

**SALEM TOWNSHIP  
TOWN BOARD MEETING  
www.salemtn.org  
August 6, 2018**

**Members Present:**           **Rick Lutzi  
Gail Fritts  
Brian Connelly  
Sharon Petersen  
Drew Moessner**

The meeting was called to order at 7:00 p.m. by Brian Connelly with the pledge of allegiance.

Brian Connelly asked if the board members had any changes to the printed agenda. A motion was made by Rick Lutzi and seconded by Drew Moessner to approve the agenda. The motion passed unanimously.

The board reviewed and signed claims for payment as presented. The claims and payroll are as follows:

The claims presented for payment tonight are as follows:

Claim No. 9938 to 9949 and 9955

Town Board Payroll from 9950 to 9954

The total of claims and payroll presented tonight for payment total \$16,283.44

A motion was made by Drew Moessner and seconded by Rick Lutzi to approve the claims for payment as presented. The motion passed unanimously.

The mail was reviewed by board members.

**Secretary's Report**

After review, a motion was made by Drew Moessner and seconded by Rick Lutzi to approve the written secretary's report for the July, 2018 town board meeting. The motion passed unanimously.

**Treasurer's Report**

Gail Fritts gave the Treasurer's Report as follows:

<b>Beginning Balance</b>	<b>\$ 48,343.35</b>
<b>Receipts</b>	<b>\$ 142,838.15</b>
<b>Total Disbursed</b>	<b>\$ 117,605.83</b>
<b>Ending Balance</b>	<b>\$ 73,575.67</b>

**We have the following Certificates of Deposit:**

58237-1	1.35%	4/8/2019	\$38,184.97
58851	1.25%	3/8/2019	\$42,066.79
70062	1.1%	10/8/2018	\$28,411.49
70271	1.25%	1/8/2019	\$ 8,077.67

**Total** **\$116,740.92**

The total funds available as of July 31, 2018 is \$190,304.45

After review, a motion was made by Rick Lutzi and seconded by Brian Connelly to approve the treasurer's report as given. The motion passed unanimously.

**Olmsted County Sheriff Deputy (not present)**

**Dodge County Wind not present, may be in attendance on September 5, 2018**

**TCPA**

**Donald M Nelson**

**Sec 23 and 26**

**Metes and Bounds Subdivision**

Roger Ihrke gave a report on this request. The applicant is requesting a five-acre non-farm split from his 120 acres that he owns. The subdivision of five acres is in Section 26. The staff has reviewed the request and it meets all four criteria for the subdivision. The easement will be 66 feet.

After reviewing the request, a motion was made by Drew Moessner and seconded by Rick Lutzi to approve this request as per the staff recommendations. The motion passed unanimously.

**Eric DeCook**

**Sec 16**

**Metes and Bounds Subdivision**

Roger Ihrke was asked for the report on this request. The applicant has three contiguous tax parcels that total 140 acres. He is seeking a metes and bounds subdivision for a two and one-half acre parcel in the northeast corner of the NE1/4 of the NW1/4 of Section 16. The staff has reviewed the request and it meets all four criteria for this subdivision. Eric has been working with Olmsted County regarding access to the proposed parcel. The proposed driveway will be off County Road 5. There are hydric soils on this parcel. The applicant will need to provide an approved access permit and approved grading plan to install a driveway of the length proposed.

Questions were asked about his proposed driveway and whether the access would run along the property line. Eric replied that the driveway would run approximately 500 feet from the property lines of the proposed driveway.

After review by the town board a motion was made by Brian Connelly and seconded by Rick Lutzi to approve the metes and bounds subdivision as per the staff recommendations. Voting in Favor: Brian Connelly, Rick Lutzi Abstaining from voting: Drew Moessner. The motion passed.

