

Vermillion Township
Regular Meeting Minutes
October 21, 2021

Attendance:

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

Additional Attendees:

Loren Kahl	Paul Hofstad – Precision Landscape
Bishop and Jennifer Svendahl	John Maczko – SRF Consulting
James Sathra	Valerie Nepple – Dakota County
Ken Kasel	Patrick Bockowski
Debra Donahoe	

Chairman Ring opened the meeting at 7:30 PM and the Pledge of Allegiance was recited. The supervisors reviewed the September meeting minutes and 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. Lohmann motioned to accept the claims as presented. Felty seconded the motion; all were in favor and the motion carried. Ruger presented a verbal summary of the Treasurer's report, highlighting some of the larger claims. Lohmann motioned to accept the treasurer's report as presented. Felty seconded the motion; all were favor and the motion carried.

Public Hearing – Open

Variance requested for a proposed retaining wall at 20900 Dubarry Trail – Farmington
Paul Hofstad of Precision Landscaping and Patrick B. (Anne's boyfriend) attended the meeting on behalf of Caroline and Anne Taylor.

- Per the township ordinance, there is an 80 feet setback limit for a building or a structure
- Ceminsky explained to a township resident that the retaining wall is not within the 33 feet right-of-way, however it is within the setback limits of 80 feet for a building or structure.
- Ring commented that a new building that was within the 80 feet right-of-way was approved to be built on this property because it was built on an existing foundation. The retaining would be a new structure that would need a variance approval in order to be constructed.

Lohmann motioned to close the Public Hearing. Felty seconded the motion; all were favor and the motion carried.

Public Hearing - Closed

Discussion is now open for the Town Board:

Felty commented on the uniqueness of this property. Koch explained that the practical difficulties standards in state laws, show that if the property, has anything to do about it - which would be alleviated by the variance, and it's not the fault of the owner, that a practical difficulty would exist. In this case there is this change in elevation. Felty also mentioned any utility repairs that may be needed would be the responsibility of the property owners. Koch explained the difference between the setback (80 feet) and the right-of-way (33 feet) and liabilities and/or utilities, if any, would be in the 33 feet township right-of-way. Felty also questioned the similarities of a previous resident wanting a shed placed within the 80 feet setback limit and the township denied the permit. Koch explained the practical difficulties (change in elevation) protects the township, if we were challenged. The resident that requested a shed be built in one area rather than in another area is not considered a practical difficulty. Lohmann agrees to grant the variance request if we are covered by state law regarding property owners that are questioning why you did it for one resident and not another. Ring mentioned that the road slices down the street and the washout would be alleviated by the retaining wall.

Lohmann motioned to approve the retaining wall at 20900 Dubarry Trail. Felty seconded the motion; all were favor and the motion carried.

Lohmann motioned to approve the findings of fact as discussed with our counsel and the variance to grant the construction of a retaining wall at 20900 Dubarry Trail. Felty seconded the motion; all were favor and the motion carried.

Dakota County Sheriff's Deputy Weber (and a rider) visit – Weber warned of a lot of accidents in the area that are related to speeding and stop signs. A resident expressed concerns that the red golf cart is still running around Empire. Felty expressed concerns regarding increased sightings of Gators along County Road 47. Another resident mentioned people going up and down the block she lives on constantly on these side by sides. Ladzun questioned if side by sides can be registered for road use. Weber explained that lots of regulations surround the registration of side by sides, but generally yes, they can be on the right of way, but not necessarily the road way. Lohmann also mentioned an increased sightings of right-hand turn lanes being used as passing lanes when someone is trying to make a left-hand turn. Weber did make note again that residents can call 911 for a non-emergency.

Permits:

- Trandahl – Was not present at the meeting, but would like to see if a shed would be able to be permitted on this property. Trandahl will need to reach out to Mark Ceminsky.
- Svendahl – Pre-built shed permit for 21502 Lewiston Blvd. Manufacture information will need to be provided to Ceminsky along with the as-builts for the secondary septic site.

