

Helena Township Board of Supervisors Regular Monthly Meeting

Minutes of December 7, 2017 | 7:00 PM | New Prague Fire & Ambulance Conference Center

- Call to Order** The Regular Monthly Meeting was called to order by Chairman Wermerskirchen at 7:00 PM; Pledge of Allegiance was said.
- Officers Present** Chairman John Wermerskirchen, Supervisors Ed Nytes (8:30) and Duane Deutsch, Treasurer Pat Lambrecht, Road Overseer Darryl Perkins, Deputy Treasurer Nathan Hutton and Clerk DeAnn Croatt
- Other Present** Jeff Klehr, Greg Spurlock, Barb Novotny, Yvonne Perkins, (Terry Maas vis conference call)
- Minutes** On a motion by Deutsch/Wermerskirchen the October and November Minutes were approved as corrected and presented; carried unanimously.
- SSD** On a conference call with Project Manager Terry Maas, officers were notified the decommissioning is completed. A final invoice from RT Excavating was reviewed and Maas recommended paying the invoice. The state requirements have been completed; the county physically demolished the system; all grinders and shutoffs were installed for the new system, and the Cedar Lake Improvement District has incorporated the sewer system into their contract with the city. Officers expressed appreciation for a long-overdue conclusion of this project and authorized final payment to the Project Manager.
- Greg Spurlock Building Permit** Mr. Spurlock reviewed his intention to construct a 2,095-square foot building. The county classified three of the existing buildings as ag which leaves auxiliary building square footage sufficient for this new building. Four buildings contained 350, 384, 684, and 432 square feet. Chair Wermerskirchen asked about aesthetics for neighbors; Spurlock explained what was viewable by adjacent landowners.
- On a motion by Deutsch/Wermerskirchen, the township supported allowing the ag classification on the three buildings and approve the new building permit; carried unanimously.
- Barb Novotny / Sirens** Landowner along the north shore of Cedar Lake, Barb Novotny, was present to share the history of the siren located within the utility easement on her lot. Novotny provided contact information for follow up with Scott County. The county obtained a grant to upgrade the siren in 2012. Officers discussed the history of the decision in the 80s or 90s to not have township ownership and maintenance of sirens. Noting new technologies, and the fact that it has been several years since sirens were considered, the Clerk will survey the other ten Scott County Townships and bring back Best Practices information.
- Yvonne Perkins/ 240th Easement** Perkins reviewed a request by a prospective buyer for the township to releases the easement on the north lot line of PID 50320040, owned by Marvin and Mary Kubes and is also known as lot 4 block 1 of Redwing Estates, which was platted in 1999. After reviewing available maps, the board determined the easement needs to remain so landowner to the west were not landlocked. Perkins asked if driveway access could be from Redwing Avenue and officers informed her that was a decision by Scott County.
- Road Maint. Report** Jeff Klehr reported limited grading was done prior to winter conditions halting grading for the season. Some roads are rough but it will be necessary to wait for a thaw to make further grading effective.

Old Business

- Alton Avenue / Soderlund Beaver Dam Issue** Wermerskirchen summarized the OAA meeting with the city and county. Also discussed using Road Authority vs Local Authority. After much discussion and a review of overhead maps, it was decided more information and recommendations are needed. The Clerk will set up a meeting for Thursday December 14, 2017 at the New Prague Fire and Ambulance Hall at 4 PM with Attorney Bob Ruppe.

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Koch Koch notified the township that MN Pipeline completed training with the New Prague Fire Department on Tuesday October 24, 2017 at the St. Patrick Pump Station.

2040 Communication from Brad Davis was shared with the officers. A discussion of zoning (ag preserve vs. transition) will be included with the next workshop, which is scheduled for January 29th at 6:00 PM at the Belle Plaine Town Hall.

RSP2 Park Equipment Treasurer Lambrecht asked Karen Von Bank to view the park in RSP2 and communicate with the township what she thought would be equipment additions to benefit the residents and visitors of the park.

MAT Summary Deutsch, Lambrecht and Croatt shared information obtained at the state conference and annual meeting, especially as it relates to beaver control and landowners' responsibilities. Focus of the conference was water quality, groundwater, drinking water, and pollution with an emphasis on nitrogen.

