

Brunswick Township Approved Meeting Minutes

Monday- - May 9, 2022

Call to Order: Chair Rick Kawalek called the meeting of the Brunswick Board of Supervisors to order at 6:00 PM. The following were in attendance: Supervisors, Rick Kawalek, Peter Gravich, Jeff Akkerman; Clerk, Gladys Nelson; Treasurer, Shari Hartog; Zoning Administrator, John Teichroew; MN Assn. of Township Attorney Jason Kuboushek. A sheet was available for the public to sign.

Agenda: Peter made motion to approve the agenda; second by Rick. Motion carried (3-0).

Clerk Report: Gladys read the minutes from April 11, 2022 Board of Supervisors meeting. Motion by Jeff; second by Peter to approve. Motion carried (3-0).

Treasurer Report/Claims: The treasurer reported total cash of \$ 438,658.38 as of April 30, 2022. Motion by Peter to approve the report and file for audit; seconded by Jeff. Motion carried (3-0). A motion by Jeff; second by Rick to pay the claims. Motion carried (3-0). (Total of claims paid on May 9, 2022 was \$ 9,201.94 check # 7614-7625).

Zoning - Scott Soderlund Zoning Ordinance

Rick introduced Atty. Kuboushek. A summary of the complaint was given:

At the September Board of Supervisor meeting, Frank Dropps asked the Board to take action to have inoperable vehicles removed from Township landowner. A letter was written and Supervisor Kawalek delivered to property owner. Discussion on the complaint was held at November, 2021 Town Board meeting. A letter was written to landowner asking them to clean-up the area, fence, and/or screen the area to comply with Town Zoning Ordinance; an onsite review of the property to be made by Jeff Akkerman just prior to the May, 2022 Board of Supervisors meeting and discussion will be held at that meeting to determine if in compliance with Ordinance.

The discussion then moved to the Supervisors where they were asked to give a report of their review and findings of the property within the last 10 days. The following is noted by Jeff Akkerman after his onsite review of the property:

- 1) Last fall there was no indication that any life threatening or ecological problems existed with-in the ordinance violations. There were a few options to achieve compliance.
- 2) Visit of property on April 13, 2022 it was found that all of the vehicles that were in question now have either new license plates or up-to-date tabs with the exception of a Chevy Equinox and a Mercedes CLB 300 which was currently being worked on by landowner. Owner assured Jeff that they will be licensed within 2 weeks. (Jeff asked if any change from April 13th. Since that visit, Scott indicated the Mercedes repair done and vehicle placed in shed; Equinox was sent for salvage)
- 3) A trailer loaded with metallic scraps and parts and small piles of lumber are in yard but do not pose any hazard.
- 4) Snowmobiles and 4-wheelers parked about Jeff did not see anything wrong with that either.
- 5) There is an old boat from Lake Superior, in rough shape, but has a 4-Sale sign on and complies with Ordinance.

- 6) A follow-up check of property did not find any additional items of concern. It is Jeff's decision that he feels the landowner has fulfilled his obligation to the Township to satisfy the ordinance. As far as degrading the value of adjacent property, who is to say, I myself do not think that his property degrades the Dropps property, or my property as I live directly across the road.

Peter Gravich indicated that he had stopped at the property in October and November 2021. It was understood at that time, the landowner had a plan to work toward compliance with the Ordinance. At his recent visit with the landowner, Peter found that the area had been cleaned up and thus felt the owner was in compliance with the Ordinance. He also concurred with Jeff's comments.

Rick Kawalek had drove by several times and observed the change. He stopped recently and visited with owner. He also saw that vehicle licensing had been completed; the pile of lumber was OK; the tires and rims will be used; truck body did not create any hazard.

Attorney Kuboushek stated done with Supervisor observations and asked Soderlund's for comments and questions:

Scott Soderlund indicated they were working on clean-up and trying to follow the Ordinance. He indicated the white bags by the shed were NOT bags of household garbage but were recycle pop cans to be taken to the recycle centers. He appreciated the time the Supervisors gave them to clean-up the property.

The floor was opened to public comments:

Denise Akkerman (neighbor) stated she had lived in the area for many years and drove by their property often. Denise did not understand the complaint and the process the Dropps used. It was noted that the Dropps were observed walking along property edge and looking into the Soderlund property. It seems that the Dropps were pushing their standard on all of the neighbors.