Lohmann made a motion to approve a permit for the pre-built shed contingent upon the building official reviewal of the manufacture details, if it falls within the setback limits and is not within the secondary septic site. Felty seconded the motion; all were favor and the motion carried.

On a side note, Koch explained that Ceminsky is the building authority on issuing of permits. The township can approve permits, however, if the resident meets all the perimeters the township cannot deny it.

Old Business:

- 19731 Coates Blvd – Koch explained the legal process and costs that would be incurred to move forward on requesting the owner to clean up his property. This process would take about a year, from start to conclusion, and would be around \$6,000.00 if the property owner did not contest it. These costs can be added as a special assessment onto the property and would be spread out for a long period of time. With a green light from the township; Koch and Ceminsky can get an inspection together that could be signed off on to say why it's dangerous or hazardous. After the inspection, the town board would then review the findings and vote on whether or not they agree that it is dangerous and/or a hazardous condition. If they choose to proceed, then the order from the town board would be brought to the court and filed. The courts would decide if the township judgement is correct and whether or not the building(s) would need to be taken down. Other options would be consent, the owner lets the township do this or the owner does it himself. There is always a chance that we start this process and the owner sees that we mean business and he may choose to fix the problem on his own. Felty wants us to fix this sooner than later and was wondering if the board members can go with Koch and Ceminsky to the inspection. Koch suggested that on the day of the inspection, it would be discussed if board members should go along. The town board agreed tonight to let Koch and Ceminsky move forward with this process.
- ARRP - Nick mentioned that he has checks ready for signature tonight to transfer money from one account to another for accounting tracking purposes.
- Township Signage - John Maczko of SRF Consulting provided a presentation regarding his findings on the thirteen intersections we requested him to look at and how he came to his results. He explained that in the United States there is a Manual of Uniform Traffic Control Devices so that all signage means the same thing in different parts of the country. All agencies that have roadways have to meet these standards for the safety of all. There is also a Minnesota Traffic Sign Installation and Maintenance Handbook for basically any agency who has a public roadway in the state of Minnesota. He detailed that it is a state rule that a sign policy be adopted by the town board so that the township can have a process to check the signs to make sure they are always meeting the standards and policies put in place by the town board. As far as the thirteen specific intersections; he pulled the crash history reports from 2011 through the end of 2020 and found that five crashes had been reported. He did not think that the number of crashes was out of the ordinary for that span of time, however, he did mention his field investigation with the signage that is currently in place showed a lot of inconsistency. Many of the signs he saw were outside of their life span and sign placement in these intersections was all over the place. Consistency in safety is the most important! He left the board members with a detailed packet of his findings and recommendations for signage. He also gave the contact numbers for three signage contractors that he recommends. Ladzun to reach out to the three signage contractors for quotes.

New Business

- Valerie Nepple/Dakota County - Environmental Resource Department
Nepple is working on what they call the Agricultural Chemical Reduction Effort – ACRE
This is a ten-year plan for ground water protection which focuses on several different goals, but one specifically was on water quality and conservation along with government and education outreach. Multiple different water quality issues are present in the area, but the one they are focusing the most on is the nitrates in the ground water. They are looking a few areas of this with

the first one being extensive engagement or questions through surveys. The second part is the hiring of an engineering firm to do nitrate modeling and the third is the installation of 15 monitoring wells throughout rural Dakota County. The county would pay for all the costs of the installation and the monitoring of the wells three times a year for the nitrate levels in the water. The proposed well site within the township would be at 180th/Fischer Avenue. Midwestern Drilling would be doing the drilling at approximately 50-100 feet. The initial access agreement states that it cannot be terminated before 2026 and the well would stay in place until 2041. Koch would prefer to have a 60-day cancellation notice be in the agreement. It was also noted that we would have to look into the responsibility that the township would have versus the county. Final negotiations would take place at a later point in time. Right now, Nepple is just looking for a “yes or no” from the township. Lohmann would be good with it as long as the location would be able to be changed. Felty opposes the well. Ring will not support if there is not a unanimous decision.