**Mark Leitzen**

**Section 15**

**Zone Change Recommendation from Planning and Zoning from A-2 to AgRM**

Roger Ihrke gave the staff report on this request. The proposal is to re-zone approximately 39 acres. The requested access will be off County Road 25. The present area does have sand resource, but not enough sand for an EAW for this request. A public hearing was held by the Planning and Zoning Commission and a recommendation to approve the zone change request as given to the Town Board. The permit for access will be determined during the Conditional Use process.

After review and discussion with the applicant, a motion was made by Drew Moessner and seconded by Brian Connelly to approve the zone change request. Voting in Favor: Brian Connelly, Drew Moessner Abstaining from Voting: Rick Lutzi The motion passed.

**Lisa Munis**

Lisa Munis requested to address the board regarding bond amounts for sand and gravel pits. She proposed the bond amount of \$10,000 per open acre going forward. She also indicated that an escalation clause for these bonds is important.

**Daniel DeCook Sand Pit Bond**

**Conditional Use Permit**

Roger Ihrke was asked about his reasoning for setting the bond with an escalation clause. He changed the condition to provide for discussion on sand pit bonds. As it stands now, all the pits are different regarding bonds. Some are flat fees, some have a flat fee on acres that are disturbed only, and the later ones have an escalation clause to adjust for the actual open acres.

Roger wanted to have the board discuss this so that the bond number going forward is something that makes sense to the board. The board could decide that \$5,000 per acre is an adequate amount or it could increase it to \$10,000 per acre. He did inform the board that the \$10,000 amount would really push the applicants to reclaim their property quickly. The bond is for any open acre that has been disturbed and not reclaimed. If the board approves a larger amount per acre, the bond could be very expensive. The board may

want some additional time to get more information about what other townships have done with sand pits. The board requested that Roger get some additional information about what has been done in the area. The board expressed the need for additional information to ensure that the Township is adequately protected with regard to pit reclamation.

There were additional questions about the definition of open acres. There has been some question on how the water areas on a sand pit should be handled and whether the water area is to be considered reclaimed. Is reclamation of the shore line a requirement for a pit to claim reclamation of some of the open water area?

Sonya Mansfield was asked for her opinion on the bond issue. She expressed that \$5,000 per acre was what has been done in the past, but the P&Z board would like to get the input from the town board as to what is the right amount. She also stated that \$10,000 was maybe a high amount.

After discussion, a motion was made by Rick Lutzi and seconded by Brian Connelly to table this discussion about setting the bond amount for the Daniel DeCook sand pit until our September 5 meeting so that the board could gather additional information about how other pits are handled in our area and to determine what the current construction index is. The motion passed unanimously.

#### **Rochester Asphalt Inspection and Compliance**

Roger Ihrke will be preparing a report on the things that are still open. There are still areas that need to be completed. They continue to work on issues. Mr. Klaus, from MPCA will be doing an official inspection before the end of the year. They have still not obtained a building permit for the fuel tanks and they have been notified of that several times and it has not been done.

Roger Ihrke reported that there are slope issues on the north side that have not been taken care of. There are issues with the pond on the south side. The slope that goes down to the retention area is greater than the one specified in their stream straightening plan. They did say that they had a new plan, but the plan has not been submitted for approval. If they used a new plan, they have finished it to an unapproved plan. If you consider today a drop-dead date, you probably should continue tonight's meeting until I get you the report, so you can make an informed decision. A decision could be to continue it for another 30 days or decide they have not completed the required work and pull the permit. The decision on this belongs to the board. Roger will document whatever decision the board makes so they have the information they need going forward.

There was board discussion. The board has not received information regarding a new plan. The owner also has not done soil borings to give the board compaction information and how much debris is buried in this area. There is still evidence of trash along the banks.

