

**TOWNSHIP OF CLAY  
CLAY TOWNSHIP BOARD MEETING  
JANUARY 23, 2013, 7:00 PM  
MANTRAP VALLEY CONSERVATION CLUB  
PARK RAPIDS, MN**

**1. CALL TO ORDER:** The January 23<sup>rd</sup>, 2013 Meeting of the Clay Township Board was called to order at 7:00 p.m. by Chair Andy Kietzman, and those present recited the Pledge of Allegiance.

**2. ROLL CALL:** Present: Supervisors Andy Kietzman and Jeff Haukebo, Treasurer Del Holz, and Clerk Margie Vik. Absent: Supervisor Norm Leistikow. Others Present: Scott and Martina Forbes, Art and Cynthia Smith.

**3. APPROVAL OF AGENDA:** A motion was made by Kietzman, seconded by Haukebo, and unanimously carried to approve the agenda after adding under new business, Road Issues, and Val Chatel Issues.

**4. APPROVAL OF MINUTES:**

**A. Clay Township Regular Meeting Minutes-November 28, 2012:** A motion was made by Kietzman, seconded by Haukebo, and unanimously carried to approve the Clay Township Regular Meeting Minutes for November 28<sup>th</sup>, 2012 as presented.

**5. NEW BUSINESS:**

**A. Road Issues:** Art Smith stated he submitted a letter to Norm Leistikow regarding the condition of the road that he lives on. He added the letter stated that the road has not been taken care of, and that we cannot get in and out. The response I received from Leistikow stated that our road had not been brought up to township standards and that the township should not have taken it over. The previous board said they would not take over the road unless the road was improved. Cumber Construction did improve the road at that time. We paid for that and then the township took it over. The problem now is that the hill is icy and we can't get out. The letter I received from Leistikow misspoke. We have copies of the letter submitted to us from the previous board stating they would assume responsibility of the road. The question now is what do we do about the icy road? Do we call every time there is a problem?

Kietzman stated that he looked at it and that it was very icy that day. After talking to Cumbers, they explained that they wait to get a call from the county to say that the County Road 4 is plowed, and then he starts with the plowing of the township roads. Dean Cumber has no

concerns about sanding every day if that's what is expected of him. Has he been keeping up with the maintenance?

Smith stated absolutely. Kietzman stated then we'll tell Cumber to continue with that effort. If it's not safe, then you need to call us. You should have a reasonable expectation to be able to get out. The past few days have been difficult with the snow and ice and we're all in the same situation. We'll try to do better. Cynthia Smith stated it's not the snow, it's the ice.

Art Smith stated Leistikow's letter stated the township accepted the road even though it did not meet your standards and that is not true. Kietzman questioned if there was any action that he wanted the township to take at this time. Smith answered no. Kietzman stated if you have another problem you should call Leistikow. If you have any more concerns beyond that call Haukebo or me.

**B. Val Chatel Issues:** Scott Forbes stated the development of Val Chatel is in the infancy stages right now. We don't know what we're going to do with it, what direction to take without ruffling any feathers. He questioned what district is it zoned and what kind of development can be done. Haukebo stated he believed it was eligible for a campground or residential uses in the conservation and agricultural districts. When a previous potential buyer looked at the property, we weren't sure if our definition in our zoning ordinance covered the use they were interested in. Our attorney said it did not. We can't even issue a conditional use permit if the use is not listed. The only way would be to amend the ordinance and include campground as a conditional or allowable use.

The board discussed which zoning map was the most current and when it was last updated.

Forbes stated I would like to do something with the property. I'm here to see what's most acceptable. How do I proceed? Haukebo stated the township would have to amend the zoning ordinance with a public hearing. You would need a draft of what you want to do with the property. Forbes stated without an environmental study it would be hard. There is very little buildable land because of the topography. I'm looking at the flat areas that would be useable. I don't want to spend money on an environmental study if the board says no.

Haukebo stated the zoning ordinance spells out what is acceptable. Forbes stated if the land is zoned conservation, what is the way to proceed with a development. Haukebo stated if it's a permitted use, it's okay. The only way to do anything else is to amend the ordinance. We can't predict the outcome of the hearing once we receive public input.