Alena Kulp (neighbor) received a text on her phone stating – did you know your neighbor is trespassing on your property and mowing the hill behind your home? Alena figured out that it was the Dropps who sent the text.

Amy and Eric Langworthy (for Ann & Frank Dropps) had a heated discussion with the Soderlund's regarding another legal situation focusing on property lines between the two landowners (Frank Dropps/Scott Soderlund). Board Chair, Rick Kawalek, asked the two parties to stop conversation as the subject they were discussing was not relevant to Brunswick Township. Comments closed.

Attorney explained *two draft resolutions* for the Zoning conflict.

1 – Resolution Approving Enforcement Action Against Scott & Rita Soderlund

2 - Resolution Rejecting Enforcement Action Against Scott & Rita Soderlund

An explanation of actions was discussed of each draft Resolution; the Board reviewed each of the draft resolutions; Jeff read from the draft # 2 Resolution beginning on Page 4.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of Brunswick Township, Kanabec County, Minnesota, having reviewed Scott and Rita Soderlund property and the Township Zoning Ordinance, hereby **REJECTS** enforcement action against Scott and Rita Soderlund regarding violations of the Township Zoning Ordinance, based upon the following reasons:

- 1) Under Section 9, Subdivision 9, the following items are exempt from the exterior storage screening requirements.
 - A. Agricultural equipment and materials intended to be used on the premise.
 - B. Construction materials and equipment currently being used on the premises.
 - C. Off street parking of passenger vehicles.
 - D. Recreational equipment for use of residents of principal structure.
 - E. Laundry drying equipment.
 - F. Merchandise being displayed for sale.
- 2) Based upon exemption for agricultural equipment and construction materials, the Board finds the materials being stored in a trailer on the property are for use on the property and do not present a hazard or nuisance to the neighboring property.
- 3) Based upon the exemption for off street parking of passenger vehicles, the Board finds the vehicles with current license plates and tabs would be exempt from screening requirements. Additionally, the Board does not find the vehicles to be a hazard or nuisance to the neighboring property.
- 4) Based upon the exemption for recreational equipment for the residents of the principal structure, the Board finds the snowmobiles and four-wheelers are allowed on the site.
- 5) Based upon the exemption for merchandise being displayed for sale, the Board find the boat for sale is allowed on site.
- 6) Section 9, Subdivision 10 (a) prohibits the storage of materials which are an endangerment to the public health, safety, comfort, or welfare, or cause injury or damage to property or business. The Board does not find there is any storage of materials which fit this category on the Soderlund property.
- 7) Section 9, Subdivision 10 (E) prohibits the storage of any unlicensed, partially dismantled, inoperative, wrecked or junked vehicles on the property for more than 60 days where the vehicle is visible from a public road or adjacent residence. The Board finds after its site inspection, the vehicles on the property are licensed, not wrecked or junked and this provision does not apply to the Soderlund property.

- 8) Section 9, Subdivision 11 prohibits nuisances. The Board finds after its site inspection, there is nothing on the Soderlund property which the Board construes to be a menace or nuisance to the public health, safety, or general welfare of the Town, or to have a depressing influence upon property values in the area.

A motion by Jeff; seconded by Rick to adopt the 'Resolution Rejecting Enforcement Action Against Scott & Rita Soderlund' with a small correction in Section 7, page 5 to add the word 'not' before 'wrecked'. Board Chairman to sign the corrected copy. Motion carried (3-0) (Signed Resolution to become part of meeting minutes)

Comments from the Floor:

****Howard Mathiasen** asked question about temporary residence guidelines following a fire in his garage.

****Mike Dropps** recently purchased a 15 acre parcel (zoned Commercial) and wants to operate a dumpster/container business. Mike was advised to complete a Conditional Use Permit.

New / Old Business:

*****Zoning:** John gave report on Land Use Permits and Exemption Certificates. The request to release the bond on Terry Nielsen pit can not be done until we receive a new one.

