

Vermillion Township
Regular Meeting Minutes
August 17, 2021

Attendance:

Supervisor Chairman Larry Ring
Supervisor Audrey Felty
Supervisor Bruce Lohmann
Clerk Cindy Ladzun
Treasurer Nick Rueger
Attorney Dan Fluegel
Building Inspector Mark Ceminsky

Chairman Ring opened the meeting at 7:30 PM and the Pledge of Allegiance was recited. The supervisors reviewed the July meeting minutes and Supervisor Felty motioned to accept them as written. Lohmann seconded the motion; all were in favor and the motion carried.

Bills were presented to the board. Treasurer Rueger highlighted several items: Napper (Ring to call) & more fuel surcharge by Kimmes for grading and hauling, which was not part of bid contract, so discussion is needed by the Supervisors. Felty clarified the Highland Sanitation bill for the couch pickup.

Motion by Felty to approve Kimmes fuel surcharge, seconded by Lohmann; all were in favor and the motion carried.

Lohmann motioned to accept the claims as presented. Felty seconded the motion; all were in favor and the motion carried. Treasurer Rueger presented a verbal summary of the Treasurer's report, highlighting some of the larger claims.

Felty motioned to accept the treasurer's report as presented. Lohmann seconded the motion; all were in favor and the motion carried. Treasurer Rueger also reported that he'd been able to load the claims and invoices from the first 6 months of 2021 into CTAS as part of the upgrade of the township accounting system.

Ring mentioned that dust control prices will increase due to the dust exacerbated by the drought and wind.

Dakota County Sheriffs stopped by to give an update on motor vehicle thefts (which were reduced), and to report a few open shed burglaries. The residents have been closing shed and garage doors, which has helped in theft reduction. There have been more accidents with injuries due to speeding, but that's not limited to Vermillion Township. There was also continued discussion about the under-age drivers in Empire. A township resident indicated that the officers have been doing a good job at providing a police presence.

Permits:

- Lucy Simones – two permits; 19489 Fischer Ave. & 20470 Fischer Ave. Ceminsky indicated that final board approval is needed; state electrical permits have been pulled; roof of shed & roof of house. Necessary walkways are present (in case of fire); engineering reports indicate roof can support the additional load. Permit cost is done as per valuation and township fee schedule. Lohmann motioned to authorize the two permits. Felty seconded the motion, all were in favor and the motion carried. Simones will call Ceminsky when ready for inspections.
- Stewart/Highland Sanitation & Recycling – shop & shed at 20700 Donnelly Ave. The owners indicated that the current shed is not tall enough to park vehicles (trucks), which is needed so they start better in the wintertime. Tires would be changed at the location, but no repairs for anyone else would occur at the premises. Fluegel noted that the property is probably classified as a pre-existing non-conforming use (grandfathered) and that expanded activity is not allowed under current zoning ordinances. Fluegel went on to say that this is a unique situation where it is not an expansion of the footprint, but a business growing at a normal pace of (taller trucks). Fluegel recommend that the board inquire the historical activity of the property; was it operating before 1982? Yes, 1967. The current owners bought it in the 1990's. Board needs to classify the change (storage area for additional trucks); if it's considered an expansion, then a permit could not be approved under current ordinances. The board decided that this is an extension (not an expansion). Ring indicated that activities like oil changes would not be intended. Felty motion to approve the building permit; Ceminsky suggests that approval that can move ahead, and after plan review complete, then the permit can be issued; Ring clarified the amendment to the motion (contingent upon Inspector plan review approval and payment) and Lohmann seconded. All in favor, motion carried.
- Gossman – voice mail was left, but Ceminsky never heard from them and they are not in attendance at this meeting.
- Ginther – request to add a 16'x26' Tuff Shed in back yard; 8498 190th St. E. Ceminsky indicates property shows as commercial, but there is also a residence on it. Ceminsky has called several numbers, but was unable to reach anyone. No maps or drawings have been submitted. Not sure if the shed is for business or personal use. Fluegel indicated that if this is Apple Irrigation, it is one of the very few commercially zoned properties in the township. The recommendation is that the board find out the intended use of the shed. Fluegel cited ordinance (507) about moving in a fully constructed building; at a minimum, applicant needs to show photographs of the structure and property as well as adjacent property. This would not be a CUP; Fluegel recommends that Ceminsky send a copy of 507C to Ginther.
- Rachel & Tom Doffing – permit conflict concerning a pool at 3956 200th St. E. This was discussed with the board during the June meeting and involves an above ground pool. The board gave permission for the project contingent that the Doffings work with the building inspector to get a permit, but now a pool is installed as well as a deck and no permit was ever issued. None of the Board members remember anything about a deck. Ceminsky indicates that there is a penalty under current ordinances and that the Doffings did not follow ordinance nor state building code. Fluegel agrees with Ceminsky that penalty should be applied and a permit is still necessary. The pool is a large structure with equipment (pumps). A question was raised about attorney fees.

