

AMENDED

Vermillion Township Regular Meeting Minutes July 20, 2021

Attendance:

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

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

Bills were presented to the board. Treasurer Rueger noted a new fuel surcharge by Kimmes for grading and hauling (\$0.62 per gallon). Ring will call Kimmes to clarify the surcharge. Rueger commented about the monitoring of the Napper sewer project and a discussion he had with Halling Engineering in which it was indicated that Darrel Gilmer submitted a bill to him, and that he (Halling) was passing it on to the township. Halling also indicated that a company had been hired to monitor the project and that the township will be notified if Mr. Napper terminates Halling's employment.

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

Ring discussed recent crushed-rock (gravel) test & analysis and indicated that gravel laid down meets classified specifications. Ring noted that on Fischer Ave., the Pine Bend gravel binder tested at about 8% and compared it to the gravel used by Dakota County (which typically tests at about 10%). Ring requested that Pine Bend increase the gravel binder. Ring also explained an ongoing experiment on Emery Ave; Emery south half is Pine Bend gravel and Emery north half is Solberg gravel. Both north and south Emery Ave will be monitored for the next 3 years to gauge which needs additional gravel the soonest.

Felty motioned to accept the treasurer's report as presented. Ring seconded the motion; all were favor and the motion carried. Treasurer Ruger also reported that he was 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.

Permits:

- Nick Jablonske, staff member of Greg J. Homes of Hastings, presented information about the Keith and Alysanne Brochman new home construction at 20970 Goodwin Ave. Jablonske presented prints and indicated that the septic system is still in the design phase. This is the first contact with the board and he will be work with the township inspector on this project.

General Discussion:

- Dakota County Deputy Sheriff, Nicole Young attended the meeting and gave an overview of the Sheriff's office activities in the township and reminded those in the audience to close garage doors. Crashes are up and some medical and fire is up, but thefts are down.
- Joint Powers Agreement (JPA) between Dakota County Sheriff and the township
- Hastings Rural Fire Association meeting is coming up, and the Hastings City Administrator changed position on this year's cost increase (3% instead of 5.6%) and indicated a preference to start negotiations sooner.
- Former clerk, Maryann Stoffel will be sentenced on July 27, in person in Minneapolis, 9:00 am. A question was put to the audience asking if anyone wanted to attend and speak. Ring, Felty, Judy Sloan and James Sathra indicated an interest in attending.

Old Business:

- Jason Hill, from the law firm of Kennedy & Graven, attended the meeting to address the board as a candidate to replace Dan Fluegel as township attorney. The law firm doesn't use financial retainers, instead they provide legal assistance on an as-needed basis. Felty is worried with all the other clients the firm currently has, their work load may be too big to adequately support Vermillion Township. Hill agrees they are very busy, but indicated they should be able to respond within a day. Hill has 3 years of experience with townships and he does that solely. Clerk Ladzun indicated that the ordinance book needs updating and indicated getting a grasp on that. Ring does not think that legal representation is required at every meeting but would like email communication by at least the next day if needed. The clerk will need support from the new attorney. Hill indicated that solar has been a popular issue, and it was noted that Vermillion Township has already put a solar ordinance in place in 2016. Hill asked about conditional use permits (CUPs), but it was noted that the township has more public hearings than CUP activity. It was also noted that the firm has enough attorneys to do a round table discussion for more difficult issues.
- Felty gave Attorney Fluegel a brief summary of candidate Leah Koch's presentation at the June regular meeting. Fluegel indicated that Elliott Knetsch (also a member of Campbell-Knutson) mentioned that Koch may no longer be able to represent the township due to workload with a recent new client.
- Ring continues to receive calls about Ohern's Coates Blvd property, specifically another one about the noise of flapping metal on windy days. A tree has also blown over the property line. During one of the calls, the caller indicated that advertising was posted on social media soliciting for people to raise chickens on the property. Neither Ring nor Fluegel could find the postings. Fluegel was directed by Ring to draft a letter urging compliance with the requests for cleanup made at the June meeting. Felty stressed that it needs to be clear that this a serious matter. Fluegel will proceed with the warning letter.
- Signage on 13 uncontrolled intersections in the township - Ring has a map prepared and contacted Kristie Sabastian who handles the traffic for Dakota County. Sabastian recommended consultants to do the work and Ring has an estimate (max cost is \$5000). Ring priced cost of

signs, consultant and installation by Kimmes (total \$8325). The township is not forced to use a consultant, however, Ring thinks using a consultant would shield the township from fault. Felty feels even though the consultant is expensive, they would have more experience about what sign goes where. Lohmann asked if we need a sign warning about a pending stop sign and indicated that common sense should be factored in and suggested installing a sign before the intersection warning that an intersection is coming up. He indicated that 4-way stops would aggravate the drivers and suggested focusing on the worst intersections first. Ring indicated that 170th & Hogan needed a sign replacement. Attorney Fluegel looks at it from a liability standpoint and thinks having a consultant set it up will shield the township. Felty favors hiring a consultant. Ring motioned to enter into agreement with John Maczko of SRF Consulting Group for a contract in the price range of \$3000 to \$5000. Felty seconded the motion and all were in favor; motion carried.

New Business

- Mike Slavic, Dakota County Commissioner; last visited in February and inquired about any township issues anyone would like to bring up. Topics that were covered:
 - American Rescue Plan Act (ARPA) – Roughly \$126,000 for Vermillion Township
 - Unspent CARES Act funds from the township – some of this money was given to schools.
 - County use of CARES Act funds (\$53 million total); \$30 million in business support and broad band infrastructure and because of that funding, the county will do a 0% tax levy for 2022
 - Dakota County bought a mobile unit for vaccinations and this county has given more mobile vaccinations than any other in the state.
 - Lost revenue discussion
 - Planned broadband improvements
 - Possibly making County Road 46 four-lane between Highways 52 & Highway 3.
 - Goodwin Ave & County Road 47 intersection construction scheduled for 2022.
 - Hiring new deputies and retention issues due to the perception that they are not respected. Resident James Sathra asked for clarification concerning any defunding due to protests and Slavic indicated there is none. Dakota County has sharing agreements with other counties in case more deputies are needed due to civil unrest.
 - Empire Township is creating a position for a location-specific deputy; they may eventually become a city.
 - Resident Sathra commented about the terrible condition of Highway 52 and Slavic indicated that resurfacing is planned for next year.
 - Ring indicated that the township will need help from the county with dust control and restoration as the County Road 62 & 190th resurfacing project progresses and after completion.
 - Kenny Kasel inquired about the graffiti on a building near County Road 66 & Highway 52 and whether there is an ordinance that forces that to be cleaned. It was noted that the building is on private property.

- The owners of K9 to 5 & Beyond attended to address an anonymous report of 24-hr a day dog barking. The owners explained that dogs are not allowed to bark 24 hours a day and seldom bark at all. A neighbor that lives close by verified that they do not hear barking dogs and

several additional people, including a frequent customer came in support of the kennel. One person indicating that it's the best kennel in the area and the dogs are well cared for. Ring visited the kennel and found all dogs were in rooms. The conditional use permit prohibits barking dogs and this kennel has not been a problem.

- Minnesota Association of Townships (MAT) and the Federal American Rescue Plan – most of this discussion was covered during Mike Slavic's presentation, but Ring clarified that the treasurer and clerk will apply for funds and would like it held in a separate township bank account.
- Ring reiterated that dust control will be needed during and after the resurfacing project of County Road 62 and 190th and would like Dakota County to cover this as part of the project.
- Gravel pit discussion about 3 pits located in the township; Fischer, Siebenaler Angell and Werner pit. Sathra indicated that the Werner pit is not a legal pit. Werner does not have a permit and there is no evidence that it is an active pit. The belief is that there is no blasting or extracting at this time. Sathra feels it has been overmined (encroaching on Kummer's property). Only if there are concerns of recent activity would any legal action be needed. All indications are that this is not an active pit and unlawful for them to extract any new material from it. The township has a significant ordinance and this pit does not meet any of the criteria. Response to Dakota County would be that we would need more info, but it is not an active pit. Lohmann indicated that the Siebenaler Angell pit is being used for gun safety training.
- Road and Bridge maintenance contract review; Ring would like to add to the road and bridge contract that a representative from the contracting company attend monthly meetings to address any issues. Fluegel clarified that this is soliciting quotes (this is not a sealed-bid process). Lohmann made a motion to send bid packets to the following contractors; Kimmes Enterprises, Otte Excavating, Minnesota Sodding Company and Luhmans Construction of Red Wing. Felty seconded; all in favor, motioned carried.
- WiFi for the old town hall: Since moving the meetings to the Pace Hall, the WiFi is no longer being used. Ring asked if it can be disconnected; the clerk will discuss with Nick if there are any contractual obligations to consider before terminating the service.
- Felty is still without a township laptop and has been researching laptops; she is looking for recommendations. Nick Jablonske (also involved in the Brochman building project) is associated with Southeast Minnesota WiFi (an internet service provider) and gave advice on laptops and township email configuration.

Adjourn:

Lohmann moved to adjourn, and Ring seconded the motion. All in favor and motion carried. Meeting adjourned at 10:00 pm.

Cindy Ladzun
Vermillion Township Clerk