*****Roads:** Motion by Peter; seconded by Jeff to accept bid from Andy Goebel to mow the road ditches this summer for total of \$ 1,500.00. Motion carried. (3-0)

*****Misc:** Motion by Jeff; seconded by Peter to hire Onifer Construction to replace the ramp and update the bathroom and replace doors in the building for a total of \$ 27,500. The Board is to send a down payment check in the amount of \$ 4,000.00 when requested by Onifer to secure ramp supplies. Approval was given to Lori Nelson to paint the bathroom and also the wainscoating in the meeting room. Motion carried (3-0)

Adjourn: Jeff made motion to adjourn; seconded by Peter at 8:05 pm. Motion carried (3-0).

Rick Kawalek, Chairman

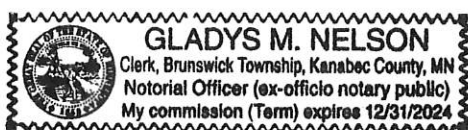
Rick Kawalek

Date Minutes Approved

June 13, 2022

Gladys Nelson, Town Clerk

Gladys Nelson



**BRUNSWICK TOWNSHIP
KANABEC COUNTY, MINNESOTA
RESOLUTION NO. 02**

**RESOLUTION REJECTING ENFORCEMENT ACTION AGAINST
SCOTT AND RITA SODERLUND**

WHEREAS, on July 26, 2021, Ann and Frank Dropps sent an e-mail to the Brunswick Zoning Administrator regarding complaints they had with alleged zoning violations on Scott and Rita Soderlunds property at 2053 153rd Avenue, Mora, MN 55051;

WHEREAS, on September 13, 2021, Frank Dropps attend the Brunswick Township Board meeting. Mr. Dropps asked the Board to take action to have inoperable vehicles removed from a landowner. The Town Board agreed to have the Town Clerk draft a letter and a Board member would deliver the letter;

WHEREAS, on September 20, 2021, the Brunswick Town Clerk wrote a letter to Scott and Rita Soderlund at 2053 153rd Avenue, Mora, MN 55051. The letter stated:

Scott -

It has been reported to Brunswick Township that your property has several inoperable vehicles. Portions of the Zoning Ordinance that pertain to your violation are enclosed.

The Board is asking that you either move / remove the vehicles or place a fence or other screening around them.

If you have questions or wish to discuss further, we invite you to attend the next Board of Supervisors meeting on Monday, October 11th at 6:00 pm;

WHEREAS, on October 11, 2021 at the monthly Brunswick Township meeting, Frank Dropps again requested the Township take action to have inoperable vehicles removed from a landowner's property;

WHEREAS, on October 19, 2021, Ann and Frank Dropps' attorney sent a letter to the Township's attorney regarding zoning ordinance violations on the Scott and Rita Soderlund property. Attorney Doran indicated he believed there were violations of Zoning Ordinance Section 9, Subds. 9, 10(E), and 11. He also expected the Township to take immediate action at the next Township meeting.

WHEREAS, Section 9, Subdivisions 9, 10 and 11 of the Township Zoning Ordinance state:

Subd. 9. Exterior Storage. All materials and equipment shall be stored within a building or be fully screened by buildings or natural vegetation as to not be visible from a public road or adjacent residence. Exceptions to those requirements are as follows:

- A. Agricultural equipment and materials intended to be used on the premises.
- B. Construction materials and equipment currently being used on the premises.
- C. Off street parking of passenger vehicles.
- D. Recreational equipment for use of residents of principal structure.
- E. Laundry drying equipment.
- F. Merchandise being displayed for sale.

Subd. 10. Storage and Disposal of Items, Materials, and Waste. The following standards shall apply to storing, handling and disposal of any items, materials or wastes:

- A. No use shall be so operated that the storage and or disposal of materials or wastes results in any discharges of matter across the boundaries of the lot wherein such use is located or into the atmosphere or subsoil in such concentration as to endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business. No storage of hazardous wastes shall be allowed. The storage or disposal of materials including tires, which in the opinion of the Town Board has the potential of being hazardous to the health of residents or environment, shall provide a one million (\$ 1,000,000) dollar performance bond.
- B. The pollution of any well, stream, lake, or body of water by sewage, industrial waste, or other substances is prohibited.
- C. All carcasses of animals shall be buried or destroyed or otherwise disposed of within forty-eight (48) hours after death.
- D. The ownership, possession or control of any unused appliances or other containers with doors which fasten automatically when closed and of sufficient size to retain any person, that are exposed and accessible to the

public without the removal of the doors, lids, hinges or latches or the locking thereof to prevent access by the public, is prohibited.