- Highway 52 Resurfacing - Felty gave a brief interpretation of the project which will be 14 miles and completed in three phases starting in 2023 and would be completed by 2025. She was concerned with the farmers that may be affected the crossing of Highway 52 along with the home owners having access to and from their homes. It was noted that Mikala from MnDot will be attending the November meeting.
- Rosemount Proposed Comprehensive Plan – Rich Valley Golf Course will be sold and this land will be developed. Ladzun to respond that the township has no comments at this time.
- Dakota County Transportation – The mileage for the township roads will stay the same at 39 miles. Ladzun to respond that the mileage remains the same.
- Mark Ceminsky explained that the State of Minnesota sometimes has reserve projects for inspecting. If something comes up, and the normal inspector is busy, Ceminsky would be allowed by the township to help the State with the inspections on these reserve projects. Ladzun to sign and send the form back to the State allowing this change to take place. Also, Ceminsky has finally gotten approval to take the commercial side of his license test. The state asks that the township would assign a commercial inspector in his place until Ceminsky has his full license in place. He would like to put Benny Svein in his place for any commercial buildings that would need inspecting. The board supports Ceminsky and is allowing these changes to take place during this interim process.
- Ring noted there was an open house was held earlier this month at the PACE Hall for the Hwy 52/66 Interchange project and had great attendance. The planning was made available to the public for the first time. Ring attends monthly meetings for this project and is open to suggestions or comments from the residents regarding this project that he can bring up at these meetings.
- Ring explained the designation of various township related meetings and these are to be put down on your milage/time sheet. Koch explained that Public Hearings can and should be held during the regular monthly meeting if the time allows.
- Rueger is wondering if there is any interest in moving the meetings to 7pm during the winter months. These meetings times are approved at the annual meeting. Koch to look into this.

Adjourn

At 9:44p.m. Lohmann motioned to adjourn; Felty seconded. All were in favor and motion carried.

Cindy Ladzun
Vermillion Township Clerk

VERMILLION TOWNSHIP RECEIPTS AND DISBURSEMENTS

TREASURERS REPORT

11/16/2021

VERMILLION BANK ACCOUNT R&B NOW ACCOUNTS (PUBLIC)

PREVIOUS BALANCE ON 11/08/2021

\$ 340,010.01

RECEIPTS (INCOME)

DEPOSIT DATE	NAME	DESCRIPTION/TYPE	CHECK #	CK. DATE	
10/20/2021	GOPHER ACCOUNT	TRANSFER FROM	481	10/19/2021	\$ 720.03
10/28/2021	MN STATE - MMB	REV. INTERGOVT.	EFT	10/29/2021	\$ 4,557.52
11/8/2021	DAKOTA COUNTY	PERMIT	2036	11/8/2021	\$ 1,445.80
11/8/2021	ANNE TAYLOR	INTEREST PAID 28 DAYS		10/19/2021	\$ 1,082.51
					\$ 223.90

DISBURSEMENTS (EXPENSES)