Road Perkins reported the following:

- Overseer Report**
1. Brush removed on Naylor by the culvert; also on 270th and Baseline
 2. Both sides of the Sand Creek by 245th in Section 14 required brush removal
 3. Reviewed quote for Indian Avenue from Enchanted Forest; could do project in January or February
 4. Will get a quote from Dan Skluzacek
 5. Camber debris again; neighbor picked it up

New Business

Election Support Townships received notification from Scott County limiting election support only to Uniform Election Days – November of even years. This does not negatively impact Helena as township elections are already on General Election Days.

- Cert of Insurance**
1. Hakanson Anderson Associates, Inc.
 2. Steve Rynda Construction
 3. M & J Trucking
 4. Klehr Grading

- Jordan Fire Calls**
1. Amy VonBank \$500 for a car accident
 2. Rick Sauer \$500 for a medical
 3. Michelle Dunkel \$250 for a gas leak

City of New Prague Clerk invoiced the city for annual maintenance of Alton Avenue.

LUCA Clerk reported she has been complying with LUCA requirements for the US Census Bureau frequently.

Faith Point The project needs more discussion prior to commencing construction, especially related to site access and septic design.

Review 2018 Road Projects Perkins will obtain quote for sealcoating of Silver Maple, Maple Drive, 255th, Willow Court, Pearl, Lavone, and Raven. Perkins will also visit with the county for inclusion in their sealcoat contract. The graveling will be reduced in 2018 as most roads have received sufficient application over the past two years. Dustcoating will be reevaluated.

Receipts	11/2/2017	\$	3,762.82	State of MN	LGA
	11/2/2017	\$	300.00	Paul Hanzel Homes	Driveway Permit
	12/1/2017	\$	162,415.95	Scott County	Tax Settlement

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11/30/2017	\$	3.37	State Bank	Interest
11/30/2017	\$	33.84	State Bank	Optima Interest
12/1/2017	\$	0.11	State Bank	Interest
12/1/2017	\$	1.99	State Bank	Optima Interest

Payments

On a motion by Deutsch/Nytes bills 8701 to 8719 were paid; carried unanimously.

8701	\$	2,538.00	Klehr Grading	Grading
8702	\$	150.00	Steve Rynda Construction	RSP2 Park
8703	\$	741.00	MATIT	Worker's Compensation Insurance
8704	\$	1,625.00	Enchanted Forest	Raven Street and circle; Bohnsack Way
8705	\$	46.25	Couri & Ruppe, PLLP	Alton/Soderlund/Beaver Dam
8706	\$	1,040.93	M & J Trucking Co., LLC	Alton/Soderlund/Beaver Dam
8707	\$	555.00	Deutsch/Lambrecht/Croatt	Registration for MAT
8708	\$	380.00	RT Excavating	Final Bill for SSD Decommissioning
8709	\$	1,000.00	Project Manager Terry Maas	SSD Project Manager 2017
8710				Meeting Fees, Salary, Reimbursements,
-8716	\$	11,139.86	Officers	Training, Labor
8717	\$	1,217.50	PERA	DCP
8718	\$	635.50	MN Dept. of Revenue	State withhold and match
8719	\$	3,375.57	US Treasury	Federal withhold and match

Treasurer's Report

The Treasurer's Report was accepted as presented on a motion by Deutsch/Nytes; carried unanimously.

Building Permits

1. Steinhoff on Helena Blvd for an addition
2. Hertaus on Baseline for lower level finishing
3. Mayo Clinic on 280th for demolition
4. Gilbertson on Baseline for a new furnace
5. White on Hunter Ridge for a new furnace
6. Vogt on Willow for a new home
7. Hanzel on Silver Maple Drive for a new home

Motion to Continue

The meeting was continued at 9:55 PM to Thursday December 14, 2017 at 4:00 PM at the New Prague Fire Hall Monday for a meeting with Attorney Bob Ruppe and related to the Soderlund Administrative Subdivision and beaver issues affecting Alton Avenue and neighboring properties on a motion by Nytes/Deutsch; carried unanimously.

