

ROLAND TOWNSHIP BOARD MINUTES
ZONING + GENERAL BOARD MEETING, NOV 13, 2017
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The Roland Township ZONING BOARD was called to order at 7:00 p.m. November 13, 2017, in the Quilt Inn meeting room by Board Chairman Vern Jacobson with Supervisors Mike Hall, Adam Norling and Michael Sivertson in attendance; also Zoning Administrator Tim Kihle and Addie Berg, filling in for Clerk-Treasurer Glenore Gross. John Warberg was absent. Eight visitors attended: Ken Herslip, Bowden Reichenberger, Jim Dignan, Rick McGee, Neil Sharpe, Tom Wilke, Josh Kringen, Mike Manston.

Minutes: October 9th minutes were approved as printed.

Treasurers Report was presented as: CD Balance \$154,996.82, Savings \$152,020.53, Checking \$177,180.24, and request to pay bills of \$31,716.71 as submitted on the report. Additionally the Board was requested to approve expenses in the amount of \$906.54 for tarps, labor and transportation submitted by Jim Dignan .
MOTION by Michael S. to approve this request and Report as presented, 2nd by Mike H. VOTE - 4 YES = CARRIED.

ZONING ADMINISTRATOR REPORT:

Tim Kihle presented five building permits, all within the zoning guidelines. The following were reviewed:

- Marlo Brackelsberg – 6x20 Deck; Scott Sjol – new home and attached garage; Shannon Burckhard – adding a 8x20 shed and a playhouse; Devon Goetz – Portable Wood Shed and Justin Peck 16x76 mobile home on Rob Peck property.
- Tim noted receipt of Neil Sharpe’s pre permit application. Tim advised Mr. Sharpe that he would submit this permit for review and approval once Neil S. has acquired the additional land. No further action is required by the Township at this time.

OLD (Unfinished) ZONING BUSINESS:

1. **County Request re: 10’ Road Clearance:** The Board agreed to post the 10’ Road Clearance requested by the County in the local newspaper and on the website. This 10’ road clearance is required for all structures, fences, walls, rocks, pontoons, etc. near roadways, and must be adhered to in order for the County crew to remove snow at Lake Metigoshe.

NEW ZONING BUSINESS:

1. Proposal for Commercial Condominium Storage Buildings– Josh Kringen/Twin Oaks Lots 41-42-43: Josh Kringen submitted two pre-permit applications for Condo Storage buildings. One application, without a variance for 10 units; and second version of the application, with a variance requesting 13 condo storage units. He noted that he and Ken Herslip are considered joint applicants on these permits. Josh stated that this new Condo Association would file a Condo Declaration defining the criteria for buyers (owners) of a condo share. It was noted that a copy of the buy/sell agreement and various email documents defining intended use has been provided and filed with the township clerk. An inquiry was made regarding a setback near lot 35 was found to be in compliance with the ordinance. Rick McGee, Attorney at Law, was asked by the Board to offer his opinion on this application as it complies to the zoning ordinance. He offered the following points:

- The piece of real estate involved is zoned Commercial.
- Current owner of this real estate is Kringen Properties LLC.
- The buy/sell agreement is with Kringen Properties LLC and Herslip Homes LLC.
- Copies of the sales agreement and emails documenting the intended use have been filed with the Township Clerk.
- Page 3 of Buyer/Seller agreement, under the additional information section, states offer (sale) is contingent upon approval to build storage condos on said property.

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- Page 6, section I – Definitions - paragraph 17 of the Roland Township Zoning Ordinance, defines Condominiums as – Multifamily housing which allows separate ownership of individual units, with all common areas and facilities held in undivided ownership by all unit owners. Any real estate which satisfies the requirements set forth in the provision of North Dakota Statutes.
- Page 23, paragraph E – Commercial District – Permitted Uses:
 - Item a. - states permitted uses are Single and multi-family nonfarm dwellings
 - Item j – Warehouse and rental storage facilities
- Given these points, Rick offered his opinion that the Condo definition and intended use of the application is not permitted in the Township ordinance for commercial property. He recommended the Township Board address this issue by making a motion to deny the application for a building permit.

