

**SALEM TOWNSHIP
TOWN BOARD MEETING
www.salemmn.org
October 3, 2018**

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

Members Absent: **Brian Connelly**

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

Rick Lutzi asked if the board members had any changes to the printed agenda. A motion was made by Drew Moessner and seconded by Rick Lutzi 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. 9983 to 9996
Payroll Checks 9997 to 10001

The total of claims and payroll presented tonight for payment total \$16,911.08.

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 Rick Lutzi and seconded by Drew Moessner to approve the written secretary's report for the September 2018 town board meeting. The motion passed unanimously.

Treasurer's Report

Gail Fritts gave the Treasurer's Report as follows:

Beginning Balance	\$ 57,550.52
Receipts	\$ 5,267.41
Total Disbursed	\$ 10,215.24
Ending Balance	\$ 52,602.69

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 \$169,343.61

Gail Fritts has posted some interest to our Certificates of Deposit in October. They are as follows:

Correction to 70062
 Additional \$4.26 Interest was credited on 4/8/2018
 New Balance is \$28,415.75

58851
 6 Month Interest on 9/9/2018 **\$265.08**
 New Balance **\$42,331.87**

The renewal rate for First Security that was quoted was 1.35%. Rick Lutzi suggested contacting some additional banks to get current quotes as some may now be quoting better rates. Gail will check on this.

We will be receiving interest on CD 58237-1 on October 7. The roll over interest on 70062 will be \$156.71 which will have a new balance of \$28,572.46.

A motion was made by Rick Lutzi and seconded by Drew Moessner to approve the treasurer's report as given. The motion was passed unanimously.

Olmsted County Sheriff

Not present

OLD BUSINESS

TCPA Meeting

Rick Lutzi reported on the September meeting. The finances remain strong. There was discussion on building and room for additional office space. There was a committee formed to look at options to gain space and additional office space.

Rick Lutzi will be attending the next meeting as Drew will be out of town.

ROADS

The clerk's report was reviewed by board members. Olmsted County will not be selling salt the township this year. The board will be discussing options with Dave Walters. There will be follow up on this issue.

Lowell Avery on Terri Court has “Do Not Spray” signs on the intersection of Terri Court and 35th Street. We have had concerns from residents about the site lines at this intersection because of buckthorn blocking the view and there have been a couple close calls on that intersection. Drew Moessner will contact him and ask him to clean up the buckthorn at that intersection. If the township must do this work, he should be charged for the work.

WILLOW RUN REPAIRS

The work was completed as per their quote. There was calls from residents where the work did not get completed. The quote was for a specified material and when the material ran out the balance did not get done.

SIGNS

The board has discussed breaking the township into quadrants and replacing signs in each section. The board discussed where new signs would be placed. Currently, they are putting them on the stop sign. They will see how this works. This is not the county’s preferred location. If it presents issues in the future, it will be looked at again.

FALL ROAD INSPECTIONS

We have ditches to be cleaned and right of way infringement with crops. The town board will be contacting these landowners with a letter or personal contact. The trees along the bridge on 10th Street east of Co. Rd 3 need to be removed. Todd Bucknell will be contacted to remove these trees.

LANDOWNERS RESPONSIBILITY FOR RIGHT OF WAY

Rick Lutzi noted we are working on the Access Management Ordinance which will address some of these issues. That will be discussed at a later meeting.

2018 TOWNSHIP ROAD MILEAGE CERTIFICATION

Drew Moessner brought forward the mileage certification for 2018 for Salem Township. The board reviewed the paperwork and found no changes. A motion was made by Drew Moessner and seconded by Rick Lutzi to approve a total mileage of 37.41 miles for Salem Township for 2018. The motion passed unanimously. The clerk will return the paperwork.

