

Castle Rock Township

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Dakota County, Minnesota

2537 240th Street West, Farmington, MN 55024

castlerocktownship.com

BOARD OF SUPERVISORS MEETING MINUTES

May 11, 2021

The regular monthly meeting of the Board of Supervisors of Castle Rock Township was convened on May 11, 2021. Present were: Jon Juenke (Chair), Kelly Elvestad (Vice-Chair), Sandy Weber, Dave Nicolai and Pete Schaffer, Rhonda Rademacher (Treasurer), Molly Weber (Clerk). Others present were: Norbert Kuhn, Louis Becker, Roy Becker, Keith Jackels, Ken Betzold, Jerry Larson, Jime Hieman, Julie Gilmer, Janet Gilmer, Darrel Gilmer, John Hofacker, Douglas Ims, Thomas Simonsen, Paul Simonsen, Erik Nielson, Ben Blouzer (JTN), Paul Hoffman, Allen Hoffman, Max Litvinov, Mark Henry and Bob Bauer was on via zoom. Chair Jon Juenke called the meeting to order at 7pm and the Pledge of Allegiance was recited.

APPROVE AGENDA

Sandy Weber made the following additions to Unfinished Business: 1. Dakota County Community Development Grant 2. Nitrate Treatment Demonstration Project in Castle Rock Township. Kelly Elvestad asked to move from Clerk Report to New Business: 1. 2021-01 Resolution Appointing Alternate Members to the Advisory Planning Commission. Kelly asked to put in Public Comment 1. Ordinance Change for Setbacks 2. Jerry Larson Antenna Issue since we have our lawyer on via Zoom. 1. Road Inspection was added under Road Report. Molly Weber mentioned to add 1. Fee Schedule under New Business.

Kelly Elvestad made a motion to approve the agenda after the changes. Sandy Weber seconded. Motion carried.

CONSENT AGENDA REVIEW/APPROVE

1. April 13, 2021 Board of Supervisors Meeting Minutes

Sandy Weber made a motion to approve the April 13, 2021 Board of Supervisor meeting minutes. Kelly Elvestad seconded. Motion carried.

PUBLIC COMMENT

Jerry Larson Antenna Issue – Jerry Larson stated that Ben, from JTN Communications was also present if there were any questions. Jerry asked if everyone had a chance to review the Federal Rules and Regulations on antenna. Jerry's understanding is that he does not need a permit to put up the antenna. Per Dave Nicolai, the Township cannot do less than the Federal, State, County rules but the Township can do more than the County. Jerry stated that the Federal Government says a Government Agency cannot request that he get a permit. So if the Federal Government says the Township cannot request that he get a permit than Jerry feels we are going against the Federal Law. Kelly Elvestad stated it does not say we cannot regulate it. It says that we cannot oppose it but we can regulate it. Since Jerry is putting up a structure there needs to be a permitting process so the Inspector can be sure it is put up safely and correctly. It says we cannot restrict it but we can say, per our ordinances, this is a structure and we need to make sure it is put in properly. Since it is a structure that needs footings, it needs to be properly permitted per our Planner. Kelly stated we need more details of what is being put up and what is Jerry doing: how big is it, what are the dimensions, what are the setbacks? Kelly stated this is what we have been asking for and none of that was brought in, it was just a foundation on the original permit so there was not enough information on the original permit which was why the letter was sent. Jerry asked who we will get and what guidelines will we use in inspect the Antenna. Kelly stated we would use our Inspector. Jerry stated he talked to Mark at Inspectron who told him he does not know how to inspect an antenna because Mark looked at our building codes and stated he didn't know what to inspect. There is only one paragraph that says it has to meet certain standards of the manufacturer. So Mark will need to check those standards. Mark told Jerry he doesn't want to take on the responsibility of inspecting the structure. Mark said he would inspect the footings but not the tower. Bob Bauer stated we asked a while ago: What is he putting up? Since Jerry is not being forthright that is why the application was deemed incomplete. What is the purpose of this tower? Bob is looking at the direction of the Board. Once this is submitted the Board can look at the application to determine if it is complete. This is a structure and the Town Board has to determine if what Jerry is doing falls within something that could have regulations we could modify and add additional conditions. When Bob Bauer initially looked at it there was no indication of what Jerry was really wanting to do or what the purpose of it is. Sandy Weber asked if Jerry Larson if he

brought in a written plan with all of his drawings to the Planning Commission. Jerry stated he did not get that far because the Planning Commission stated that it was not allowed in RR1. Jerry said he was told the Township does not allow an antenna that transmits internet to other people's houses. Sandy stated this is all new technology and something we need to look at closely. Jerry asked Bob if when he did his permit he should have specified what the antenna was to be used for? Bob stated that we need to know what exactly is the purpose of the antenna, if it is just to get a better cable signal Bob is not sure it falls under the Federal exemptions. What is this being used for, is it for the neighbors for commercial purposes? Bob stated that there needs to be full disclosure on the permit: what are you going to build, who is it for, is it for the neighbors or just you, what are you trying to build, cable, internet, what is it for? We need setbacks, fall zone, location. Jim Heiman asked Ben from JTN what the size was and Ben stated 5x5x5. Jim stated the Planning Commission was not given any information when Jerry came before them and that is what they needed, the size, depth, location, fall, personal property-personal use or selling to neighbors because it turns into commercial use at that point if he is selling it to neighbors. Ben stated the OTAR(over the air reception) Rules per the FCC they allow receiving and sending on personal property. Ben stated the idea behind this is in order to get wireless to areas that are not serviced, they need to have line of sight with height. Ben said from his understanding in reviewing our Ordinance Manual it looks like anything under 50 feet doesn't have many regulations about it. The whole point of this was to not make it a big deal, it was to make it a smaller site. The intent was to give folks internet that don't have internet currently. Jerry was kind enough to put it on private property. Ben stated they looked at the setbacks and such. He stated if the permit just needs to be updated they can absolutely do that. The whole point of it was to just give folks better internet service. Ben wanted to be sure Bob Bauer was looking at the most current OTAR Rules updated in March or April. Bob Bauer stated the Board of Supervisors can request more information: What is it? Who is it for? Is it personal or providing to others like commercial? We need more information with the application. Pete Schaffer stated on page 74 the Ordinance states the applicant shall submit site plans, elevation and construction details for all towers and antennae. Jerry said he won't argue that point but the Federal Law says no State, Local Law or regulation can restrict the installation of an antenna. Kelly Elvestad stated again there is a difference between restricting and regulating and as it is in our Ordinance book it says in RR1 it is not allowed but if Federal Regulation says we cannot say that, that is ok but we can still require to make sure it is put up safely and it is not going to harm his neighbors which is a permitting process. Pete Schaffer stated we cannot determine this legal versus that legal. Dave Nicolai stated we need site drawings showing how far the antenna is from the property line, all the specs on it, what the fall restrictions are, define what he is using the antenna for, just you or also your neighbors and what for. Who is using it, how many people, is there compensation? Include all this with the permit. Dave stated that there is probably a need for it. Jerry does not agree with this. Option 2 we can each file with the FCC why either party thinks or does not think this is needed. Bob stated Nicolai stated what was needed and the Board will probably issue a permit. Bob stated Jerry needs to follow local regulations and need a building permit. The Board of Supervisors all agree that more information is needed. Kelly asked Ben from JTN if he understands what is needed and he agreed this was information he can provide. Jerry stated we can go to court on this since we are on different pages with this. Jon stated all we ask is that he fills out a permit with the proper information and come to the Planning Commission and follow the process just like everyone else.

Ordinance Change – Kelly Elvestad asked Bob Bauer to clarify the process for making an Ordinance change.

1. Prepare the amendment with Township Planner or Lawyer
2. Public Hearing – Land Use is with Planning Commission first for Public Hearing, if General Township Ordinance it just goes to the Town Board for a Public Hearing
3. Ordinance becomes effective upon Publication so all ordinances need to be published, need to approval and summary approval (better to have summary approval for publication so don't need to publish complete Ordinance)

PRESENTATIONS

N/A

ROAD REPORT

- **Gravel** – Mark has been doing some gravel
- **Dust Proofing** - Mr. Howard has agreed to dust proof 250th from Blaine to town line and 232nd Street from Blaine to the town line due to transient traffic from road construction – Mark had a question why we are shooting some roads end to end when we do our dust proofing
- **Dakota County Fixing Alverno Blacktop** – they are going to fix this where it is lifting again – we will pay for the materials
- **Temporary Mining Permit Request from Ims Contracting @ PID#07-01300-25-014 (the Hoffman's)** – we need to have limited use of town roads with the project. Doug Ims stated mine will be in little bean field up by his trees and another by his home site along some pine trees on North side of the road. They will come back and fille the hole up when done. They will not use town roads. They will come in off Highway 52. Mark Henry asked that the subs not use the town roads either. Paul Hoffman and his dad were present at the meeting also. Jim Heiman stated it makes more sense to go down the cul-de-sac. It would become a legal non-conforming use. The County is creating land lock that they would need to fix. Dave Nicolai recommends mining permit should be ok buy County has to figure out the road issue since it would be

land locked. Need 165 feet of road frontage. Paul Hoffman needs to talk to the County about being land locked and the County needs to fix it. The easement would not work with a dwelling with 165 feet of road frontage. The fee is \$1,000. And \$3,000.00 escrow fee in case the road gets damaged. Rhonda got the permit application for Mr. Ims to fill out and collected the fees.

- **Road Inspection** – set for Tuesday May 18, 2021, meet at Town Hall at 6:30pm. Kelly Elvestad will take notes.
- **Road Sign Survey** – Mark stated Molly Weber and Rhonda Rademacher resurrected this so him and Ken Betzold can go assess Township road signs again

PLANNING COMMISSION UPDATE

- Darrel and Julie Gilmer ~ parcel split of 07-03100-53-014 (Parcel A) and 07-03100-53-015 (Parcel B)
- Kenneth Betzold ~ AG permit for Grain Bin and Corn Dryer
- Norbert & Mary Kuhn ~ AG permit for a shed @ 1181 270th St E, Randolph, MN ~ 48x64x18
- Thomas Simonsen ~ application for 4x4 sign, 10x250 feet driveway permit, and 40x40 barn for storage of farm equipment
- Jacob Lindquist ~ question about an addition to his house @ 25990 Alverno Avenue – not doing project per his email 5/3/21
- Kathryn Lindberg to build a new shed @ 24201 Chippendale Ave ~ 50x70x12 foot ~ demo permit was given 4/21/21 to tear down old shed
- Dawn Hayley & LaRae Brown ~ questions on PID#07-00500-51-012 and PID#07-00500-51-013 – not present
 - Can they put a little house or RV on property now & build bigger house later
 - Can they put in a lap pool that will eventually be closed in
 - Can they put a lofted barn on the property
- Rachel Cochrane ~ ? about building a Mother-In-Law suite, single level about 1000 sq. feet on their property @ 24432 Chippendale Avenue, zoned Residential, they own this 2.03 acres plus a ¼ acre behind them – not doing this project per email 5/5/21
- Stephanie Brandl ~ not sure if she will attend but needs to confirm a buildable on property that was just split off from Norbert Kuhn – not present
- Michael Nelson ~ question if buildable on PID#07-03100-25-020 – not present
- Maxim Litvinov ~ 23110 Biscayne Avenue W, Farmington, MN requesting a building permit to build an outbuilding on his property to do work on his cars

Pete summarized what was presented to the Planning Commission. Mr. Lindquist, Dawn Hayley, LaRae Brown, Rachel Cochrane, Stephanie Brandl, and Michael Nelson were not present.

REVIEW/APPROVE

- **Darrel and Julie Gilmer ~ parcel split of 07-03100-53-014 (Parcel A) and 07-03100-53-015 (Parcel B)** – This is not a parcel split to split off a Building Right. This is to straighten out the property. **Dave Nicolai made a motion to approve the parcel split for Darrel Gilmer and Julie Gilmer. Pete Schaffer seconded. Motion carried.**
- **Kenneth Betzold ~ AG permit for Grain Bin and Corn Dryer @ PID#17-00200-25-012** – Dave Nicolai made a motion to approve the Ag Permit for a Grain Bin and Corn Dryer for Ken Betzold. Sandy Weber seconded. Kelly Elvestad abstained. **Motion carried.**
- **Norbert & Mary Kuhn ~ AG permit for a shed @ 1181 270th St E, Randolph, MN ~ 48x64x18** – Dave Nicolai made a motion to approve the Ag permit for a shed for Norbert and Mary Kuhn. Sandy Weber seconded. **Motion carried.**
- **Thomas Simonsen ~ application for 4x4 sign, 10x250 feet driveway permit, and 40x40 barn for storage of farm equipment**
Jon Juenke requested that Tom tell the Board exactly what their vision is and what they are doing. Tom stated they are working with the County on this conservation project. Soil and Water are going to plant wild prairie grasses and wild flowers on 100 acres. There are 3 easement on the property right now with power line, gas line and AG easements in the middle. On Blaine there is a 20 acre piece that is straight AG zoning with no easement where the shed will for AG equipment storage. They will be pre-selling the trees, person will own the right to the tree (which is conservation) and they can come and sprinkle 2 sets ashes by the tree under MN statute. They will have access to the trails where people can walk through there. There will be no ceremonies. People can come out from time to time to visit the tree. There will not be much traffic. This is a great habitat for bees, birds, deer, etc with pollinators. Tom stated this is not a park. Rather than selling corn up front they are selling the trees up front. Access on south side of cemetery on Blaine. MN statute allows you to sprinkle ashes. They are going to encourage people to put the ashes in biodegradable boxes buried a couple inches down. There is no concern of it getting into the ground water. There will be a lock and gate and you cannot get in unless you have sponsored a tree. There is no fee to get in. Only one way in, only those who have sponsored a tree can come in. There will no longer be an observation center. Hours will be in their bylaws. They will come back later for septic and proper permit when needed later down the road. Board of Supervisors stated there is a process that needs to be followed with this project to notify neighbors and such. There is public access for the general public who have sponsored the tree. **The sign is good to go and does not need a permit because of the size. AG shed setbacks were reviewed. Simonsen's are working with the County for the driveway permit. The driveway is 590' to the shed. Dave Nicolai made a motion to approve the AG permit only. Sandy Weber seconded. Motion carried.** The Board of Supervisors agrees we need guidance on what the project is going forward. Tom will submit a permit of what exactly they are doing and who exactly it is for so we can have our Township Attorney review.

- **Kathryn Lindberg to build a new shed @ 24201 Chippendale Ave ~ 50x70x12 foot ~ demo permit was given 4/21/21 to tear down old shed** – Lindberg's are building 50x72 foot shed, 10 feet off back corner. They were advised they will need to submit a new permit application and plans since this is not an AG building. **Dave Nicolai made a motion to approve the building permit for a new shed contingent on the Building Official's approval. Kelly Elvestad seconded. Motion carried.**
- **Maxim Litvinov ~ 23110 Biscayne Avenue W, Farmington, MN requesting a building permit to build an outbuilding on his property to do work on his cars** – Dave Nicolai made a motion to approve contingent on Inspectron's approval. Sandy Weber seconded. Motion carried.
- **John Hofacker ~ 24438 Chippendale Ave need determine if adding onto shed would qualify as an AG permit or if it is a Building Permit** – John was advised he needs a regular building permit. **Kelly Elvestad made a motion to approve John Hofacker's accessory building addition contingent on plans being submitted to the Township and approved by the Building Official. Dave Nicolai seconded. Motion carried.**
- **Louis and Roy Becker ~ parcel split of PID#07-00100-26-010** – the Becker's were advised Roy Becker will need to own the driveway. They will need their lawyer to write up a document that Louis Becker can use the driveway. **Kelly Elvestad made a motion to approve the Becker parcel split once the driveway is added to the back 13 acres. Sandy Weber seconded. Motion carried.**

UNFINISHED BUSINESS

- **Keith Jaeckls** ~ Keith stated they ran into an issue with the Parcel Split they recently did. Banks do not want to put the PID# into one like the Board of Supervisors wanted them to do since the 2 parcels are in mortgages and one is land locked. Jaeckls need to do another parcel split with Glen Haef in order to make the one parcel so that it is not land locked anymore. The banks want the parcel not to be land locked. So Keith will need to add 165' of road frontage in order for it to not be land locked. Keith will need a survey with a new legal description and a new parcel split application for Jon to sign off on it. **Kelly made a motion to approve Keith Jaeckls parcel split contingent on being submitted to Molly Weber and Jon Juenke review and sign off. Sandy Weber seconded. Motion carried.**
- **LKQ Update – Stormwater Maintenance Agreement** Kelly Elvestad will send to Andy Andreasik to get signatures of the Fausts and their spouses – I still have not received these yet – Kelly Elvestad has reached out to Andy Andreasik multiple times and still has not heard anything.
- **Al Maghfirah Cemetery Update** – sent Mr. Osman 2nd follow up email with Stormwater Management Agreement and asked how he would like to proceed with next steps – it was advised that Clerk Weber send an email every 2 weeks, then pass it onto the Township Attorney next month.
- **Dog at Large Update** – Molly Weber emailed documents to Dakota County Sheriff office to have Judge review them since that was the next step – mailed 4/27/21 – email received that a spreadsheet now needs to be completed
- **Planner to Planning Commission Meetings ~ who was going to notify Bolton & Menk** – Grant money for Ordinance Manual updates is approved in January and the money is granted the following July. It was decided to stabilize the Planning Commission first before having the Planner join the meetings. Jon Juenke recommended to table the idea of the Planner joining meetings until September or October.
- **Unlicensed Vehicle Issue ~ do we want Inspector to assess this** – Dave Nicolai will get the name and address to send the form letter to.
- **Sign Ottomatic Contract** – contract was signed by Chair, Jon Juenke
- **Prairie View Estates ~ final step of Stormwater Management ~ Easements created for each lot to include with Building Permit** – Jon Juenke excused himself. Jon explained the Board of Supervisors wanted Lani Lechty to write up Stormwater Management Agreements to make sure no one deters the Stormwater for the catch basin for the rain gardens so Jon's engineers did that and Lani approved. These will be with the permit application and it will be filed with the Plat at the County and file with DCA Title with the sale of each lot. Specifications are listed on the deed for each property. Board of Supervisors agreed that Jon Juenke has satisfied all that we have asked for. Jon Juenke rejoined the meeting.
- **Dakota County Community Development Grant** ~ Sandy Weber contacted Maggie Dykes. Clerks will get email November 2021, if approved we would get the money in July 2022. Maggie recommended budgeting \$18,000. for Ordinance Manual update. Maggie will assist with submitting the application.
- **Nitrate Treatment Demonstration Project** ~ this project is happening outside the Castle Rock Township Hall. They are trying to reduce the amount of nitrates in the water.

NEW BUSINESS

- **Ordinance change for setbacks** – Dave Nicolai excused himself. Kelly Elvestad proposed a change to the Ordinance concerning setbacks since the Ordinance reads wrong. **Kelly Elvestad made a motion to go through the Planner to prepare an amendment to the Ordinance wordage to protect the resident from and animal building being put up not vice versa. Pete Schaffer seconded. Motion carried.** Dave Nicolai rejoined the meeting.
- **Reconstruction of County 86 from Galaxie Avenue to Chippendale Avenue is being delayed to Spring of 2022 - FYI**
- **3 Bios for New Planning Commission Members** – Jon Juenke made a motion to approve Norbert Kuhn and Ken Betzold as new Planning Commission members. **Sandy Weber seconded. Motion carried.** If Dave Kammuegger steps down Maxim Litvinov will automatically be pulled in as Planning Commission member.
- **Fee schedule** – Planning Commission needs to review the Fee Schedule and make a recommendation for the June Board of Supervisor Meeting.
- **Resolution to Sign ~ 2021-01 Resolution Appointing Alternate Members to the Advisory Planning Commission** – Kelly Elvestad made a motion to approve Resolution 2021-01. **Sandy Weber seconded. Motion carried.** Jon Juenke, Chair and Molly Weber, Clerk signed.

COMMITTEE REPORTS

TREASURER'S REPORT

- Receipts \$11,181.67
- Current Investments \$845,950.18
- **Kelly Elvestad made a motion to approve the receipts at \$11,181.67 and the current investments at \$845,950.18. Sandy Weber seconded. Motion carried.**

REVIEW PAYROLL AND CLAIMS

- Payroll: \$3,251.65 Check # 10153-10154
- Claims: \$22,466.41 Check # 10155-10174
- Total: \$25,718.06

Pete Schaffer made a motion to approve payroll at \$3,251.65, check#10153-10154 and claims at \$22,466.41 check#10155-10174 for a total of \$25,718.06. Sandy Weber seconded. Motion carried

CLERKS REPORT

- **Permit Application ~ can we just use one and not all the separate Over the Counter Permit Forms** – Board of Supervisors agreed to use just one Building Permit Application.
- **Website ~ meeting with Tony 5/12/21**
- **Desk Approval** – Dave Nicolai made a motion to preapproved up to \$600.00 for a desk for clerk and \$750.00 for a conference room table. **Pete Schaffer seconded. Motion carried.**
- **Back Up Lawyer** – Molly Weber tried but was unsuccessful finding someone to agree to be backup lawyer.
- **Roof Mount Solar ~ permit fee and process** – there is a section in the Ordinance about this
- **Meeting Dates for 2021 ~ where to post** – send to Castle Rock Banks and Farmers Mill to post in addition to bulletin board at Town Hall.
- **Inspectron Contract ~ Requested Copy from Sandy at Inspectron**
- **Ground Water Collaborative Survey Email** – Clerk has copy
- **2 emails for Plan Amendment to Farmington's 2040 Comprehensive Land Use Plan Email** – Clerk has copy
- **MNDot Metro Local Partnership Program Email** – Clerk has copy
- **MATIT Newsletter** – