

Helena Township Board of Supervisors Regular Monthly Meeting

Minutes of June 7, 2018 | New Prague Fire & Ambulance Conference Center

- Call to Order** The Regular Monthly Meeting was called to order by Chairman Deutsch at 7:00 PM; Pledge of Allegiance was said.
- Officers Present** Chairman Duane Deutsh, Supervisors Ed Nytes and John Wermerskirchen, Treasurer Pat Lambrecht, Deputy Treasurer Nathan Hutton, Road Overseer Darryl Perkins and Clerk DeAnn Croatt
- Other Present** Jeff Klehr, Luke Hennen, Troy Kuphal, Randy Kubes, TJ Deutsch representative, Jean, Greg, Tim and Janelle Stepka, and Jeff Krocak
- Minutes** On a motion by Nytes/Wermerskirchen the May Regular Monthly Meeting Minutes were approved as presented; carried unanimously.
- Mowing** TJ Deutsch was directed to mow road ditches after June 8th.
- Faith Point** A \$400 check was received from Faith Point; Perkins will follow up with Mr. Scheffler about the permit. It is the understanding of the officers that this is a temporary driveway and it will be removed.
- Baseline** Jeff Krocak was present to discuss Baseline Blvd's trees and ditches. Officers explained the township has a road maintenance agreement with Cedar Lake Township. Helena maintains Baseline north of Cedar Lake and Cedar Lake Township maintains Baseline south of Cedar Lake. Clerk will send a copy of the agreement to township officers and invite CL to the Work Shop.
- Lavonne** Perkins will view the Blue property to inspect the trees and pooling water issues reported by Laura Blue in Raven Stream (Lavonne Avenue).
- Bauer Wetland** Troy Kuphal and Randy Kubes were present to discuss plans to restore a wetland east of Hunters Ridge. Ag land will be converted to prairie restoration and wanted the township to be aware of this change in use.
- Deutsch discussed the need for a 33' easement along and abutting Hunters Ridge, instead of the 20' easement being dedicated as a conservation easement.
- The wetland credits will be used by the county and the state.
- Township will consult with Township Attorney Bob Ruppe on Thursday and report back to Kuphal.
- Sheriff Hennen** Luke Hennen stopped by to update the township on a few items and encouraged officers and residents to not hesitate to contact his office with questions and concerns.
- The speed sign trailer is traveling around the county; officers shared with the Sheriff that a few residents in Tower Estates were very curious, accusatory, and angry about the speed trailer. Hennen said the trailer provides a lot of valuable information not otherwise gathered.
- Scott County's newest dog, Floyd, was added to the force and funded totally with private donations.
- Stepka** The Stepka families were present to discuss allowing another house on their 60-acre farm. Brad Davis said he expects the area to be converted to 1:10 from the 1:40 in early 2019 and the Stepkas could therefore start the process.

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The present field approach was discussed and it was agreed that closer to the beginning of construction, they would meet with Perkins to discuss the driveway location.

On a motion by Wermerskirchen/Nytes the township gave a favorable recommendation to rezone and plat for an additional home on 60 acres, noting these three conditions:

1. Taxes are current
2. Applicants know there is a driveway permit required
3. Applicants will pay a lot fee of \$3k/new lot at the time of Mylar signing

Carried unanimously.

Road Overseer Report

1. A second driveway for Harold and Nita Schobert (22401 Hunter Ridge Circle) was installed without a permit; nor is it compliant. It appears to be temporary as there is a small PVC pipe instead of a culvert; Perkins will visit with the property owner.
2. The township received money to apply a continuous application of dustcoat in front of five Cedar Lake Township residents' houses along Baseline Blvd. back in 2014 when they came to a meeting and requested more dustcoating than township guidelines allow. The residents paid for the application. The Clerk was directed to invoice these five residents \$250 each; if payment is not received, the township will go back to spot application in 2019.
3. Carl Schoenbauer's damaged culvert is expected to cost between \$1500 and 2,000 to replace. Deutsch will follow up with Schoenbauer. The culvert will be replaced by the township and invoiced to Schoenbauer. Statute 366.012 will be followed.
4. Carl Williams (Willow Lane) is concerned about how the cul de sac is being used as a storage lot by residents. Clerk will contact the residents along Willow Lane and ask them to not store trailers and miscellaneous items in the circle.
5. During road viewing, damage was noted to culvert 200 feet south of CR2 on Naylor Avenue. Perkins has been in communication with the gas company and will continue to work with them on how to proceed with repairs/replacement costs.
6. Doug Johnson said graveling will be completed by June 8th. Dustcoating is scheduled for June 15th.
7. LeRoy Schoenbauer expressed appreciation for the culvert repair.
8. Clerk will inform Greg Wagner of dead trees at the solar farm (Trewartha property) and will inform the county the security light is shining to brightly for Hwy. 21 traffic.
9. The picnic table in RSP2 Park was removed.

Hearing

The Public Hearing for the Unpaid Jordan Fire Call was called to order.

After a review of the fire call, communication, notices and statute, and after noting no comments were heard by the public in attendance, the hearing was closed on a motion by Wermerskirchen/Nytes; carried unanimously.

On a motion by Wermerskirchen/Nytes the unpaid balance of \$250 will be certified with Scott County for collection with 2019 property taxes; carried unanimously.

A resolution will be prepared for approval at the June 21, 2018 Work Shop.

Old Business

Columbus Ave

Work on the ditch along Columbus will be delayed until fall because not all parties are accepting of the improvements needed.

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New Business

- Poll Pads** Lambrecht and Croatt attended a training on the new registration Poll Pads; more training will be incorporated into election judge training; Lambrecht and Croatt will take part in the equipment testing next week.
- Hwy. 21** An overlay of 21 between New Prague and Jordan may involve Helena Township. Clerk will inform the project representative that it is the wishes of the offices that no township roadways are used either for a detour route for the traveling public, or for a deliver route for trucks.
- Building Permits** Nordine; WCLD; HVAC / Busch; 240th; HVAC / Clark; 223rd; Addition / Peterson; Silver Maple; Deck/Porch Galle; Hunter Ridge; Deck / McDonald; WCLD; Fireplace / Schobert; Hunter Ridge; Detached Garage / Fletcher; WCLD; Mechanical / Novak; Naylor; New Home / Novak; Silver Maple; New Home / Halverson; Baseline; Pole Shed / Steinhoff; Helena; Pole Shed / Gilles; Redwing; Reroof / Bartz; Camber; Reroof Thoele; WCLD; Reroof / Simon; 260th; Reside/windows / Hampton; 225th; Windows
- Assessment Agreement** Noting the cost for assessment contract with Scott County was \$20,600 in 2017, \$21,400 in 2018 and \$22,300 in 2019, the contract was accepted on a motion by Deutsch/Wermerskirchen; carried unanimously.
- Tax Petition** David Nielsen, 25455 Willow Court, has petitioned his real property tax.
- SCALE** Lambrecht, Wermerskirchen and Croatt reported back on the SCALE meeting which they attended May 31st in Prior Lake. Presentations were by Brad David, Tony Winiecki, Bryan Tucker and Stacy Crakes. Planning, roads, diversity and business development were discussed. Trails are a priority for the county; pickleball courts a priority for cities.
- Exotic Animal Ordinance** A review of the draft ordinance was completed; the officers, noting Attorney Ruppe provided his opinion to the county, has no additional comments.
- Cert of Ins.** An updated certificate was received for TJ Deutsch.
- Met Council** The latest Met Council population estimates for Helena Township are:
- 1,868 people
 - 582 houses
- Payments** On a motion by Wermerskirchen/Nytes bills 5758 to 5775 were paid; carried unanimously.
- | | | | | |
|---------|----|-----------|----------------------------------|-------------------------------|
| 5758 | \$ | 250.00 | TJ Deutsch | RSP2/Willow/Disposal |
| 5759 | \$ | 6,548.00 | Klehr Grading & Excavating, Inc. | Grading and Baseline |
| 5760 | \$ | 112.70 | Southwest News Media | Assessment Notice |
| 5761 | \$ | 187.25 | Quality Green LLC | RSP2 Preemergent & Fertilizer |
| 5762 | \$ | 150.00 | Steve Rynda Construction | RSP2 Park Mowing |
| 5763 | \$ | 95.00 | Couri & Ruppe, PLLP | RSP2/3 |
| 5764 | \$ | 590.00 | Hakanson Anderson | RSP2/3 |
| 5765 | \$ | 21,772.19 | Scott County Treasurer | Assessment Contract and Salt |
| 5766-72 | \$ | 11,995.39 | Officers, employee, appointee | Wages, Mtgs, Reimb., Labor |
| 5773 | \$ | 3,493.39 | US Treasury | Withholding and Match |

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	5774	\$	654.50	MN Dept. of Revenue	Withholding and Match
	5775	\$	1,272.50	PERA	DCP

Receipts and Treasurer's Report	5/3/2018	\$	400.00	Paul Hanzel Homes	Driveway Permit
	5/3/2018	\$	400.00	Juergens Builders	Driveway Permit
	5/30/2018	\$	215.62	First Bank & Trust	Interest

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

Meeting Continued

The meeting was continued to:

1. Monday June 11, 2018 at 3:30 PM to work on road patching; meet at Wermerskirchen's; then to
2. Thursday June 14, 2018 for an all day Legal Seminar in Albertville; then to
3. Thursday June 21, 2018 at 7:00 PM for a Work Shop in New Prague's Fire Hall

Legal Seminar, Albertville MN

Attended by Deutsch, Nytes and Croatt on Thursday June 14, 2014 from 9:00 AM to 4:00 PM (7:30 AM to 5:30 PM with travel time).

Notes from seminar and from sidebar with Attorney Bob Ruppe:

1. Which Road to Take by Ruppe
 - a. MS164.152 addresses barricading roads for safety, i.e., flooding roads from beaver dams
 - b. MS160.16 addresses erection of barricades
 - c. "when in doubt, close the road for public safety" by adopting a resolution
2. Bidding a better road by Ruppe
 - a. Recommend adopting a ROW management ordinance
 - b. Allow 6-12 months for bidding process
 - c. Payment bonds are needed when project is over \$100k
 - d. Performance bonds are needed when project is over \$75k
 - e. Engineering costs are generally 10-15% of the total project cost
3. Zero to 10GB in a flash by Ruppe
 - a. CenturyLink case study – n/a for Scott County
4. Engineering a better contract by Ruppe
 - a. Ensure contractors have \$1M in liability insurance and \$.5M in an umbrella policy (clerk reviewed policies to ensure no "Limited Liability" certificates on file)
5. Motions/Resolutions/Ordinances by Couri
 - a. Resolutions are made when it is a long-lasting significant decision; file in resolutions book
 - b. Resolutions are policy
 - c. Only zoning ordinances need to be recorded
 - d. Ordinances must be rescinded by another ordinance (no hearing; not published)
6. Hoarders
 - a. May adopt a nuisance ordinance under MN 368.01 to address hoarding
 - b. Hazard and vacant buildings are addressed in MN 463
 - c. Drone usage by townships has not been used/nor challenged
 - d. Cost recover is guided by MN 366.012
7. Annexation
 - a. Dahlgren/Carver case updates shared
8. Bauer SWCD easement
 - a. Ruppe suggested running by the county highway department
9. Shared road maintenance agreements

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- a. Provide copies to neighboring townships to ensure all officers are aware of present agreement
- 10. Damage to road surfaces when driveways constructed
 - a. Could adopt a driveway ordinance

**Work Shop
7:00 June 21,
2018 at NP
Fire Hall**

Present: Duane Deutsch, Ed Nytes, John Wermerskirchen, Darryl Perkins and DeAnn Croatt

Also present: Joe Lambrecht, Rob Puncochar, and Joe Capaul

The Work Shop was convened and pledge said.

Supervisors from Cedar Lake Township were invited to discuss the shared road maintenance of **Baseline Avenue** after Helena Township resident, Jeff Krocak, requested tree trimming. The consensus of the two boards was to send the agreement to Attorney Ruppe for his opinion on how to address tree trimming. Clerk will send; attorney cost will be shared equally. Perkins will get quotes from M & S Tree Service and Enchanted Forest. Clerk will take pictures.

Baseline was dustcoated; however, to date only one (Tasto) paid the invoice.

Invoices will be sent to two residents who requested **extra dustcoating**.

Deutsch will visit with Troy Kuphal on the wetland project east of Hunter's Ridge for **Kubes/Bauer**.

On a motion by Wermerskirchen/Nytes **Resolution 062118 to Assess Unpaid Jordan Fire Call** was adopted; carried unanimously.

Clerk reported dead trees at the **Trewartha Solar Farm**.

Willow Lane residents were grateful for the communication related to not storing items in the cul de sac. Perkins will conduct a drive-by periodically to ensure compliance.

Carl Schoenbauer's culvert was discussed. Klehr will discuss converting from a 48' to a 24' culvert and obtain a quote.

The **Couri & Ruppe Legal Seminar** booklet and information was shared with Wermerskirchen. Clerk obtained sample ordinances for Right of Way Permit, Driveway Permit, and Nuisance ordinances and will review and summarize for the officers at the August meeting.

Supervisors updated on the **Bowman shoreline issue** on Willow Court.

Clerk obtained permission to purchase extension cords and power strips for **elections**, to be kept with the tub of supplies.

The resident at 3115 West 220th spoke with the Clerk about the possibility of a variance for an addition to the pole shed at this location. Resident was not present; subject tabled until formal request made.

Utility permits were issued to **MVEC** for work on Bohnsack Way and to **CenterPoint** for work on Naylor – however it appears all the work on Naylor is in the city of New Prague. Clerk will communicate CenterPoint's need to work with the city.

A **post-mining reclamation standard** was reviewed briefly, with no comments or follow up needed.

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Nytes discussed **RSP2 playground equipment** with Karen VonBank; she is not requesting more equipment at this time.

St. Benedict and WCLD need more cold patching. Wermerskirchen will pick up supplies and a date was set for Tuesday June 26, 2018 at 3:00 PM, meeting at Deutsch's place, and with an inclement weather option of Wednesday June 27, 2017 at 3:00 PM at Deutsch's place. If patching can be scheduled within the next three weeks, WCLD will not be included.

Clerk will view potholes along **Michelle and Stevens** [took pictures and sent to supervisors]. Cold patching will be used in RSP3.

There is a pile of rock at **24235 WCLD** with no permitting for culvert or driveway. Wermerskirchen will contact the property owner to inquire of the plans and inform him of township requirements.

Perkins viewed the culvert near **Craig Svoboda**, who thought his property was getting runoff water from the culvert area. The Svoboda driveway is higher than the culvert so it appears the water may be flowing from the fields and/or County Road 15. Klehr will reshape road edge so water goes into the ditch and does not run down the roadway surface.

Siwek received a driveway permit for Hunter's Ridge but has not submitted payment to date.

Karen Pexa asked permission to haul dirt at the intersection of County Road 89 and 270th Street West. Perkins will get more information and follow up with Pexa.

FaithPoint asked about the need for a driveway wider than 28 feet. Perkins will inform the church administration that similar matters are all covered in the Developer's Agreement. This is usually developed after the CUP application, when the township's attorney and engineer get involved.

Klehr will be asked to reshape the ditch in **RSP2** from Naylor to Lavonne to eliminate standing water. Work will likely get done late summer or early fall.

Clerk will request an estimated timeline for the **RSP2/3 feasibility study** from Engineer Nelson.

The meeting was continued to Tuesday June 26, 2018 at 3:00 PM, meeting at Deutsch's place, and with an inclement weather option of Wednesday June 27, 2017 at 3:00 PM at Deutsch's place for the purpose of cold patching WCLD and St. Benedict Road; carried unanimously.

Adjournment The meeting was adjourned Tuesday June 26, 2018 on a motion by Nytes/Wermerskirchen; carried unanimously.

Duane Deutsch, Chairman

DeAnn Croatt, Clerk