

# Helena Township Board of Supervisors Regular Monthly Meeting

Minutes of January 4, 2018 | New Prague Fire & Ambulance Conference Center

**Special Meeting  
for Soderlund/  
Alton Avenue/  
Beaver Dam and  
Related to  
Soderlund's  
Administrative  
Subdivision  
Application**

At 5:00 PM after properly noticed, Chair Wermerskirchen, Supervisors Nytes and Deutsch and Clerk Croatt met with Attorney Bob Ruppe via conference call.

The purpose of the conference call was to discuss how to move forward with the Administrative Subdivision for Pat Soderlund in consideration of the historic water issues related to beaver dams on the Soderlund property.

Ruppe discussed options as follows:

1. If the township were to raise the road, it would solve the township issues but it would not alleviate issues for the city and it's residents affected by high water when the dams are not allowing the water to drain to the creek.
2. Run a tile from Alton Avenue east to the creek would only be a short-term resolution and is cost prohibitive unless the property owner wishes to undertake the project
3. Cleaning the ditch would be a temporary help but not a long term solution for moving the city's water to the creek

Ruppe reminded the officers that by accepting an access easement, the township would be able to protect the roadway for the traveling public and were water issues to recur, the court action would be costly and timely.

Deutsch stated his concerns in opposition to an easement and was in favor of using the county's Jersey barricades during any recurrences.

Wermerskirchen supports an access easement with the easement granted to all local governments: city, county and township, and supports the property own incurring all costs associated with the agreement and for all costs incurred by the township if access is obtained and beaver control is done by the township.

Nytes supported an access easement with conditions set forth by Ruppe; that it will state the property owner is responsible for the removal of the beavers and their dams, and if the township removes them, the township will invoice the property owner for all costs incurred.

Wermerskirchen was appointed as the Project Manager.

Clerk will mark up a map depicting the area to be included in the access agreement. [Clerk sent this to Ruppe January 5, 2018].

By statute 164.07 the easement may be vacated at any time by the governmental units.

On a motion by Wermerskirchen/Deutsch Attorney Ruppe was authorized to obtain an Access Agreement from the Soderlund's with the understating that all township expenses will be reimbursed for beaver removal, dam removal, and lodge removal; and further if the terms are not agreeable to the property owner, Project Manager Wermerskirchen is authorized to act on behalf of the township; carried unanimously.

The Drainage and Utility Easement east of the property owner's residence, if required by the county, will not be accepted by the township.

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On a motion by Deutsch/Nytes if the county obtains a Drainage and Utility Easement over Soderlund's property, the Township Attorney Ruppe is directed to prepare a resolution informing the county that the township will not accept the easement at this time; carried unanimously.

The consensus of the board is that if the property owner does not agree to the terms, the township will not proceed and if the safety of the traveling public were to be negatively impacted, the township will obtain Jersey barriers from Scott County and close Alton Avenue until conditions are again safe.

The meeting was adjourned.

- 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 and Duane Deutsch, Treasurer Pat Lambrecht, Road Overseer Darryl Perkins, Deputy Treasurer Nathan Hutton and Clerk DeAnn Croatt
- Other Present** Tom Johnson
- Election** On a motion by Wermerskirchen/Nytes, Duane Deutsch was elected Chairman for 2018; carried (2:0:1).
- Schedule of Charges** After thorough discussion and research, the revised Schedule of Charges was accepted on a motion by Deutsch/Wermerskirchen; carried unanimously. It is noted the changes reflect uniform lot fees, a slight increase for New Plats and revised Treasurer/Deputy Treasurer salaries for January and February.
- Minutes** On a motion by Nytes/Wermerskirchen the December Minutes were approved as corrected; carried unanimously.
- Checks received by Clerk** The Clerk received the following three checks and submitted to Treasurer Lambrecht:
1. City of New Prague \$2k for Alton Avenue maintenance
  2. Glen and Linda Bauer \$1.5k for lot fees
  3. Donald Bauer \$1.5 for lot fees
- Road Maintenance Report** Tom Johnson reported there were few issues due to lack of snow. Johnson noted there are construction trailers parked on the cul-de-sac in RSP3 frequently and will be an issue if snow plowing is needed. Clerk will contact the property owners.
- Road Overseer Report** Perkins reported a complaint about the construction trailer also and a request for salt or sand on Naylor Avenue near the Delbow property.
- After review, and on a motion by Wermerskirchen/Nytes the quote of \$3.1k for work on Indian Avenue from Enchanted Forest was approved contingent upon a current Certificate of Insurance on file; carried unanimously.
- Rob Schoenbauer requested trees along Naylor be cut and sprayed; Perkins will follow up.
- Clerk and Road Overseer completed the 2017 Annual Township Noxious Weed Control Report.
- Court of Appeals** The Court of Appeals case was won by Couri and Ruppe related to lot fees.
- Sirens** Clerk surveyed ten other Scott County Clerks as to whether the other townships purchase or maintain sirens. With the exception of Cedar Lake, there were no other responding townships who have sirens,

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and nor would any of them consider purchase or maintenance of sirens by the townships (Belle Plaine, New Market, St. Lawrence, Blakeley).

