

Township of Helena Board of Supervisors
Regular Monthly Meeting
New Prague Ambulance Conference Room
7:00 PM • October 6, 2016

Call to Order The Regular Monthly Meeting of the Helena Township Board of Supervisors was called to order at 7:00 PM by Chair Nytes at the New Prague Firemen's Conference Room. The Pledge of Allegiance was said.

Officers Present Chair Ed Nytes, Supervisors John Wermerskirchen and Duane Deutsch, Treasurer Pat Lambrecht, Road Overseer Darryl Perkins and Clerk DeAnn Croatt.

Also Present Nate Sirek, Jeff Klehr, Jesse and Jolene Westall, Terry Maas

Minutes On a motion by Wermerskirchen/Deutsch the Minutes were approved as presented; carried unanimously.

Nate Sirek Easement Sirek had been directed to work with Bob Ruppe on the vacation of existing easements, and on the establishment of the new easement. The "*Drainage and Utility Easement Vacation Petition*" was submitted to and accepted by the board. The "*Agreement to Pay Costs Associated with Vacation of Drainage and Utility Easements*" was accepted and signed by Nate Sirek and Nytes/Croatt. Sirek submitted drawings and legal descriptions of existing and proposed easements.

After discussion and consideration, and on a motion by Wermerskirchen/Deutsch, the "*Resolution Setting a Public Hearing for a Vacation of Easement*" was approved, which set the date and time for 7:00 PM October 20, 2016 at the New Prague Ambulance and Fire Hall; carried unanimously. Clerk will publish and post the notice in the New Prague Times, the Jordan Independent, on www.helena-township.com, and at the office of the clerk. The "*Affidavit of Posting*" was filed. The "*Affidavit of Personal Service*" was acknowledged and signed by Nathan Sirek, and notarized by Clerk Croatt.

Documents prepared by Attorney Ruppe, and to be considered at the October 20th hearing include:

1. *Notice of Completion of Proceedings Vacation of Utility and Drainage Easement*
2. *Resolution Vacating Certain Drainage and Utility Easements*
3. *Notice of Damage Award*
4. *Affidavit of Service by Mail*
5. *Drainage and Utility Easement*

Tower Estates Jesse and Jolene Westall were present to ask about the ongoing speed issue on Mark and Lucy. Deutsch emphasized the township does not allow parking along township roads and Westall cannot continue that practice as a way to slow down traffic, as this is considered an obstruction on the road right-of-ways and addressed in Minn. Statute 160.2725. Officers asked Sheriff Hennen's opinion on the situation and Hennen offered to increase patrolling if asked, but more importantly Hennen suggested the residents meet with the violator(s) and ask them to slow down.

Mark and Lucy are residential roadways; in April 2016 the board lowered the speed limit from 30 MPH to 25 MPH in an effort to address safety issues.

As per Minn. Statutes 169.14, subd. 2(a) (7) and 169.011, subd. 64, and after further discussion by the supervisors, the Road Overseer was directed to order and erect "25 MPH" signs on Lucy and Mark, and to order and erect an "End 25 MPH" sign before the entrance onto Koepper Ave. on a motion by Wermerskirchen/Deutsch; carried unanimously.

Road Maintenance

Klehr reported 270th Street West holes were bladed.

The ditch along 255th Street West (Kohout/Stepka) will be cleaned. TJ Deutsch will mow the ditch prior to work by Klehr. Kohout will be contacted to ensure his crop is harvested prior to the project. Klehr will send the quote to Clerk for approval at the October 20th Workshop.

Road Overseer Report

1. Seal coat and crack fill projects all look good. Contractors worked well with Engineer Nelson.
2. Patrick Soderlund has successfully had five beavers trapped and will continue until the beaver dam issue is resolved.

Old Business

RSP2 Ravine

Nytes provided an update that the Preconstruction Meeting was held; delays are the result of the company providing the culvert has a three-week lead time. Estimated completion by October month end.

SMBE

Maas provided a draft purchase agreement for the SMBE outlots. Clerk will send to Attorney Ruppe for his opinion. Trnka's work has not progressed. Nytes will follow up with Maas.