**Diana Connelly asked how many times they have been asked to complete work to come into compliance.**

**At this time both Conditional Use Permits would be considered out of compliance. The board has worked hard to try to bring this into compliance.**

**Questions were asked about the revocation process. Depending on which CUP is addressed, we may have to hold a public hearing to start the revocation process. There were questions about whether we had a public hearing on these permits. Roger Ihrke will check his records to see if we have advertised a public hearing. After a public hearing has been held, the revocation can be done. You would record the revocation with the recorder's office and then a copy would be given to the Olmsted Sheriff and to the county attorney. Then Rochester Asphalt would have to file a cease and desist order. If they file for expedited case for relief, the MATS attorney would take over on the case.**

**Roger Ihrke recommended that everything should be run by our attorney, so that everything is done correctly.**

**Sonya notified the board that they should re-inspect them to see if they have completed the unfinished tasks before the September 5 meeting.**

**If the chairman calls a special meeting it requires a total of five-day notice. The board members can consult our attorney about procedures if we proceed to revocation. No decision was made at this time.**

#### **Judith Strain Property**

**Roger will be sending a notice to clean up the junk and debris on the property. After that, our attorney will send her a letter as a follow up to get the matter resolved. The clerk will send information on the property.**

#### **OLD BUSINESS TCPA Meeting**

**Brian Connelly will be attending the meeting on August 8, 2018.**

#### **Roads**

**Minnesota Energy needs to be contacted to make sure road construction signs are off the road if they are not being used.**

**Drew Moessner updated the board on a situation on 35<sup>th</sup> Street. The Sheriff has been called and a report will be filed. Drew will call and follow up on this.**

### **Willow Run Road Repairs**

The board discussed with the residents that were present the estimates for repair in the Willow Run Sub-division. The estimate from Pavement Resources and Fahrner were discussed. The funds available for repair were discussed. After discussion, it was decided to proceed with the repair and get it scheduled. You will be notified when we have it scheduled.

### **Signs**

No report

### **Bruce Bucknell Report**

Todd delivered the bill for the work on 40<sup>th</sup> Street and 110<sup>th</sup> Avenue. That bill will be scheduled for payment in December.

Brian Connelly will make arrangement to ride with Todd and look at some issues in the township in the next week or so.

Rick Lutzi will contact Olmsted County on the intersection of County Road 150 and 35<sup>th</sup> Street.

### **Town Hall Roof Repairs**

We have received a down payment on our town hall roof repairs. The check we have received is for \$3,861.99. The estimate for repairs for the damaged parts was \$9651.53. We could receive an additional \$4,789.54 when we get the two sides that were damaged repaired. Our estimate from Green Guard for the rest of the roof is \$5,719.00.

It was suggested that we get an additional estimate from Steve Gentry from Byron.

Drew Moessner will contact Nate Redalen about this claim before we cash the check.

### **Web Site for Township**

Sharon Petersen reported that the activity was down this month.

### **NEW BUSINESS**

#### **Elections**

Primary elections are August 14. Polling hours are 7:00 a.m. to 8:00 p.m.

Sharon Petersen reported that she has election judges lined up for the primary on August 14.

### **Northern Natural Gas Pipeline**

#### **Minnesota Energy**

There were no updates from Northern Natural Gas. Minnesota Energy has been working on the supply pipeline along 70<sup>th</sup> Ave.

**Access Committee Report**

No action was taken at this time.

**Olmsted County Township Assn. Meeting**

Brian Connelly reported on the meeting last week. MATS has selected a replacement executive director.

**Items brought up by board members**

Sharon Petersen stated that she will be ordering checks.

Drew Moessner would like to plan for the Fall right of way inspections and mark areas that are infringing on our right of ways. This should maybe be done in September or October. This is to be added to the agenda for September 5.

**Citizen Comment**

Kyle Finney stated that the residents want to do the roads first and leave the cul-de-sac last.

A motion was made by Rick Lutzi and seconded by Drew Moessner to adjourn the meeting at 9:08 p.m. The motion passed unanimously.

Respectfully submitted,

Brian Connelly  
Chairman

Sharon Petersen  
Clerk