Haukebo stated the owner of the north part of the lake is very concerned that the lake remains pristine. It has not been affected by septic tanks and he'd like it to remain that way. We have to follow the ordinance. It's possible that we can make that a non-motorized lake. Forbes stated there is no benefit to us to kill the lake. The anxiety is from misinterpretation. We can only allow electric motors and a catch and release program. The people that would come there would not want a lot of hubbub. The lake is too small for any motorized water sports.

Forbes stated we purchased the property. If I had my choice I'd live there myself but it's too expensive for that. We have to bring in some revenue. Who controls what goes on? Haukebo stated we control it with lot and density requirements. Forbes stated for us to proceed we need to know our options. Haukebo stated you have to review the zoning ordinance. The most current one is on our website, and at the public library. Forbes stated it appears to say no resorts. Haukebo stated then you have to go through with a ordinance amendment. Forbes questioned how do I start? Kietzman stated you need to have a goal in mind. Haukebo stated it will depend

on if the board wants to proceed. We'd have to redraft the ordinance, have a public hearing, and then the board will vote.

Forbes questioned what is the first step? Haukebo stated tell us what you want. Kietzman stated look at the two classifications and what's allowed. If neither is good for you, then consider an amendment. Forbes stated your interpretation of the ordinance becomes critical. Haukebo stated your first step is to look at the ordinance to see what is permitted. If what you want is not permitted, then ask us to change the ordinance. I don't have the ordinance with me tonight. The property is either agricultural or conservation. To take action we would need the description of the land. Forbes stated I'd like the zoning changed on my 180 acres.

**A motion was made by Haukebo, seconded by Kietzman, and unanimously carried to begin the process to amend the zoning ordinance to change the classification from conservation to residential, for the property known as PID #04.10.00100, PID #04.10.00200, and PID #04.09.00100.**

**Discussion:** Haukebo questioned Forbes when he wanted the public hearing to be scheduled. Forbes stated the environmental study can't be done yet. There's sixty acres that is buildable land. Our current RV Park has forty-nine sites, but it's hard to speak to how many we're talking about for this site until the study is done. Haukebo stated it would be good to have a plan and to be able to answer questions at the public hearing. Forbes stated an environmental study costs \$10,000.00 on a small piece of property. Why would I do the study if I can't proceed? Kietzman stated the worst thing for us would be to make a decision without having all of the information. Forbes stated he would like the public hearing held at the board's regular meeting in March of 2013.

**C. Gambling Permit: A motion was made by Kietzman, seconded by Haukebo, and unanimously carried to approve a Minnesota Gambling Permit LG220 for the United Foundation for Disabled Archers on October 5, 2013 to be held at Camp Wilderness.**

**6. OLD BUSINESS:** There was no old business.

**7. APPROVAL OF TREASURERS REPORT:** Holz stated \$15.94 was received from Citizens National Bank (CNB) for interest, the property tax payment was received in the amount of \$28,217.07, \$120.00 was received for the Emmaville liquor licenses, and \$53.36 for the market value agricultural credit. The checking account balance is \$270.80, and the money market balance is \$68,558.51. The total funds are \$68,829.31. The outstanding invoices for this month are \$1,311.25 for Cumber Construction, \$40.65 for the Enterprise, \$49.59 for the Hubbard County Truth in Taxation statements, \$775.00 for MATIT Insurance, \$176.70 for election expenses, and \$381.36 for Minnesota Association of Township dues. Total payables are \$2,734.55.

Holz stated the Citizen's National bank loan balance is \$10,692.31, and suggested the board consider paying it off. The interest rate is 4.5%. There would still a healthy cushion of funds left even after the payment is made.

**A motion was made by Haukebo, seconded by Kietzman, and unanimously carried to approve the treasurer's report and to pay the outstanding invoices, including paying off the Citizens National Bank land mortgage.**

**8. ADJOURNMENT: A motion was made by Kietzman, seconded by Haukebo, and unanimously carried to adjourn the meeting at 8:51 p.m.**

ATTEST:

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Chair Andy Kietzman

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Margie M. Vik  
Township Clerk