

**TOWNSHIP OF CLAY
CLAY TOWNSHIP BOARD MEETING
NOVEMBER 26, 2014, 7:00 PM
MANTRAP VALLEY CONSERVATION CLUB
PARK RAPIDS, MN**

1. CALL TO ORDER: The November 26th, 2014 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, Norm Leistikow, and Jeff Haukebo, Treasurer Del Holz, and Clerk Margie Vik. Absent: None. Others Present: Steve Dahl and Mike Spry.

3. APPROVAL OF AGENDA: A motion was made by Leistikow, seconded by Kietzman, and unanimously carried to approve the agenda as presented.

4. PUBLIC HEARING AT 7:00 PM: Kietzman stated Steve Dahl, at 17373 Jasmine Drive, has requested a variance from the minimum lot sizes for lakeshore in Clay Township.

Dahl stated historically, in 1942 the northeast corner of the quarter section was established, yet no one could find the marker. The exact property bought from Potlatch was estimated, but now I've ended up with seven acres less. As it's deeded and measured, it's 6.5 acres. Only the monument in the NE corner of the quarter section was found, so they are working off one reference point for the meets and bounds description. The new survey has shifted the property lines. My wife and I have a joint homestead on one of the lots, and the rest of the property is in a trust, that is the lot the house sits on. I have to get the house off of the trust property and back onto the homestead property. Then the trust property would be 3.54 acres. It should be grandfathered at 2 acres with a 150 foot setback from the lake. The lot with the house on it would be 5 acres if the variance is approved. The property has always been two lots.

Haukebo stated the property was re-surveyed and contains 8 acres. It was three lots that will be made into 2 so the house will be off of the trust property. According to the township's ordinance in order to grant a variance there should be an undue hardship not created by the landowner. The board has the power to grant the variance if it's in the public's best interest. This is a hardship, since the property can't be used without the variance. The hardship is not a mere inconvenience and the property cannot be put to a reasonable use. Granting a variance will still maintain the spirit of the ordinance. He added that he was in favor of granting the variance.

Leistikow questioned if the variance is granted will it be a buildable lot? Haukebo stated the ordinance doesn't address that. You can create any lot you want, but can you build on it? That decision would be addressed in the future if he applied for a building permit. Dahl stated it was a buildable lot when it was 2 acres before the zoning ordinance was established.

Leistikow stated when Dahl sold some of his property he created this problem, but if he had as much land as the county said he had, he would have had enough, but he doesn't. Dahl stated nobody knew about this when that land was sold in 2014. Leistikow stated that's the problem. It was created at that point. It could have been bypassed if the land was not sold.

Kietzman asked did you know about this at the time of the sale. Dahl answered no. Haukebo questioned how did it come to light? Dahl stated by looking at the aerial maps.

Leistikow questioned is the 2 acre lot buildable? It's not in the bluff impact zone. Haukebo stated that's not in our ordinance. Leistikow stated we have to say whether the lot is buildable or not. Kietzman stated the new lot will be on Tract F. Tract E will be left as is with the house and the septic will be on a different lot, which wasn't the case before the survey changes came to light.

Haukebo questioned is the trust revocable? Can you change it? Dahl answered no. Haukebo stated a trust can be changed while you're alive. Dahl answered I guess you could change it if you wanted to.

Haukebo stated if you didn't ask for a variance you would have 2 buildable lots. Dahl stated I need to move the house off of the trust property. Haukebo stated the house and the septic sit on two different lots. The new survey shifted the septic to a different lot. Haukebo stated since the lots have changed they are no longer grandfathered in. Dahl stated they are recorded lots. Haukebo stated the new interpretation is that they're not buildable. Kietzman stated the challenge is because of the change in the survey how does that impact the ordinance. Does he lose the ability to build on that lot because of an error in measuring? Haukebo stated the lot has changed from the original and recorded. It's not grandfathered. We have to look to the ordinance. A reasonable use is to put a house on the lot.

Kietzman questioned does this impact others around you? Dahl stated I don't know. Kietzman stated others are affected. This is a unique situation. The difficulty was created by a mapping adjustment. The small and large lots were both buildable prior to re-surveying. Haukebo stated this is a unique situation created beyond Dahl's control and it's still two separate lots.

A motion was made by Kietzman, seconded by Haukebo, and unanimously carried to approve "Resolution to Approve a Variance from Minimum Size Lot Restrictions for Lakeshore at 17373 Jasmine Drive, PID #04.29.01100 and PID #04.26.01340.

5. APPROVAL OF MINUTES:

A. Clay Township Regular Meeting Minutes-September 24, 2014: A motion was made by Haukebo, seconded by Kietzman, and unanimously carried to approve the Clay Township Regular Meeting Minutes for September 24th, 2014.

B. Clay Township Canvass Board Meeting Minutes-November 13, 2014: A motion was made by Leistikow, seconded by Haukebo, and unanimously carried to approve the Clay Township Canvass Board Meeting Minutes for November 13th, 2014.

6. NEW BUSINESS:

A. Emmaville Wine/Beer License Request: Mike Spry requested the board approve his wine and beer licenses for Emmaville Store. A motion was made by Haukebo, seconded by Leistikow, and unanimously carried to approve the CTS3.2CMBN, CT3.2ONSS, and WNONSB license applications for 2015 for Mike Spry at Emmaville Store.

7. OLD BUSINESS:

A. Website: The board discussed the proposal submitted by Shannon Barnett for posting and maintaining the township's website. **A motion was made by Haukebo, seconded by Leistikow, and unanimously carried to contract with Shannon Barnett Web Design LLC for website hosting, uploading, and maintenance as outlined in her proposal, to begin as soon as possible.**

8. APPROVAL OF TREASURERS REPORT: Holz stated he received interest in the amount of \$23.23 and \$19.87, the market value credit-agricultural payment in the amount of \$61.35, and \$2.00 for filing fees. The checking account balance is \$17,401.38, and the money market balance is \$78,020.42. \$23,000.00 is being held in a dedicated building fund. The total useable funds are \$72,421.80. All checks have cleared the bank. The outstanding invoices for this month are for Cumber Construction for \$593.75, the Verizon escrow balance close-out for \$6.22, \$1,600.00 (estimated) for fourth quarter stipends and reimbursements, \$300.00 (estimated) fourth quarter IRS 941, and the Enterprise for \$135.01. Total payables are \$2,634.98.

A motion was made by Kietzman, seconded by Leistikow, and unanimously carried to approve the treasurer's report and to pay the outstanding invoices.

9. ADJOURNMENT: A motion was made by Kietzman, seconded by Leistikow, and unanimously carried to adjourn the meeting at 8:17 p.m.

ATTEST:

Chair Andy Kietzman

Margie M. Vik
Township Clerk