Other Upcoming Meetings

- Wednesday January 3, 2018 – Meeting with City, County Staff and Township Officers, Attorney and Engineer re: Soderlund at 9:45 AM at the Scott County Courthouse Room 112
- Monday January 8, 2018 – Audit Preparation at the Office of the Treasurer at 7 PM
- Thursday January 11, 2018 – Annual Audit at the Office of the Clerk at 7 PM
- Monday January 29, 2018 – 2040 at Belle Plaine Town Hall at 6 PM

December 4th Meeting to discuss the Alton, Soderlund,

Several facts were discussed as related to:

- Beaver dams located > 300 feet from Alton Avenue, a township road
- History of
 - beaver control
 - issues with water damaging Alton Avenue

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Beaver Dam Issues

- Soderlund removal of 7 beavers, along with the ag renter breaking up dams so the land was tillable
- The township's expenses of \$6,990.91 to date related to reimbursement to Soderlund, signage, attorney fees, engineering fees, Klehr's work, trapper expenses and class 5 application
- Croatt and Wermerskirchen discussed the OAB meeting in which the county and city were also present to discuss Soderlund's request to rezone and the subsequent beaver issues' impact on the property and the abutting properties
- Officers had concerns that if the township received an easement, the beaver dams would be perceived as a township problem to solve; however, the landowner is responsible to control the beavers
- The township has a stake in finding resolution because of the township road; the city has a stake because the water flows from the city's waterway easement and when it does not drain properly to the creek, the city homeowners' lots are negatively impacted; the county has a stake because Alton Avenue and County Road 15 are involved in a proposed county road improvement project
- A permanent agreement does not obligate the township/city/county, but it would give all governmental units the right to enter the property and control the beaver dam issue if they were to recur.
- "Road Authority" vs. "Local Authority" was discussed with a recommendation the township follow 97B.665 as we move forward
- If the governmental units were to take the matter to district court, it would be a lengthy and expensive process for all parties; there is no wish to go that route unless necessary
- Deutsch asked about installing a impervious tile line; it is an option
- Ruppe suggested involving the county and city in discussion with the township and landowner
- Annexation is an option; the township would be in support of the city annexing the property and all of Alton Avenue
- Attorney Ruppe will:
 - Visit with property owners about notifying the county to waive the 60-day rule
 - Visit with the county and city
 - Set up a meeting with the landowners, county staff, city staff, township officers, township attorney, township engineer.

On a motion by Wermerskirchen/Deutsch the meeting was continued to 5:00 PM Thursday January 4, 2018 at the NP Fire Hall; carried unanimously.

Special Meeting at Scott County January 3, 2018 9:45 AM

Present: Chair Wermerskirchen, Supervisors Nytes and Deutsch, and Clerk Croatt

Also Present: Attorney Bob Ruppe and Engineer Shane Nelson along with County Staff.

The meeting was called to discuss beaver and water back up issues in Section 35 of Helena Township. Ruppe opened with a recap of issues and invited attendees to brainstorm on options for resolution.

A temporary easement is in place but is not a long-term solution. The dam is over 300' from the ROW. Soderlund is agreeable to a permanent easement, which would allow the township, county and city to gain access to the property without obligating the governmental bodies to maintain the area; nor does it obligate the governmental units to incur the costs for beaver and dam removal.

Marty Schmitz asked the city representative (Glenn Sticha and Ken Onlich) what the city's original water plan was for the waterway. Onlich indicated it was before his time and would see if he could find the answer.

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Nelson said the road could be raised as a solution for the township; noting that by doing that, the city and its residents would still incur problems.

Tiling from Alton to the creek is cost-prohibitive.

Cleaning the ditch may be an option, but SWCD would need to research how much could be done and what the effect would be for the short and long term. Borings would determine the extent of the work that could be done without impacting the wetland.

The beavers and dams are on private property. A viable option to have the property owner handle the beaver issues, similar to how other landowners and farmers do, and close the road, with Jersey barriers available from the county, if water is a danger to the traveling public.

Soderlunds need to provide an encroachment agreement for the gazebo and deck because of their private septic system's location. This is at the property owners' expense and for their benefit.

The Administrative Subdivision will go to the county board on January 16, 2018.

On a motion by Nytes/Deutsch the meeting was continued to 5:00 PM Thursday January 4, 2018 at the NP Fire Hall; carried unanimously.

Regular Monthly Meetings: 7:00 PM first Thursday each month at 505 5th Avenue NW, New Prague

John Wermerskirchen, Chairman

DeAnn Croatt, Clerk