

# Vermillion Township Regular Meeting Minutes September 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

Chairman Ring opened the meeting at 7:30 PM and the Pledge of Allegiance was recited. The supervisors reviewed the August meeting minutes with Felty commenting that they were too long and requested a briefer format. Lohmann indicated that the minutes reflect the length and discussions of the meeting. Attorney Koch indicated the minutes should reflect what was discussed. 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. Lohmann motioned to accept the claims as presented. Felty 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. Felty motioned to accept the treasurer's report as presented. Lohmann seconded the motion; all were favor and the motion carried.

The board agreed to discontinue the WIFI from the townhall. Ring gave updates about the pending Kimmes contract and retroactive approval. Koch indicated that the contract would have to be ratified (motion saying this contract "as is" is approved) as the contingency from last month's motion was not met. Lohmann made a motion to approve the Kimmes road and bridge contract as is, Felty seconded. All in favor and motion carried.

Dakota County Sheriff's Deputy Weber visit – He warned of increased speeding in the county and surrounding area and that the sheriff's office is strictly enforcing the posted speed limits in response. Residents can call 911 for a non-emergency. Felty mentioned incidents of passing in a non-passing lane; Weber indicated a citation can be issued. Lohmann indicated a black truck with Wisconsin license plates has been repeatedly sighted near Emery and is wondering about it. Weber is aware of the truck and is investigating.

Informational presentation - CSAH 66 at US 52 Interchange Study: Doug Abere, Project Manager, Dakota County Transportation can be contacted at (952) 891-7101 or [doug.abere@co.dakota.mn.us](mailto:doug.abere@co.dakota.mn.us). This is a project with a multi-year planning process. Lohmann commented that the people at 190<sup>th</sup> & Donnelly won't appreciate a bridge near the houses. Right of way purchase and compensation would be considered. Commissioner Slavic (in attendance) indicated that there is a danger that the county roads would be prohibited from crossing Hwy 52; the J turns were put in to allow local traffic to

continue flowing. Comments in writing are needed for the study and residents are encouraged to attend the open house.

Commissioner Mike Slavic checked that the township was meeting the deadline for the ARP funds. The auditing for the ARP funds is very complicated, so partnering with the county, (soil & water, broadband, etc.) would help the process.

#### Permits:

- Caroline & Ann Taylor addition of a retaining wall – 20900 Dubarry Trail; Paul Hofstad of Precision Landscaping attended the meeting to address the board. Ceminsky indicated that the retaining wall would help protect the roadway with better water diversion and he would like to be involved in the design of the project goes forward. The wall would encroach on the road right away (normally 33 feet). Hofstad emphasized that this is a landscaping structure that would not impede road maintenance. It would also prevent road erosion and allow for easier maintenance. Lohmann clarified that the township would not pay for any repairs to the structure or utilities. Ring indicated that this structure would benefit the township, but Lohmann expressed concern about requests for similar projects in the future. Koch indicated that, as per Section 303 in the ordinances, an 80 ft setback is a required, so this structure would need a variance that is weighed against the comprehensive plan. The board would have to grant both the permit and variance in order for the project to go forward. Koch indicated that “practical difficulties” and/or “unique circumstances” is a reason for variance. Koch indicated that she could draft findings of fact to weigh the statutory factors for variances. Ring made a motion to approve the retaining wall project contingent upon summary of facts and Koch’s resolution. Lohmann seconded, all were in favor and motion carried.
- Paul Werner ag shed - Lohmann motioned to approve a permit for an agricultural shed for Paul Werner. Ring seconded the motion; all were in favor and motion carried.
- David Bauer request for solar panels on the roof - Ceminsky needs more info for a review (loading, potential structure modifications, etc.). Ceminsky indicated that the board could approve, contingent on Ceminsky’s plan review and approval. This project falls within the ordinances. Lohmann had no objections. Felty warned about the contingency aspect and reminded the board about the recent pool/deck permit that did not go as expected. Ceminsky indicated that this is a better situation because an electrical permit has already been issued. Felty motioned to grant the permit contingent on successful plan review and Lohmann seconded. All were in favor and motion carried.

#### Old Business:

- 19731 Coates Blvd (Craig Ohern property) - Koch presented four options
  1. Neighbors can pursue a nuisance action due to the noise of flapping metal.
  2. The township can pursue a misdemeanor for the nuisance issues criminally.
  3. The township can pursue a civil injunction (sue the landowner); this would be an order from the court that landowner cannot let their property go back to the way it was. Landowner would need to fix the property or the township will fix the property and will back charge the landowner.

4. The township pursues a hazardous building state statute (Koch said an internet search shows that Ohern invites people to the property to purchase items). Lohmann indicated that letters have not been effective, so the township needs to go further. Felty feels the township is done sending letters. Koch indicated the legal costs would be assessed to the property; Ring asked for an estimate of costs. Koch indicated that the county can also declare a hazardous building, but has not heard back on inquiries.

A township resident has called Ring several times to complain, and Koch indicated that the resident could pursue MN stat 561.01 Nuisance Action on their own, if they choose to do so.

- 4456 200<sup>th</sup> St. East - Person complaining needs to send more information. Complainant cannot be reached and did not attend the meeting. Ladzun indicated that an email address is available.
- Minnesota State Audit – Sloan prepared the reporting form and submitted it to the board for review. Ring motioned to accept the report as written and submit it to the State of Minnesota. Lohmann seconded the motion, all were in favor and motion carried.
- Lohmann motioned to approve the purchase of an additional supervisor computer and Ring seconded. All in favor and motion carried.
- ARP funds have been received; Rueger explained the details of account maintenance regarding the funds. Rueger will prepare checks for the October meeting.
- Wes King property – proposal to replace sand with topsoil. Ring indicated that, due to the volume being considered, a mining permit would be needed. King indicated that he would not proceed with the project.

#### New Business

- Joint Powers Agreement with Dakota County; street numbering needs to be ratified as it was signed accidentally. We need to add an ordinance under section 607 that the township accepts the USNAS System to assign address. This is done to standardize how things are completed in the county. Ring motioned to ratify the JPA USNAS System, Lohmann second. Felty motioned to adopt the ordinance, Lohmann seconded, all in favor, motion carried.
- Truth in Taxation – Ladzun will provide formal notification to the county reporting the levy amounts determined at the 2021 annual meeting.
- Well Monitoring – The township received an inquiry from Dakota County concerning two monitoring wells that they would like to place within the township; Koch returned with a list of questions. If the township participates, we need to ensure there is no liability to the township. This may be related to monitoring well agreements that have been done with landowners in the past. Judy Sloan indicated that a past well monitoring agreement with Dakota County was hard to terminate.

- Point of Contact for the IRS - Rueger discovered that the township point of contact held by the IRS was still the former Clerk's name and address; Rueger will correct the information.
- Signage update – signs for uncontrolled intersections; Ring will brief at the next meeting.
- Jim Sathra asked the board to correct an item in the July meeting minutes regarding the gravel pit discussion; he feels that the statement about Werner's gravel pit being permitted is an error and wants it corrected. Koch explained that the meeting minutes reflect what was said during the meeting, but does not guarantee accuracy of the statements. Sathra feels the permit is only for the stockpile material that's been on the property for years. These minutes clarify Sathra's position on the matter.
- Loren Kahl has requested that the streets in Empire be swept. Ring contacted a street sweeper to make arrangements.
- An inquiry about a 30 x 40 shed addition was posed; Ceminsky felt it is allowed in the ordinances; Koch will research the matter.
- 3956 200<sup>th</sup> St. E – Permit for pool & deck - Attorney Koch is finalizing the invoice and letter.
- Ginther Tuff shed – Rueger asked Koch to investigate payment for the plan review performed by the building inspector. Ceminsky indicated that permit applicants are responsible for plan review fees (regardless of whether the permit is granted).

#### Adjourn

At 9:37 p.m. Lohmann motioned to adjourn; Felty seconded. All were in favor and motion carried.

Cindy Ladzun  
Vermillion Township Clerk

Cindy

\$ 359,298.16

VERMILLION TOWNSHIP RECEIPTS AND DISBURSEMENTS

TREASURERS REPORT

9/21/2021

VERMILLION BANK ACCOUNT R&B NOW ACCOUNTS (PUBLIC)

PREVIOUS BALANCE ON 8/17/21

RECEIPTS (INCOME)

DEPOSIT DATE	NAME	DESCRIPTION / TYPE	CHECK #	CK. DATE	
8/17/2021		permits	30389, 2754, 52359	7/28, 8/3, 8/6	\$ 852.00
8/18/2021	lucy simonds	solar permit #80, #81	105	8/17/2021	\$ 2,125.69
8/24/2021	terry sieben	sewer permit 361	5,593	8/16/2021	\$ 300.00
	INTEREST PAID 29DAYS				\$ 253.62

DISBURSEMENTS (EXPENSES)

DATE	CHECK NUMBER	NAME	DESCRIPTION / TYPE	
6/15/2021	7259	SOLBERG AG.	1" MINUS	(\$360.98)
8/6/2021	7277	HRFA	FIRE PROTECTION	(\$50,525.78)
8/17/2021	7278	BEAVER CREEK	PERMITS	(\$500.00)
8/17/2021	7280	HIGHLAND RUBBISH	COUCH	(\$47.80)
8/17/2021	7281	KIMMES ENTER.	JULY WORK	(\$5,172.22)
8/17/2021	7282	NORTHFIELD WIFI	VT WIFI	(\$71.86)
8/17/2021	7283	PINE BEND PAVING	1" MINUS	(\$2,622.13)
8/17/2021	7284	SOLBERG AG.	1" MINUS	(\$5,444.24)
8/17/2021	7285	VERIZON WIRELESS	VT CELL PHONE	(\$50.32)
8/17/2021	7286	XCEL ENERGY	UTILITY	(\$12.29)
			ENDING BALANCE	\$ 298,021.85

VERMILLION BANK ACCOUNT GOPHER NOW ACCOUNTS (PUBLIC)

PREVIOUS BALANCE				\$ 718.75
INCOME	INTEREST PAID		NUMBER OF DAYS 29	\$ 0.59
			ENDING BALANCE	\$ 719.34
VERMILLION BANK ACCOUNT GENERAL MONEY MARKET INVESTMENT				
PREVIOUS BALANCE				\$ 82,957.51
INCOME	INTEREST PAID		NUMBER OF DAYS 29	\$ 67.89
			ENDING BALANCE	\$ 83,025.40

**CLAIMS (BILLS TO PAY)**

NAME	INVOICE DATE	ACCT. NUMBER	ITEM	
BEAVER CREEK	9/4/2021	VT-21-109	PERMITS	(\$3,244.08)
CAMPBELL KNUITSON	8/31/2021	3525-0000G	GENERAL TOWNSHIP BUSINESS	(\$185.50)
ENVIROTECH	8/31/2021	17322	DUST CONTROL	(\$29,993.16)
IRS	9/6/2021	41-1686567	PENALTY FOR 2020 LATE FILING	(\$69.94)
KIMMES ENTERPRISES	9/13/2021		AUGUST WORK	(\$18,114.63)
MAT	8/26/2021	109256	CTAS TRAINING	(\$165.37)
NORTHFIELD WIFI	9/1/2021	W3EY72	TOWNSHIP WIFI	(\$71.86)
PINE BEND PAVING	8/17/2021	21-1903	1" MINUS	(\$6,265.20)
VERIZON WIRELESS	9/3/2021	980631378-00001	TOWNSHIP CELL	(\$50.26)
VICTOR LUNDEEN CO.	8/31/2021	446715	TWO RECEIPT BOOKS	(\$100.75)
XCEL ENERGY	8/18/2021	51-4765961-6	UTILITY BILL	(\$27.18)
			<b>TOTAL</b>	<b>(\$58,287.93)</b>

**YTD**

YEAR	CONTRACTOR	AMOUNT
2021	KIMMES ENTERPRISES	\$119,730.65
2021	NORTHFIELD WIFI	\$574.88
2021	BEAVER CREEK CO	\$30,475.74
2021	HRFA	\$50,525.78
2021	ENVIRO TECH	\$56,718.28