DATE	CHECK NUMBER	NAME	DESCRIPTION/TYPE	
10/19/2021	7298	BEAVER CREEK	PERMITS	(\$1,618.35)
10/19/2021	7300	CAMPBELL KNUTSON	VT GENERAL BUSINESS	(\$3,242.19)
10/19/2021	7299	ECM PUBLISHING	ADS	(\$34.00)
10/19/2021	7301	FLUEGEL LAW	VT GENERAL BUSINESS	(\$3,175.50)
10/19/2021	7302	FLUEGEL LAW	VT 2020 CLERK MATTERS	(\$865.50)
9/21/2021	7290	IRS	PENALTY LATE FILING	(\$69.94)
10/19/2021	7303	KIMMES ENT.	SEPTEMBER WORK	(\$8,527.47)
10/19/2021	7304	PERA	RETIREMENT CONTRIBUTIONS	(\$871.22)
10/19/2021	7305	SANFORD SERVICES	SWEEP EMPIRE STREETS	(\$490.00)
10/19/2021	7306	VERIZON WIRELESS	TOWNSHIP CELL	(\$50.06)
10/19/2021	7318	VERMILLION TOWNSHIP	TRANSFER ARP MONEY TO GOPHER	(\$65,500.74)
10/19/2021	7307	XCEL	TOWNSHIP UTILITY	(\$29.93)
10/19/2021	7308	RING, LARRY	PAYROLL	(\$1,061.30)
10/19/2021	7310	LOHMANN, BRUCE	PAYROLL	(\$786.15)
10/19/2021	7312	FELTY, AUDREY	PAYROLL	(\$851.66)
10/19/2021	7314	LADZUN, CYNTHIA	PAYROLL	(\$4,166.92)
10/19/2021	7316	RUEGER, NICK	PAYROLL	(\$657.09)
10/19/2021	7309	RING, LARRY	REIMBURSEMENTS	(\$149.52)
10/19/2021	7311	LOHMANN, BRUCE	REIMBURSEMENTS	(\$27.44)
10/19/2021	7313	FELTY, AUDREY	REIMBURSEMENTS	(\$90.83)
10/19/2021	7315	LUDZUN, CYNTHIA	REIMBURSEMENTS	(\$542.82)
10/19/2021	7317	RUEGER, NICK	REIMBURSEMENTS	(\$270.35)
		ENDING BALANCE		\$ 254,960.79

VERMILLION BANK ACCOUNT GOPHER NOW ACCOUNTS (PUBLIC)

PREVIOUS BALANCE	RECEIPT	CHECK #	DESCRIPTION	
	10/20/2021		TRANSFER FROM GENERAL ACCOUNT	\$ 65,500.74
DEPOSIT	10/21/2021	481	TRANSFER TO GENERAL ACCOUNT	(\$720.03)
DISBURS.	10/20/2021	480	NEW LAPTOP FOR TOWNSHIP	(\$2,027.52)
INCOME			NUMBER OF DAYS 28 DAYS	\$ 36.35
			ENDING BALANCE	\$ 63,509.57
VERMILLION BANK ACCOUNT GENERAL MONEY MARKET INVESTMENT				
PREVIOUS BALANCE			NUMBER OF DAYS 28 DAYS	\$ 83,105.06
INCOME			ENDING BALANCE	\$ 83,170.72

CLAIMS (BILLS TO PAY)

NAME	INVOICE DATE	ACCT. NUMBER	ITEM	
BEAVER CREEK	11/12/2021	VT-21-111-3	PERMITS	(\$1,567.42)
CAMPBELL KNUTSON	10/31/2021	35256	VT GENERAL BUSINESS	(\$3,561.00)
ECM PUBLISHERS	11/5/2021	861646	AD	(\$92.25)
ENVIROTECH	11/1/2021	17322	REISSUE CHECK FOR DUST CONTROL	(\$29,993.16)
HRFA	11/3/2021		VT HRFA 2ND PAYMENT	(\$50,525.78)
HIGHLAND SANITATION	10/23/2021	13611	MISC. TRASH PICKUP	(\$131.62)
KIMMES ENTERPRISES	11/7/2021		OCTOBER WORK	(\$7,343.10)
SRF CONSULTING GROUP	10/31/2021	14888.00-1	PROF. SERVICE SIGNS FOR VT	(\$4,890.09)
VERIZON WIRELESS	11/3/2021	980631378-00001	TOWNSHIP CELL	(\$50.06)
			TOTAL	(\$98,154.48)
CONTRACTOR	AMOUNT			
KIMMES ENTERPRISES	\$135,601.22			
HRFA	\$101,051.56			
ENVIRO TECH	\$56,718.28			
YTD	YEAR			
	2021			
	2021			