BRUCE BUCKNELL

The complaint we received on 10th Street was discussed. Todd Bucknell has worked on this and will do more if the board requests. We are seeing an increase in ditch issues by mailboxes. Todd Bucknell stated that he has not done any grading on 70th Avenue. Rick has contacted Minnesota Energy about this road. He is waiting for a return call to determine if cleanup work on this road is part of the restoration on this project. He will keep the board informed once he receives an answer.

The clerk will report on the storm damage from the Labor Day storm plus the extra grading cost.

Drew Moessner will be contacting Derwin Hammond on his issues on 35th Street.

TOWN HALL ROOF REPAIRS

A motion was made by Rick Lutzi and seconded by Drew Moessner to deposit the insurance check from MATIT. The motion passed unanimously.

ROCHESTER ASPHALT

Rochester Asphalt requested permission to work on reclaiming berms on the north property line. Permission was given to operate on Sundays in October to reclaim the north berm.

The applicant was informed that we plan to continue the meeting on October 24, 2018 at 7:00 p.m. This motion will be made when we continue the meeting at closing today.

STRAIN PROPERTY

The board discussed the property. Someone will take some pictures and they will have to be contacted to follow up on this issue.

OPEN ACRES DEFINITION

Roger Ihrke has sent a definition of open acres. His definition is:

The total disturbed acres based on the most recent aerial photos provided by the Agricultural Soil and Water Conservation Service and includes the mining areas, stockpile areas and haul roads which have NOT been graded and reseeded according to the reclamation plan. Thirty percent (30%) of any open water within the mining area shall be considered as a part of the total disturbed area.

Rick Lutzi questioned the haul roads as part of the definition. He will seek additional information about this after the TCPA meeting he is attending next week.

The board will follow up later after discussion about this definition. The other issue to be forwarded to the Planning and Zoning was updating the Shoreland part of our ordinance to reflect changes made by the DNR.

WEB SITE FOR TOWNSHIP

Sharon Petersen reported on the web site information. She reported that she was unable to update the web site for a couple weeks. She has gotten in touch with Terry Behrens and he corrected the problem.

NEW BUSINESS GENERAL ELECTION

A motion was made by Rick Lutzi and seconded by Drew Moessner to provide food for the general election judges on November 6. The motion passed unanimously.

There was discussion about the cleaning of town hall prior to the general election. The clerk was given some options for contacting someone for this service. She asked about a budget for this and was told to get estimates.

NEW ERA WIND PROJECT

Rick Lutzi reported on the meeting in Kasson. He has books from them on this project. This project would be for transmission lines going through our township. Questions were asked about this project.

NORTHERN NATURAL GAS/MINNESOTA ENERGY PIPELINES

No new information has come forward on these projects.

ACCESS COMMITTEE REPORT

This item has been deferred to our November meeting to review the ordinance proposals.

OLMSTED COUNTY TOWNSHIP ASSOCIATION MEETING

Drew Moessner reported on this meeting. Lenny Laures and Nate Redalen were re-elected by unanimous ballot. They reduced the annual dues for next year by \$100.00. The dues next year will be \$400.00. There was discussion about the City of Rochester forming their own Planning and Zoning Department.

ITEMS BROUGHT UP BY BOARD MEMBERS

Gail Fritts notified the board that we need to go thru the safety deposit box. She asked if they wanted a board member present. She was told to go ahead with it with the clerk.

Sharon Petersen gave an explanation to the residents on the notice of non-compliance and the procedure going forward with Rochester Asphalt.

CITIZEN COMMENT

No comments were made.

A motion was made by Rick Lutzi and seconded by Drew Moessner to continue this meeting on October 24, 2018 at 7:00 p.m. The motion passed unanimously.

Respectfully submitted,

**Rick Lutzi
Vice Chairman**

**Sharon Petersen
Clerk**

APPROVED

**SALEM TOWNSHIP
CONTINUED TOWN BOARD MEETING
www.salemmn.org
October 24, 2018**

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

Brian Connelly called the re-convene the continued meeting from October 3 meeting to order with the pledge of allegiance. A motion was made by Drew Moessner and seconded by Rick Lutzi to approve the meeting agenda. The motion passed unanimously.

**Rochester Asphalt—Sand Pit CUP and Contractor Storage Yard Compliance Issues
Permit 10-01 & 14-01**

Roger Ihrke was asked for a summary on these conditional use permits. On the sand and gravel pit we had violations that were negotiated prior to going to court with a compliance agreement that was signed by both parties. There are some conditions in this agreement that have never been met. The two conditional use permits are somewhat tied together because the grading plan was required for the storage yard. This is a violation of the original agreement. The plan approved for the contractor storage yard was approved and recorded as part the of conditional use permit. This plan is a violation of the permit. They have sent some additional documents to call for a new plan but no application for an update on the conditional use permit has been submitted. Other violations are updated in my compliance letter. Violations about what can be parked in the shoreland setback area. They have non-mobile storage equipment parked in this area. At our inspection they had sandblasting going on in the open air which was not allowed in the contractor storage yard. The debris in the fill material had not been removed since we had the August inspection. The berm on the storage area had breaks in it and there was evidence of erosion and that erosion was not backed up by silt fencing. The applicant has been working on the site. They had requested some extended hours for working on the site.

Brian Connelly asked Rick Lutzi stated that on October 3 extended hours were granted for Sundays for the month of October.

A motion was made by Rick Lutzi and seconded by Drew Moessner to open the public hearing on the contractor storage yard at 7:07 p.m. The motion passed unanimously.

Sonya Mansfield stated that we have 29 active conditional use permits in the township. All are complying except for these two. If issues are raised with our permit holders by residents, they are resolved immediately. The conditions that they have agreed to have not been complied with. These violations have continued for four years. The non-compliance

issues with this applicant have resulted in more requirements being placed on new permits that are issued because of the problems with their permits.

Dave Rassel stated that members of the community have raised questions about sand pits. We have told them that we have set strict requirements for these operations. We have to follow the requirements set. We must hold permit holders accountable.

John Donovan commented that the site could look better. The piles are not seeded. There is excessive noise from the dredge this summer. They have not worked to resolve the noise issues.

Brian Connelly asked three times for any additional comments. No additional comments were made. A motion was made by Rick Lutzi and seconded by Drew Moessner to close the public hearing at 7:14 p.m. The motion passed unanimously.

Matt Johnson was asked for comments on these issues. Matt Johnson stated that they have tried to address the noise issues.

Matt Johnson acknowledged that Sonya's comments were correct. They need to meet all conditional use permit requirements.

Matt Johnson stated the updated grading plan was submitted, but they did not know they needed to apply for approval of this plan. It was submitted to Roger Ihrke. Matt Johnson stated that they have worked on the catch basin and we have cleaned that up. The berms on the top of the parking area have not been looked at. We have been working on the north berm. We have worked to get reclamation done.

Jeff Broberg commented that the grading was all re-graded in September.

Brian Connelly commented that there are still non-compliant areas after years of disputes. Matt Johnson has asked for another inspection. Items on the report have not been addressed. The new grading plan has not been approved. There was discussion about the new grading plan. The letter was sent notifying them that they had not applied for any amendment to their grading plan. A copy of Roger's letter was given to the applicant from Roger Ihrke that was sent on September 27.

There was discussion about the situation and how to proceed. The situation has continued for four years. Drew commented that we have a compliance agreement that has not been met. We need to decide. This needs to come to an end. This must be resolved with compliance or revocation.

Matt Johnson reiterated his request for a new inspection.

There is a pattern of working on issues but never getting into compliance. There was discussion about whether we make a motion for revocation, do another inspection, or table the discussion to our next meeting.

Matt Johnson and Jeff Broberg asked questions about what needs to be done to bring these sites into compliance.

Roger Ihrke went over the issues with the grading plan. The original plan was approved by the DNR. The stream straightening plan may have some minor issues that can be fixed. The DNR needs to be consulted again to make sure of compliance. Mark Welch from GGG stated that there were issues with the slopes and drainage issues was not correct. He had issues with the fill that was brought in and what the material was. He wanted boring done to determine if the fill that was brought in was appropriate and debris in the fill should be removed and properly disposed of. Compaction on the site was an issue. The stability of the slope was a question. The township must have the new plan approved by a third party. After that, if the plan is approved, the conditional use permit must be re-opened for public comment and changes can be made to any other conditions of these permits.

The paperwork to re-submit a plan would take about sixty days. If the plan is approved, it we would have to re-open the conditional use permit to remove the recorded plan and replace it which would require an additional public hearing.

It was also discussed that sandblasting is not allowed anywhere on the property. Seeding has not been completed in many areas on the property.

Rick Lutzi expressed that he would like to revoke both conditional use permits and if they get everything in compliance they can re-apply.

Roger Ihrke advised the board about process. If the board decides to revoke or not revoke a permit the applicant is entitled to the reasoning why you are coming to this decision. That reasoning must be in writing and be handed to the applicant at the time of your decision. You need to direct me and your attorney to prepare document for and against revoking these conditional use permits and make your decision at your November 7 meeting. The decision could be tabled until November 7.

There was discussion among the board members on whether a re-inspection should be done before November 7. Various dates were discussed as possibilities. The board was advised to continue tonight's meeting until the date of the inspection.

Roger Ihrke commented that the inspection should be done when they tell us they are completely done. They have a list from August that is not in compliance.

Jeff Broberg stated that some items not completed in August have been done when they did the re-grading in September.

Roger Ihrke stated that an appropriate time would be on our next meeting (November 7) at 3:30 p.m. The board decided that we continue the meeting until the inspection at 3:30 p.m. on November 7. After the inspection, the board will adjourn the October meeting. The regular meeting will be convened at 7:00 p.m. on November 7.

DeCook Excavating—Ross Building

Brian Connelly reviewed the agreement of understanding between the board and Chris DeCook that was passed by the Planning and Zoning Board in January 2013. Currently the board is looking at terminating this agreement. A resolution that Roger Ihrke was asked to draft was reviewed by board members and modified. A copy of this resolution will be mailed to Chris DeCook to provide the required ten-day notice. This item will be reviewed and passed at the November 7 meeting.

Drew will contact Bob Braaten to check for the status of his equipment being stored at this location.

OTHER ISSUES

There was additional discussion about the inspection and paperwork that needs to be on hand for our November 7 meeting.

Brian Connelly asked Roger to contact the DNR and Mark Welch at GGG to do a re-inspection to see if anything has changed with compliance on these issues.

The county has removed the second driveway from Rochester Asphalt. The county has about 42 driveways that are slated to be removed.

Roads—Brush Clearing and Grading

The board discussed the brush clearing that was completed by Dave Hildebrandt on 35th Street and Terri Court and the limb trimmed on 110th Avenue SW. The board will check to see if Todd Bucknell completed the tree removal from Tenth Street SW.

Brian Connelly noted that on 10th Street there are overhanging branches that need to be dealt with. He will contact Dave Hildebrandt to complete this work.

We have additional work on brush clearing that will need to be completed in the future. We will need one additional grading in mid to late November to have it completed before winter.

Sand and Salt for Winter

Rick Lutzi was notified that Olmsted County will not have salt to sell to Salem Township this year. Rochester Township will sell us salt. He has checked with Eric DeCook and he

will store the salt sand mix at his location. We will be purchasing the sand from Eric DeCook at \$4.00 per ton. No charges for storage will be made.

A motion was made by Brian Connelly and seconded by Drew Moessner to approve purchasing a twenty-five-ton load of salt to be purchased from Rochester Township at \$95.00 per ton plus delivery. It will be delivered to Eric DeCook. The motion passed unanimously.

ITEMS BROUGHT UP BY BOARD MEMBERS

Sharon Petersen brought up a request for payroll information being sent to a group called Minnesota@OpenTheBooks.com. This is a Florida company. We are not subject to Data Practices and do not have to comply with this request. After discussion a motion was made by Drew Moessner and seconded by Rick Lutzi to reject this request for this information. A motion was passed unanimously.

Gail Fritts stated that we need to stop letting Rochester Asphalt move the line in the sand. We need to stop this.

Brian Connelly stated that we have a vacancy on the Planning and Zoning Board. After discussion a motion was made by Drew Moessner and seconded by Brian Connelly to appoint David Rassel to fill in to replace Lisa Munis until April 2019. The motion passed unanimously.

Brian Connelly asked that Planning and Zoning address the lack of a proper tree buffer at Dillon's Auto Salvage when their CUP is up for review in November. They have been asked to fulfill this requirement several times.

CITIZEN COMMENT

There was discussion about Northern Natural Gas and where their current route might be. We have not received any updated maps recently.

A motion was made by Rick Lutzi and seconded by Drew Moessner to continue this meeting to November 7, 2018 at 3:30 p.m. at the Rochester Asphalt site at 2904 County Road 15 SW, Byron, MN for an on-site inspection. This motion was made at 9:45 P.M. The motion passed unanimously.

Respectfully submitted,

Brian Connelly
Chairman

Sharon Petersen
Clerk

**SALEM TOWNSHIP
CONTINUED TOWN BOARD MEETING
www.salemmn.org
November 7, 2018**

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

Staff Present: **Roger Ihrke**

Others Present: **Matt Johnson
Jeff Broberg**

Brian Connelly called the re-convened the continued meeting from October 3 to order at the Rochester Asphalt site for the scheduled re-inspection for the two conditional use permits at 3:30 p.m. The board members and staff walked the site and reviewed the work that had been completed since the August 2018 inspection.

After the inspection, the board members returned to Salem Town Hall to work on documents for revocation or continuation of these permits.

Our attorney and Roger Ihrke had prepared documents for Resolution for Revocation and a Resolution and Order Conditional Use Permit. The board discussed the work that has been completed and the options available to them for these sites. The board reviewed the letter we received from G-Cubed in reference to the amended grading plan that Rochester Asphalt has submitted for approval. The board reviewed the comments made by Mark Welch regarding the new plan. There are nine areas in the new plan that need to be revised before approval of the new plan.

Roger Ihrke stated that Rochester Asphalt had changed engineers for the updated plan but that G-Cubed had supplied WSB with the electronic file that had layers in the plan that can be turned on and off. Most of the issues at this time are paperwork issues that will be changed. The plan will be re-submitted after these nine items have been amended. After the changes have been made the plan will be re-submitted. The plan is trying to get the water to run from the parking lot along the house and go to the pond. The elevations are inconsistent with accomplishing this goal. Roger Ihrke stated that town board should request an “as built” plan for the whole project to show that this will provide the required drainage once the work is complete.

Rochester Asphalt will remove all the concrete around the fuel tanks. The fuel tanks have been sold and are in the process of being removed. Olmsted County has removed the second driveway. They have ordered recommended DNR seed mix that will be applied

before freezing up. The approval of the amended plan will probably be one to two weeks away.

At that time, they will need to re-apply for a new Conditional Use Permit to approve the amended plan. The P&Z board may at that time add additional conditions. There was discussion about what additional conditions may be added. It was discussed that the town board can provide additional conditions that they would like to see added if the recommendations come from the town board at a regular meeting.

The board discussed that Rochester Asphalt will be using the contractor storage yard for their paving equipment only. They also will occasionally be mining some sand for jobs they have.

The board decided to proceed with the two documents for 10-01 and 14-01 that Roger drew up because they have come a long way in the last 45 days. The fuel barrels will be going away. The board stated they need to remain vigilant to make sure they follow thru to come to compliance.

