to not make the mistake of taking a tree not supposed to go because it will be very costly to the Township.
- c. There is discussion of an update to a bill that would make all Townships subject to the Data Practice Act. Most Townships currently do not fall under this as we have limited staff, our Town Hall is not easily accessible and records can be at the Clerk's house if they do not have an office in the Town Hall. If we get a data request we must respond in a timely manner to avoid complaints, and be forced to be under the data practice, which requires attorneys and more work for the Clerk.
- d. ARPA funds that have not been claimed are going to be reallocated and we will be getting 2 more payments in addition to the two regular ones of \$31,XXXX. We do not know how much this is going to be yet. It was also suggested that if we don't have pressing ways to spend these funds, we hold off a year as discussions are already taking place about how Townships can use these funds. Also, we were warned to watch out for scams concerning the SAM registration. If you get any phone calls asking for payments to renew or register for a SAM number, disregard.
- e. The MAT attorney reminded us that Townships are the permitting authority concerning approaches to the Township roads. This includes driveways, field approach and culverts as they run through the right-of-way and are a matter of public safety. The Planning Commission is already working on this and Darla shared the document TR13000 that was passed out to the Board. By default, the landowner must pay the cost of a culvert and installation for a new approach. This is opposite of the law that existed before 1998, so landowners may be surprised by the change of the law. Landowners are not "grandfathered" into the old law, so they are not entitled to an approach or culvert at the town's expense because an existing approach predated the change in the law.

➤ Darla investigated applying for the Community Facilities Direct Loan and Grant Program and found out we do not qualify. This would have been an excellent funding opportunity for our smaller localities, including Townships. Few grant programs fund brick and mortar projects.

4. ADJOURN

Motion made by Supervisor Maher to adjourn the meeting; Supervisor Madsen seconded. All in favor; motion carried.

Approved on 1/10/2022

Duwain Egland, Chairman

Darla Frandrup, Clerk

The Warsaw Township Planning Commission held a public hearing on November 3, 2021, to consider the variance request by Bryan and Jennifer Eggum. Despite public notice of the hearing and the variance request, no individuals, other than the applicant, appeared at the hearing.

Based upon a review of the Warsaw Township Zoning Ordinance, the Variance application, information provided by Bryan Eggum and a review of the property and proposed construction of a new building, the planning commission makes the following findings under Chapter VI, Subp. 6.4.3:

- a. There are not practical difficulties in complying with the Ordinance that are not based solely on economic considerations.
 - There is sufficient room in the homestead to construct the garage to be in conformity of the setback requirement. To do so, however, means the existing concrete slab cannot be utilized, and removal of a large tree. Additionally, the Eggums will have to move electric and LP to accommodate the new garage, so they are incurring additional expenses.
- b. All building, grading and development activities shall be reviewed with the goal of minimizing loss or disruption of "Prime Agricultural Soils..."
 - Building does not impact prime agricultural soils as it is within the homestead area.
- c. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the property since the enactment of this Ordinance have had no control.
 - There was an existing garage in this location until spring 2021 and the cement slab remains and will be reused. The Eggums received a building permit to expand the size of the existing structure; however, the county denied it because of the 3-rod road setback requirement. Prior to this, no one appeared to realize that the garage did not meet the setback requirement. At that time, the Eggums altered the plans so that no further encroachment would be non-conforming. With this alteration, the garage will be built on the existing cement slab and only extend into conforming space.
- d. The issuance of the variance is in harmony with the general purpose and intent of the Ordinance.
 - Yes, the building's non-conformity does not change.
- e. The applicant proposes to use the property in a reasonable manner permitted by the Ordinance.
 - Yes.
- f. The variance, if granted, will not alter the essential character of the locality.
 - No, it will not alter the character of the locality.
- g. The plight of the applicant is due to circumstances unique to the property not created by the owner.
 - The original garage was approved when constructed. The variance application design utilizes the same footprint and simply expands the structure into conforming space.
- h. The variance will not allow any use that is not permitted under the Ordinance for a property in the zone where the affected applicant land is located.
 - No, it does not.

Given these findings, the Planning Commission voted unanimously to recommend granting the applied for variance.