E. No person in charge or control of any property shall allow any, unlicensed, partially dismantled, inoperative, wrecked or junked vehicle to remain on the property longer than sixty (60) days where said vehicle is visible from a public road or adjacent residence. Such vehicles may be kept on the property, unenclosed, provided that said vehicles are not visible from a public road or adjacent residences. Vehicles shall be screened by buildings or natural vegetation.

F. All structures, landscaping and fencing shall be reasonably maintained so as to avoid health or safety hazards and prevent a degradation in the value of adjacent property.

Subd. 11. Nuisances. Any visual appearance, noise, odors, heat, dust, vibration, smoke, air pollution, glare, electrical interferences, or other such objectionable influences, or the storage of refuse or disposable of wastes that construed by the Town Board to be a menace or nuisance to the public health, safety, or general welfare of the Town, or to have a depressing influence upon property values in the area shall be prohibited.

WHEREAS, on November 8, 2021 the Brunswick Town Board again discussed the alleged zoning violations on Scott and Rita Soderlund's property. During the discussion, the Town Board discussed the vehicles and possible screening on the property. The Board determined the owners will be asked to clean-up the area to comply with Town Zoning Ordinance. Additionally, a review of the property will be conducted prior to the May 2022 Town Board meeting to determine if the property is in compliance with the Township Zoning Ordinance;

WHEREAS, on November 15, 2021, the Brunswick Town Clerk wrote a letter to Scott and Rita Soderland at 2053 153rd Avenue, Mora, MN 55051. The letter stated:
Scott -

The Board of Supervisors further discussed the complaint on vehicles etc. on your property at their November Board meeting.

The Board is asking you to clean-up the area, fence, and/or screen the area to comply with Town Zoning Ordinance.

An onsite review of the property will be held by Jeff Akkerman just prior to the May, 2022 Board of Supervisor meeting and discussion will be held at that meeting to determine if in compliance with Ordinance.

WHEREAS, on April 13, 2022, Township Supervisor Jeff Akkerman toured the Soderlund property. Mr. Akkerman noted all of the vehicles on the property either had new license plates or tabs except for two vehicles. The Soderlunds indicated to Mr. Akkerman those two vehicles would be licensed prior to the May meeting. Mr. Akkerman also noted the Soderlunds had snowmobiles and four-wheelers on the property but did not believe these were in violation of the Zoning Ordinance. Finally, Mr. Akkerman observed an old boat on the property with a for sale sign on it, which is allowed under the ordinance. In Mr. Akkerman's opinion, the Soderlund property was in compliance with the Zoning Ordinance. He also did not believe the Soderlund property degraded the value of surrounding properties, including his own.

WHEREAS, Section 16, Subdivision 2 of the Township Zoning Ordinance states:

Subd. 2. If the Township Zoning Administrator finds that any landowner is in violation of the provisions of this Ordinance the landowner and any occupant shall be notified of the violation in writing. If the landowner and/or occupant fails to comply with this ordinance within twenty (20) days after notification, the Township Zoning Administrator shall advise the Township Board and if the Board agrees the landowner is in violation it shall order its removal. In the alternative, if in the opinion of the Town Supervisors or the Clerk or the Zoning Administrator, after consultation with the Supervisors, determines the violation to constitute an imminent threat or danger to the public health, safety welfare or to cause economic loss to the township then the township shall take such immediate action as shall be required. The matter shall be referred to legal counsel who shall initiate a District Court proceeding setting forth the violation, a demand for remediation, correction, abatement or such other and further relief as will end the violation and for legal fees, costs and expenses and such costs as will be incurred by the Township in undertaking the corrective work, remediation, or abatement.

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Adopted by the Town Board of the Brunswick Township this 9th day of May, 2022.

By: Rich Kawalek

Its: Board Chair

Attested:

By: Gladys Nelson
Gladys Nelson 5-9-2022
Its: Town Clerk