After discussion, the board decided to review and update the Resolution and Order Conditional Use Permit documents for both permits.

Resolution 2018-8

Resolution and Order Conditional Use Permit 10-01

The whereas part of the document was reviewed. The board found that the following issues on this permit are still outstanding.

Item 1 refers to Section 1 (c)(2) of the Zoning Compliance Agreement. This requires a new grading permit to be reviewed. Upon approval the applicant shall apply for an amended conditional use permit replacing Permit ZST 13-05 with the updated plan. The deadline for this will be 11/30/2018.

Item 2 refers to Section 1 (c)(4) of the Zoning Compliance Agreement. This section requires the berms and slopes to be finished and seeded. The seeding is not completely done and will not be viewed as complete. The deadline for this is 11/30/2018.

Item 3 refers to Section 1 (c)(6) of the Zoning Compliance Agreement. This item was checked because the permits and the required permits will need to be copies submitted to the Minnesota Pollution Control Agency related to the business and copies submitted to the Town. The deadline for this is 12/31/2018.

Item 5 refers to Section 1 (d)(7) of the Zoning Compliance Agreement. This provides the ongoing activities outlined in this section. The Owner shall remain in compliance with all conditions imposed in the CUP.

Item 9 refers to Condition 17 of the CUP. This provides for a revised erosion control plan signed by a licensed engineer to be submitted to show that run off is being directed to the

pond. Also, the seeding must be completed and growing. The deadline for this is 4/30/2019.

On the conclusion of this document the ending was edited to the following:

NOW THEREFORE, the Town Board hereby finds that Owner has significantly complied with the Zoning Compliance Agreement and related CUP except as follows:

1. Items checked (see aforementioned dates for completion deadlines)
2. Amend Conditional Use Permit 10-01 since the pit is now a part of the stormwater plan/grading plan for permit 14-01. Application for amended conditional use permit is due by 1/2/2019.

The final paragraph as proposed is:

Based on all the foregoing, the Town Board finds that Conditional Use Permit 10-01 is hereby in compliance except any issues listed above. The owner is responsible to provide proof that the non-compliant issues have been resolved in the time frame allowed. If unresolved, the township may revoke said CUP at their next regular meeting following the number of days allowed for compliance.

Resolution 2018-9

Resolution and Order Conditional Use Permit 14-01

The whereas part of the document was reviewed. The board found that the following issues on this permit are still outstanding.

Number 1 refers to Section 3 of the CUP. This section refers to the new grading plan, if approved, and resolves the issues outlined above with stormwater and slopes. The berms have been repaired and the channeling repaired. Surface trash and debris has been removed.

Number 2 refers to Section 5 of the CUP. This section refers to the sign that has been removed.

Number 3 refers to Section 14 of the CUP. This section states that all non-mobile equipment/items must be removed by 11/16/2018.

Number 4 refers to Section 16 of the CUP. This check deals with the portions completed until new grading plan approved.

Number 5 states that the fuel storage tanks must be removed by 12/1/2018 and the applicant has given assurance that no additional painting or sandblasting will happen on this property.

Number 6 states that the floor drains will be a continuing non-conforming use.

Based on all the foregoing, the Town Board finds that Conditional Use Permit 14-01 is hereby in compliance except any issues listed above. The owner is responsible to provide proof that the non-compliant issues have been resolved in the time frame allowed. If unresolved the township may revoke said CUP at their next regular meeting following the number of days allowed for compliance.

A copy of these resolutions is attached to the original minutes of this meeting.

The documents were edited and printed for our regular town board meeting.

A motion was made by Drew Moessner and seconded by Rick Lutzi to adjourn the continued town board meeting from October 3, 2018. The motion passed unanimously.

Respectfully submitted,

**Brian Connelly
Chairman**

**Sharon Petersen
Clerk**

APPROVED