

Treasurer's Report

Checking Account Balance: \$2,244.67. Savings Account Balance: \$129,259.26. CD Account Balances: \$137,812.56. Total Account Balance: \$269,316.49.

The Clerk presented current CD rates. The Town Board asked that the Clerk continue presenting the current month's rates along with the previous months' rates for comparison.

The Disbursements Register, Receipts Register, Statement of Receipts and Balances, Current Investments, and the Cash Control Statement were reviewed by the Town Board.

A motion by Supervisor Dan Rogers: To accept the Treasurer's Report & Financial Reports as presented. Motion seconded by Supervisor Carrie Jennings. Motion carried by unanimous vote.

Bills and Receipts

The clerk presented the following bills for payment:

Otte Excavating	Road maintenance thru 8/31/09	\$10,530.00
MNSPECT Inc.	Inspection Services August 2009	1,019.38
Dakota Electric Association	Town Hall	\$91.74
Frontier Communications	Phone Service Town Hall	\$125.04
Culligan	Water Softener Town Hall	\$23.51
Dick's Sanitation	Garbage Service Town Hall	\$40.49
Kelly & Lemmons	Legal Services thru July 31, 2009	\$15,065.65
IRS	Deposit 941 September 2009	\$813.98
PERA	Payroll Period 8/1/09 to 8/31/09	\$213.88
Nanett Sandstrom	Expenses 8-1-09 to 9-14-09	\$136.53
Dustcoating	Dust Control Application 8-24-09	\$7,548.00
Lewis and Kisch	Audit 2008	\$5,820.00
Earl F. Anderson	Signs	\$116.18
Anderson Rock & Lime	Hauling gravel	\$7,614.61
Dubbles Lawn Service	Mowing Town Hall- July	\$300.00
Dakota County Treasurer	Truth in Taxation	\$230.01
Jacobson Engineers	Survey 225 th St	\$1,760.00
Jeff Otto	Office equipment	\$1,304.77
Brian Budenski	Reimburse Town Hall repair	\$74.00
Carrie Jennings	Mileage	\$79.20
Esquire	Transcript Country Stone Lawsuit	\$237.85
Pierson Reporting	Transcript Country Stone Lawsuit	\$217.00
Dan Rogers	Town Board Supervisor 3 rd Qtr Payroll	\$489.45
Jeff Otto	Town Board Supervisor 3 rd Qtr Payroll	\$646.45
Brian Budenski	Town Board Supervisor 3 rd Qtr Payroll	\$350.93
Carrie Jennings	Town Board Supervisor 3 rd Qtr Payroll	\$387.87
Kenny Miller	Planning Commission 3 rd Qtr Payroll	\$110.82
Ken Olstad	Planning Commission 3 rd Qtr Payroll	\$110.82
Vince Mako	Planning Commission 3 rd Qtr Payroll	\$138.52
Pete Storlie	Planning Commission 3 rd Qtr Payroll	\$110.82
Cheryl Groves	Planning Commission 3 rd Qtr Payroll	\$110.82
Nanett Sandstrom	Clerk Payroll 8/1/09 to 8/31/09	\$1,307.23
Connie Anderson	Deputy Clerk payroll 8/1/09 to 8/31/09	<u>\$357.85</u>
Total Bills Presented		\$57,483.40

The following receipts were received August of 2009:

- **Local Permits**

Julie Larson- Ag Building	\$25.00	Yvette Mealman- Plumbing Permit	\$75.50
Streitz Heating Permit 09-08	\$2,513.87	Dan Adelman- Application Fee	\$25.00
Kent Grange- Permit 09-32	\$590.72	Ed O'Brien- Permit 09-35 & 09-36	\$201.00
Yvette Mealman- Application Fee	\$25.00	Ames Construction – Utility Permit	\$25.00

- **Other Receipts**

Otte Excavating- work comp claim	\$697.50	Mary Kay Holzerland- RASP Sign	\$15.56
Gloria Belzer- Copies	\$5.00	Ames Construction- Escrow payment	\$20,241.14
Dakota County-DNR 2009	\$1,206.24		

TOTAL RECEIPTS AS OF AUGUST 31, 2009 **\$25,646.53**

A motion by Supervisor Dan Rogers: To accept the Claims List and the Net Pay Account Distribution as presented. Motion seconded by Supervisor Carrie Jennings. Roll call vote was taken on the motion. Supervisor Carrie Jennings- aye, Supervisor Brian Budenski-aye, Supervisor Jeff Otto-aye, Supervisor Nancy Sauber- aye and Supervisor Dan Rogers-aye. The Bills were approved by unanimous vote of Town Board Supervisors.

Dakota County Deputy

A Dakota County Deputy stopped in to address the Town Board and the audience. He explained that they make courtesy visits to Townships to address issues and/or questions that residents and Board members may have.

Budget

The Town Board reviewed and discussed the budget. The Fire and Rescue budget shows a negative balance. The \$30,325.00 payment in February was on the Farmington Contract. The \$30,730.00 payment in July was on the Lakeville Fire Contract. The Clerk will pull the Fire Contracts for reference. Supervisor Dan Rogers will review the contracts for next month's meeting.

Contractor Time

Road Signs

The Road Contractor was instructed to purchase and install various speed limit signs, reduced speed ahead and children at play signs. Supervisor Brian Budenski will help with placement of the signs.

265th St. Bridge- Guard Rails

265th St is a low-density road. The latest traffic count study shows 109 vehicles per day. The road qualifies as Rural Residential (Number of residential driveways is 5 within a quarter mile), so 35 mph signs can be installed. Requirements for installing guard rails on low-density, Rural Residential roads with a speed limit less than 40 mph is more relaxed. The Township will be installing 35 mph signs and reduced speed ahead signs on 265th St., near the bridge. Guard rails will not be installed at this time.

Spraying brush in ditch

A recommendation was received from the VRWJPO on chemicals that can be used on the swamp willows in the ditch on Highview and 240th St. The contractors were instructed to spray the ditch area.

Planning Commission, Land Use Permits and Related Items

A. Land Use Permits & Related Items

1. Dan Adelman- Ag Building

Dan and Char Adelman were present to represent their application to build a 54' x 124' Ag. building on 237xxx Hamburg Ave., Lakeville (Property ID# 13-00900-012-50). The building will be used to store farm implements & tractors. It will include a shop for working on the Adelmans' farm equipment. A septic system will be installed. The septic will be permitted by Dakota County. An Ag. Exemption form was submitted. The building will be located in the shoreland. Dan Adelman had submitted an application to Dakota County for a shoreland permit. At the time of this meeting, a shoreland permit had not yet been issued by the County. This item will be added to a Special Meeting that will be scheduled for next week. (The date to be determined later in the meeting)

2. Henry C TST Wall and Thilda TST Steen

Carol Schwieters, ReMax Realtor, was present representing the Henry Wall & Thilda Steen trusts. They are requesting to cluster the building right on the NE1/4 of the SE1/4 of Section 16, Township 113, Range 20 to the SE1/4 of the NE1/4 of Section 16, Township 113, Range 20. Carol had visited with Karen Sutton, of the Dakota County Property Taxation & Records Department. The property split as presented to the Planning Commission was acceptable documentation of the splits to the County.

A motion by: Supervisor Brian Budenski: To approve the building right cluster for the Henry Wall Trust PIN #13-01600-013-75. The motion was seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

Three lot split approval applications were presented:

1. Alan & Fayette Ames Split Request:

Alan & Fayette Ames requested to split 3.2 acres (Parcel B) from their property (Parcel A, PIN #13-01600-020-75) which contains 6.44 acres. (Strip of land on the west edge of the property that runs north and south to 250th St. This strip of land provided road frontage and driveway access to the property. Ames is purchasing the property that contains the current driveway access, so existing road frontage is not needed). In return, they are squaring their property and receiving the additional building right from the cluster outlined in previous paragraph.

A motion by Supervisor Carrie Jennings to approve the lot split. Motion seconded by Supervisor Dan Rogers. Supervisor Jeff Otto amended the motion to approve the lot split affecting property with PIN#13-01600-020-75. Supervisor Carrie Jennings and Supervisor Dan Rogers accepted the amendment. Vote was taken on the amendment. Motion carried by unanimous vote. Vote was taken on the main motion. Motion carried by unanimous vote.

2. Henry Wall Trust Split Request:

The Henry Wall Trust c/o Kathryn Johnson requested to split 2 parcels from PIN #13-01600-13-75, which consists of 73.37 acres. Parcel B will consist of 44.92 acres, and Parcel C will consist of 26.9 acres, as described in the survey prepared by Jacobson Engineers and Surveyors for ReMax Advantage Plus, Attn: Carol Schwieters.

A motion by Supervisor Brian Budenski: To approve the lot split of Henry Wall trust with the PIN#13-01600-13-75. Motion seconded by Supervisor Jeff Otto. Motion carried by unanimous vote.

3. Thilda Steen Trust Split Request:

The Thilda Steen Trust c/o Kathryn Johnson requested to split PIN #13-01600-13-76 containing 57.17 acres into Parcel D, consisting of 17.94 acres, and parcel E, consisting of 39.18 acres, as described in the survey prepared by Jacobson Engineers and Surveyors for ReMax Advantage Plus, Attn: Carol Schwieters.

A motion by Supervisor Brian Budenski: To approve the lot split application for Thilda Steen Trust, with PIN #13-01600-013-76. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Citizen Business

A. Weeds in Ditch along 225th St. -Calvin Pflaum

Calvin Pflaum had expressed concerns about the weeds in the ditch on 225th St. where Minnesota Energy was working last year. Supervisor Brian Budenski has a call in to Jeff Larson of MN Energy, but has not received a reply. The Township has the \$500 bond in place that will be used if a response is not received.

Other Business

A. Planning Commission Update

Planning Commission Chair Vince Mako updated the Town Board on Planning Commission business.

The Planning Commission closed recorder interviews. Carol Kelly was the only candidate interviewed. They are very satisfied with Carol. They recommended that she be hired as the recorder.

The Planning Commission compiled a list of projects it wants to complete this year. The list included: Completing the Comp Plan, Road Inspection (date set for October 21st), Ordinance updates, creating a document versioning system and creating a welcome packet for new Planning Commission members.

At 8:50 p.m., a short recess was called. At 8:58 p.m., Supervisor Jeff Otto called the meeting back to order.

Old Business

A. Miscellaneous Updates

1. Building Permit, Mechanical & Plumbing Permit Application Forms

Supervisor Nancy Sauber had corresponded with Building Inspector Scott Qualle on the application forms. Doubling of permit fees for commencing work prior to obtaining a permit was discussed. On building permits, the permit fee, which is based on valuation, is doubled. For fixed-rate permits (Mechanical & Plumbing), the entire fee is doubled. The Clerk will work with Supervisor Nancy Sauber to update the forms.

Cluster Forms

Supervisor Jeff Otto brought up questions he had on wording in the Building Right Cluster Application form. He will take the questions to the Township Attorney and bring it back to the Town Board at the October Town Board Meeting.

2. MinnCan Road Right of Way Permits/sign-off

Supervisor Brian Budenski has been in contact with the MinnCan Representative. There are a few items which need to be taken care of before the bond will be released.

3. Vermillion River Watershed Joint Powers Organization (VRWJPO)

Supervisor Jeff Otto was in contact with the VRWJPO after the last Board meeting. The JPO agreed to draft a Joint Powers Agreement. In this process, the County Counsel advised the JPO that it needed to establish a basis for the Joint Powers Agreement. The Township would need language in its Ordinance to provide the basis. The Township would need to adopt the original Water Ordinance or incorporate the language of the Ordinance into the Township Ordinances. (The Township did not agree to some of the language in the Ordinance and had chosen not to adopt it). Doing either of these actions defeats the purpose of not adopting the Ordinance. Supervisor Jeff Otto is waiting for feedback from the Township Attorney on what the Township can adopt to establish the basis without adopting the JPO Ordinance or incorporating it into the Township Ordinances.

4. DNR Permit to Clean & Maintain Culverts and Bridge Crossings

Supervisor Dan Rogers & Supervisor Jeff Otto had met with Janelle Miersh, DNR Hydologist. They located and inspected all of the culverts in the Township. All the culverts are in good shape.

Supervisor Carrie Jennings had questions on who has authority to clean culverts. She will contact various agencies for clarification on approvals needed.

5. City of Farmington Dialogue Invitation

Planning Commission Chair Vince Mako and Town Board Chair Jeff Otto had attended the meeting. They both felt that good dialogue took place at the meeting. Future meetings will be on an informal schedule. Most communities meet two to three times a year. If the Township feels that a meeting would be beneficial, it can call a meeting.

6. Dakota County Land Sale

Supervisor Carrie Jennings reported that the property on the land sale is not suitable for wetlands. Supervisor Carrie Jennings had indicated that it would be most suitable to the Township if the property owner were able to keep the property, without repurchasing it.

7. Country Stone Update

The trial is in recess. By mutual agreement between the attorneys and management from both sides, there will be no public comment or public discussion while the trial is ongoing. There are closed meetings being held at the Township level and possible discussion with Country Stone.

A motion by Supervisor Jeff Otto: To hold a Special Meeting on Wednesday, September 23, 2009, at 7:00 p.m. for the purpose of going into closed session to discuss the Country Stone litigation with Township Counsel. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

Georgie Molitor had dropped off the well-monitoring test results. The envelope was sealed; it had not been opened. The Town Board discussed what to do with the test results. Ron Quanbeck, TKDA Engineer, will be used for consultation if they move forward with analyzing the well data.

A motion by Supervisor Jeff Otto: That action will take place, based on the advice of Town Counsel. If the advice is to go ahead and pursue getting outside technical expertise to interpret the water information, whether it is the Town Chair as delegated by the Town Board or the Town Attorney. Motion seconded by Supervisor Dan Rogers. Motion carried by unanimous vote.

8. Sauber Mine

Supervisor Carrie Jennings performed soil tests on the Sauber property. Soil test results were presented to the Town Board. Carrie had contacted the Township Attorney and Supervisor Jeff Otto on what to do with the test results. They had suggested having an independent person review the results. Carrie had contacted the agronomist on staff at the Farmer's Mill and Elevator in Castle Rock. He had put together an estimate for the application of potassium and phosphate fertilizer. He had commented that it does not make sense to add organic matter to the soil. Spreading organic matter doesn't do anything for the long-term fertility of the soil. If the potassium and phosphorus levels are in balance, the seeds will be able to be established. Once established, the organic content will increase in time in the soils. The summary of the test results had been forwarded to the Saubers and to Kenny Miller. The original soils on the property were sandy loam.

The Saubers chose not to attend the Board meeting this evening. They wish to talk to their attorney and possibly talk to a soil consultant before making a decision.

Supervisor Carrie Jennings had received a letter from Kenny Miller's attorney, Gerald Duffy, on Friday evening. The letter addressed the soil sampling done. The mediation agreement was discussed. The Town Board was not officially part of the mediation agreement. It was between the Sauber Trust and Eureka Sand & Gravel. The Town Board was an overseer in the process. The Town Board was charged by the Township Attorney and TKDA for mediation attendance.

The last issue from the mediation sessions was the soil testing. The Town Board discussed what its role is in the entire process. The Township helped accommodate the soil testing to happen and will confirm what is appropriate according to the test results. Supervisor Carrie Jennings will write a summary of the test results and fertilizer application. The report will be reviewed by the Township Attorney. The report will be considered for action at the next Town Board meeting. The Attorney will also be asked for clarification on who is responsible for costs incurred by the Township in settling this dispute.

Kenny Miller, owner/ operator of Eureka Sand & Gravel, commented that he wants to get this done. If this is what it takes to satisfy the problem, then it will be done.

9. 265th St. Guardrails

Previously addressed

~~10. Noise and Nuisance enforcement report~~

11. Attorney Questions

None for review at this time.

12. Building Inspector Questions

Kelly Aggregate Sign- The Building Inspector could not find the letter he thought he had sent Kelly Aggregate on its sign. He will draft a new letter to be sent.

Wat Lao has submitted plans from their '08 project. The plans are not complete. The Building Inspector is still working with them on this permit.

Supervisor Jeff Otto has a question in to the Building Inspector on how permit fees are calculated- particularly the distinction under the Code between buildings and accessory buildings.

13. CapX2020

Supervisor Carrie Jennings read from a press release she had received. A major player that would purchase electricity from the coal plant that is part of the project has backed out.

14. Phillippe Bros.

The Town Board has ongoing concerns on activities taking place on the Phillippe property. Supervisor Jeff Otto will ask the Township Attorney to write a letter asking the Phillippes to attend the October Town Board Meeting.

New Business

A. Census- New Construction Program

The Town Board declined to participate in the Census New Construction Program. Chair Jeff Otto will send a response back to the Census Bureau.

B. Joint Powers Agreement - Dakota County

Dakota County is offering technical assistance in street naming and address assignments through a Joint Powers Agreement. The letter will be forwarded to the Planning Commission for consideration.

Clerk/Treasurer Presentation

The Clerk received an informational letter on the Green Acres Program. It was forwarded to the Town Board.

A motion by Supervisor Brian Budenski: To adjourn. Motion seconded by Supervisor Carrie Jennings.

Meeting was adjourned at 10:46 p.m.