## Old Business

**Soderlund/Alton/  
Beaver Dams** Deutsch summarized the most recent discussion and stated Attorney Ruppe will be contacting Pat Soderlund. If there are further decisions needed by the township, Project Manager Wermerskirchen will handle with Attorney Ruppe.

**Koch** The escrow was not spent; clerk will communicate the township intention of transferring the funds from escrow to the lot fee.

**2040** The next workshop is January 29<sup>th</sup> at 6:00 PM at the Belle Plaine Town Hall.

**Unpaid Fire  
Calls** Outstanding balances remain for:

1. Michelle Dunkel
2. Rick Sauer
3. Amy VonBank

Clerk will send second notices prior to February meeting.

## New Business

**Special  
Assessments** Assessments were certified by the Clerk for Willow Lane and one unpaid fire call in the total amount of \$13,919.13 for 2018. Clerk will send information to residents with balances prior to 4<sup>th</sup> quarter in the event anyone wishes to avoid paying more interest.

**Rich Novak  
Request** The board reviewed plans in RSP2 for two adjoining lots off Peal and owned by Zard being considered for the location of a new home by Novak, who is working with the county to ensure setbacks and easements are followed.

The board supports the proposed plan.

**Cert of  
Insurance** 1. Knife River Corporation – North Central

**Review 2018  
Road Projects** Perkins is working with the county for 2018 sealcoating.

**Destruction** According to the Record Retention Schedule, the following documents were properly destroyed by Treasurer Lambrecht:

2. W3 transmittals prior to 2010
3. W2s prior to 2010
4. 1096s prior to 2010
5. 10989s prior to 2010
6. 941s prior to 2006
7. MN Tax Reporting prior to 2006

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## Payments

On a motion by Wermerskirchen/Nytes bills 5720 to 5723 were paid; carried unanimously.

5720	\$	1,825.00	MATIT	Commercial Insurance Package
5721	\$	227.30	Scott County Treasurer	Truth In Taxation Fee
5722	\$	102.50	Couri & Ruppe, PLLP	Soderlund/Alton/Beavers
5723	\$	1,423.05	Art Johnson Trucking, Inc.	Plow Roads

## Treasurer's Report

Lambrecht asked for direction on moving funds for lot fees, escrow, etc. and recommendations were given. The Audit Preparation Meeting is Monday January 8<sup>th</sup> at the office of the Treasurer, and includes the Deputy Treasurer and Clerk.

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

## Building Permits

1. Judy Deutsch on Helena Blvd. for a new furnace
2. Greg Spurlock on Delmar Avenue for a pole shed
3. Andrew Simon on 260<sup>th</sup> St. West for remodeling

## Scott County Assignments

Commissioner Tom Wolf was elected Chair for 2018; Commissioner Barb Weckman-Brekke was elected Vice Chair.

The New Prague City and Helena Township Orderly Annexation Board Liaison is Chair Wolf.

## Hendricks

Jon Hendricks wishes to add features to a lake front lot in Section 24 and the information was reviewed by the board. Chair Deutsch will follow up with Ryan Holzer with SWCD.

## Motion to Continue

The meeting was continued at 8:45 PM to Thursday January 11, 2018 at 7:00 PM for the Annual Audit; then to January 16, 2018 at 9 AM at the Scott County Board Room for the Soderlund Administrative Subdivision; then to Monday January 29, 2018 at 6:00 PM at the Belle Plaine Town Hall for a 2040 Work Plan Update Meeting on a motion by Nytes/Wermerskirchen; carried unanimously.

## Other Upcoming Meetings

- Board of Review is April 19, 2018 at 7:00 PM at the New Prague Fire and Ambulance Garage

## January 11, 2018

It was the consensus of the board to:

1. Enter into a payment arrangement with Michelle Dunkel for a Jordan unpaid fire call
2. To move the \$3k held in escrow for Koch to lot fees, after authorization from Koch
3. Attendance at the Soderlund Administration Subdivision is contingent upon notification by Scott County if the item is pulled from the consent agenda

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

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Duane Deutsch, Chairman

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DeAnn Croatt, Clerk