Polls Set Up

Officers will set up the polls Monday November 7th at 7:00 PM

Dustcoating

All 270th Street West residents paid in full.

It was decided Dustcoating of township roads, especially considering that in general neighboring township's funds are not used for this purpose and their residents must pay all or a significant portion of dustcoating, that dustcoating will be more limited in the future. This includes limiting the application to 12 feet by 300 feet only.

On a motion by Deutsch/Wermerskirchen, in 2017 and going forward, the first application will be provided by the township, with the Road Overseer providing ride-along discretionary direction to the applicator, and the township road funds will be used; any further application(s) will be approved by the board and will be paid entirely by the resident(s) prior to application; carried unanimously.

Unpaid Fire Calls

Mary Blumhoefer \$500 for a car fire; second notice send July 11, 2016.

New Business

Cert of Insurance

Received from Enchanted Forest, Inc.

Receipts

9/2/2016	\$	300.00	John Bisek	270th Dustcoating Costshare
9/2/2016	\$	300.00	David Minar	270th Dustcoating Costshare
9/2/2016	\$	300.00	Eugene Jeursson	270th Dustcoating Costshare
9/2/2016	\$	300.00	Karen Pexa	270th Dustcoating Costshare
9/30/2016	\$	39.03	State Bank	Optima Interest
9/30/2016	\$	2.49	State Bank	Interest

Septic Systems in Raven Stream

Clerk was contacted by Kate Sedlacek, Scott County Environmental Health Department, informing the township of four failing septic systems in Raven Stream. A review of the systems in Raven Stream development shows most systems are about 30 years old, which is the expected life of a system.

The township board prefers to retain this development; however, if the lots are not conducive for a secondary septic location site, and if the landowners petition the township to be annexed into the city, and if the city agrees to extend city water and sewer to the property owners in Raven Stream and the property owners on the west side of Naylor Avenue, the township board would likely not oppose an annexation with full services.

RSP2 Park

John Mourning was contacted by Road Overseer Perkins following Mourning’s notification of the broken slide at the park. Perkins and Wermerskirchen will view the structure and proceed as warranted, by either replacing the play equipment, or replacing the slide only (\$130-140).

Payment of Bills

On a motion by Deutsch/Wermerskirchen bills #5543-5550 were paid; carried unanimously.

5543	\$	4,324.00	Klehr Grading & Excavating, Inc.	Road grading
5544	\$	1,200.00	TJ Deutsch	Ditch mowing
5545	\$	260.00	Steve Rynda Construction & Landscape	RSP2 Park Mowing
5546	\$	6,777.00	Minnesota Roadways Co.	Michelle and WCLD patch repairs
5547	\$	432.75	Hakanson Anderson	Road projects (seal coating, ditch)
5548	\$	33,374.00	Allied Blacktop Co.	Seal Coat Project
5549	\$	7,325.00	Gopher State (crack fill)	Mark/Lucy/Hunter/MarDen
5550	\$	243.75	Couri & Ruppe	280th easement vacation

Utility Permits

MVEC received two utility permits for work on Pexa Drive and MarDen.

Treasurer’s Report

Treasurer Lambrecht distributed the Treasurer’s Report.

On a motion by Wermerskirchen/Deutsch the report was accepted as presented; carried unanimously.

2040 Kick Off

Helena will join St. Lawrence, Blakeley and Belle Plaine on Monday November 21st to start updating the county’s long-range Comprehensive Planning process. Location is TBD.

Meeting Continued

On a motion by Wermerskirchen/Deutsch the meeting was continued to 6:30 PM October 20, 2016 for a public hearing to discuss Nate Sirek’s easement requests, and will be followed by a workshop to discuss road seal coating projects for 2017, the RSP2 ravine project, SMSB SSD conversion project, the county’s purchase of SMBE land for inclusion in the county park system, and any other businesses that comes before the board; carried unanimously.