Old Business:

- 1937 Coates Blvd (Ohern property) no cleanup attempted and noise from flapping metal is still a problem. This has gone on for a period of years. Ring is wondering what more can be done by the board. Fluegel has previously talked about the outdoor storage approach, but documentation is needed. Fluegel cited a July 2020 a letter; he's on the edge of doing a commercial operation, but it's hard to prove. Need permission to enter the property to inspect and need to document and photograph; multiple supervisors should attend. Fluegel indicated that an administrative search warrant could possibly be served, but recommends pursuing consensual access first; the hazardous building statute gives a lot of power if conditions are met. Felty saw the property during a garage sale years ago and noticed a structure with derelict items and mice. Lohmann explored a statute concerning unregistered vehicles and wondered if this would this apply to semi-trailers? Ceminsky wondered if this would fall under a health & safety statute; possibly serve notice that no other person is allowed on the property. The ag buildings are no longer ag (more for storage). Fluegel suggested getting together with Ceminsky and coming up with a plan. Ring took the action to call Ohern.
- CTAS – Rueger talked with trainer David Frame and reviewed what had been done and offered a work session with both Rueger and Ladzun.
- MN State Audit - Judy Sloan gave status; the audit still needs information about Joint Powers Agreement (JPA). The audit is in review cycle.
- ARP fund application - Ladzun reported that we have applied for ARP funds; Felty inquired if the gopher funds money could go back in the general fund. Rueger indicated that the ARP funds (when it arrives) will go into the gopher fund.
- Northfield Wifi ... under contract until Sept 2021. It will be free to terminate in October, but is it needed for training sessions at the old town hall? If discontinued, would there be a startup fee if the township wants to re-establish the wifi?
- Leah Koch from Campbell Knutson - update regarding township legal representation; question from resident Darold Siebenaler about the hourly rate (\$165). It was noted that \$150 is currently charged by Fluegel. A motion was made by Lohmann to retain Campbell Knutson (specifically Leah Koch) for legal representation and second by Felty; all in favor and motion carried. Koch and Fluegel will come up with a transition plan and a firm date. Ring indicated that it's important to carry over the restitution of Maryann Stoffel and prosecution of Ralph Stoffel as well as updating the ordinance book. Solar panel and sludge are new additions to the ordinance documentation and Ring would like a critique of these items. Fluegel will pass a list of projects to Koch.
- Road and bridge contract; no phone calls were returned from Minnesota Sodding Company. Luhman's Construction of Red Wing and Otte Excavating declined a bid submission; only Kimmes responded with a bid. The bid indicated that a fuel surcharge will apply until prices decline, but the board would like the bid to simplify by using the present fuel charge instead of implementing a surcharge. Also, the board would prefer an itemized list. Fluegel agrees that Kimmes should provide a formula; steel cost (for grader blades) is not defined. Felty said the surcharge makes it look like he can charge whatever he likes, but also noted that the surcharges do not seem unreasonable. Felty wondered if they could approve the contract without the surcharge and then the surcharge would be contingent upon more study and approval. Rueger asked if Kimmes buys fuel from a co-op, and does he get a patronage dividend. Ring motioned to approve Jerry Kimmes contract contingent upon Kimmes

submitting formulas for the steel and fuel calculations. Lohmann seconded the motion, all were in favor, motion carried. Resident Diane Volkert-Ring wondered why others did not bid and if the township actually talked to the other contractors about the no-bid. Lohmann indicated that there are not many contractors in this area. Otte's are in the Randolph area, Luhman's is in Redwing.

New Business

- Board of Appeal and Equalization – This is a meeting that township residents can attend in the spring if they have a complaint about property taxes, however, the township does not have power to make property tax changes. Ring indicated that no resident attended last spring or the spring before and suggests authorizing transfer of power to Dakota County. Felty motioned to move the Board of Appeal and Equalization meeting to Dakota County. Lohmann second; all in favor and motion carried.
- Complaints about 4456 200th St. E – neighbors complained of fires and animals. Ring drove by and saw four or five vehicles and miscellaneous items (junk). The complaint indicates that there have been fires, chickens wandering outside the property and excessive dog barking. Lohmann indicated that a recreational fire (3ft x 3ft) burning clean lumber or brush is ok. Ring directed the Clerk to forward the email the resident sent to the township to Fluegel. Fluegel indicated that pictures (taken by the supervisors) would be good and recommended that the board invite the owner to attend the September meeting. Felty would like clarification about the fires.
- 19360 Hogan Ave. & 19421 Northfield Blvd. – a question was emailed from a person involved in platting properties. Ring wondered if Ceminsky can inspect prior to dividing or adding buildings. Fluegel will provide an answer to the email that was sent.
- Resident Jim Sathra indicated that it is hard to hear the board and requests an audio (speaker) system be used during the township meetings.
- Resident Darold Siebenaler is wondering if the township can ask for more money from Dakota County. Ring indicated that there may be funding available for ordinance update and publication, but the township needs to ask for it. Over the years the township has requested extra funds for specific projects. Sathra asked what plans are in place for any extra money that arrives (such as restitution funds). Ring indicated that it depends on philosophy ... save or spend? A suggestion was made to put it toward roads & bridges. Sathra agrees that it's not for saving.
- Felty gave an overview of the of the sentencing of Maryann Stoffel; Ring mentioned communication about what is going on and wondering if something should be formally entered into the meeting minutes. Fluegel is reluctant to print more. Ring wondered about sending a letter to the township residents, but Fluegel wasn't sure of the value in that.
- Resident Walley Stoffel wondered about the signs on 180th indicating no parking and a fire lane. There is no fire lane. Ring will direct removal of the signs.

Adjourn:

Lohmann moved to adjourn, and Felty seconded the motion. All in favor and motion carried. Meeting adjourned at 9:48 pm.

Cindy Ladzun
Vermillion Township Clerk