Points of disagreement and understanding relative to definitions, zoning ordinances, ND Statutes and certain frustrations were shared by K. Herslip and Josh Kringen. Mr. Herslip stated there is a high demand for condo storage spaces in the lake area. Mike H shared input from a nearby lake front property owner who was not in favor of these dwellings structures. After some additional discussion, Mike Hall made a motion to “ not grant the permit application” based on the fact that the zoning ordinance does not support this intended use, and on the advice of Counsel. Adam Norling seconded the motion. Vern asked that when each member of the Board cast their vote they also state their reasoning for their vote.

- Mike Hall – No to approving the permit; zoning ordinances are not in agreement of storage condo ownership and intended use on application.
- Mike Sivertson – No to approving permit; in favor of motion. Not certain this is legal in accordance to ordinances; could reduce values of surrounding properties.
- Adam Norling – No to approving permit, in agreement with motion. Will follow input from legal counsel who states definitions and intended use do not fit ordinance. In addition stated that having storage condos in the area could reduce the value of high end properties.
- Vern Jacobson – Yes – in favor of the motion. He agrees with Counsel, and expressed concern relative to the overall aesthetic impact to lake properties.

Lastly, Vern inquired if each Board member was in agreement with stated reasons noted. All members indicated full agreement with stated reasoning. In further discussion, clarification on the No and Yes votes casted was requested. Board members all agreed their votes cast were in favor of the motion, of not granting the permit application. 4 Votes in FAVOR of motion; MOTION CARRIED. Pre-permit application DENIED.

COMMITTEE REPORTS: Nothing to Report

GENERAL MEETING CALLED TO ORDER AT 7:50 pm.

OLD (Unfinished) GENERAL BUSINESS:

1. **Lake Metigoshe Cabin Road Paving Project – on hold.** Mike H stated some owners have expressed an interest in pursuing this effort. The Board will offer advice on how to proceed when a majority of property owners express interest.
2. **Rugby Pt Roadway Forest Service Land Clearing Proposed.** Vern informed the Board that the Forest Service contacted him and stated they may be able to help with the land clearing efforts.. The board will meet with them to describe what work needs to be done, and determine how they may be able to assist the Township. As a result of this contact, Vern has not contacted Tim Hoffman for an estimate.

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3. Road Issue Updates:

- Loon Lake Road: Finished up this area, may need one more culvert.

- 4. Mower Purchase/Discussion:** Vern shared bidding information to acquire a disk mower. John Deere is offering a 10'.2" disk mower for \$13.4K; International's bid came in at \$13.5 for a 9"2" mower; and Caterpillar's bid for a 11' mower was \$14.3K. The Board primarily discussed the John Deere bid; a discount is being offered till Jan 31, 2018. The dealer may deliver and assemble the disk mower without an additional assembly fee. Some clarification may be needed regarding the type of mower that best meets our needs, since input from different sources varies. Jim Dignan expressed his input for keeping the existing rotary mower based on its efficiency, parts on hand and the clean mowing job it performs. In addition he noted trees up to 4" could be cut with the existing mower. He shared photos of the many parts on hand to repair the rotary mower. He strongly recommended that the Board keep the rotary mower, fix it up as necessary, and save taxpayer dollars, The decision on purchasing a mower is deferred to either the December or January meeting.

NEW GENERAL BUSINESS:

- 1. State Township Officers Meeting – Dec 4 - 5 in Bismarck:** Vern indicated that he plans to attend, and upon Glenore's return she can Pre Register him for this meeting.

➤ **REPORTS/CORRESPONDENCE**

- Holiday Social dates can be addressed at the December meeting.

Meeting adjourned at 8:30 p.m.

Addie Berg on behalf of Glenore Gross, Clerk/Treasurer