Workshop at 6:30 PM, and Hearing at 7:00 PM

Present: Nytes, Deutsch, Perkins, Croatt

Also Present: Tammy Pexa and Nate Sirek

The meeting was reconvened by Chair Nytes.

SMBE SSD

Nytes received an update from Maas: closing is progressing; five (5) monitoring wells need to be addressed; Ruppe will work with county to resolve. Trnka’s quote was for the original pump; when a different pump was determined necessary, Trnka did not provide a revised quote. There are six (6) yet to do. Nytes will inform Maas the township would support an agreement with the sewer district to install them at the time a home is built – with the understanding Trnka has received payment. This would alleviate one dig-in.

Ravine RSP2

Doug Johnson is working with the culvert manufacturer and SWCD to resolve design; could delay project; Johnson said he would honor the earlier quote if work is done Spring 2017.

Laurent

Laurent Builders needs the township to certify elevations for flood insurance. Township is consulting with SWCD before proceeding.

**7:00 PM
Hearing**

On a motion by Deutsch/Nytes the public hearing was opened; carried unanimously.

To review, the officers previously certified the Petition was signed by at least eight voters who own land within three miles of the drainage easement proposed to be vacated and a hearing date was set for October 20, 2016 at 7:00 PM at the NP Fire and Ambulance Building.

The “**Resolution Setting Public Hearing for Vacation of Easements**” for the Town Board was entered into the record. Clerk posted and published the notice of the hearing; Minn. Stat. § 164.07, subd. 2 “**Notice of Hearing on Vacation of Drainage and Utility Easements**” and filed the “**Affidavit of Posting**”.

The property owner, Nathan Sirek, sign the **Affidavit of Personal Service** and this document was filed with the Clerk.

It was noted for the record, the easement vacation area was previously examined by the officers.

The public was asked for comments.

Tammy Pexa asked for clarification of the purpose of the hearing. Nytes explained it was a process required to relocate the existing easement to the new property line to enable Sirek to construct a new septic mound system for the existing home; Pexa had no objections.

Having ensured there were no further public comments, and on a motion by Nytes/Deutsch, the Public Hearing was closed; carried unanimously.

After consideration and upon attorney review, the Town Board adopted **Resolution Vacating Certain Drainage and Utility Easements** on a motion by Nytes/Deutsch; carried unanimously.

Town officers determined the amount of damages sustained by property owners resulting from the vacation of the easement was “zero” as the adjacent property owners land will not be burdened by the easement.

The award of damages was filed with the Town Clerk who, notify each of the affected owners of the award in writing. Minn. Stat. § 164.07, subd. 6. The **Notice of Damage Award** was served by Clerk Croatt to Nate Sirek and an **Affidavit of Service** was filed.

A certified copy of the **Resolution Vacating Certain Drainage and Utility Easements** will be presented to the County Auditor, to be entered in the transfer records. Minn. Stat. § 164.07, subd. 11. A certified copy of the order will be recorded with the County Recorder.

The new **Drainage and Utility Easement** was presented to Mr. Sirek for his signature; the new easement will be recorded recording with the County Recorder to replace the easements that the Town Board vacated.

Notification of the release and establishment of a new easement will be sent to Greg Wagner, Scott

County, for their records, and so the work may commence.

An escrow of \$1500 was collected from Sirek; a full refund will be made once all expenditures are paid, i.e., attorney, engineer and recording fees.

Garbage

Clerk indicated a statement was received from Laker's. Perkins explained a large amount of garbage was placed in the township ROW near the Busch property, i.e., couch, microwave, dresser, co-axle cable, etc. Perkins required assistance for the removal, which overloaded his trailer. Debris ownership is unknown.

Clerk distributed copies of Klehr Grading's quote for ditch cleaning on 255th Street West. On a motion by Deutsch/Nytes the quote was accepted and the Project Manager, Wermerskirchen will be notified to proceed once Kohout's crop is harvested, and with a special note to contact the Clerk if any issues arise prior to completion; carried unanimously.

Respectfully Submitted by Clerk DeAnn Croatt

Chairman Ed Nytes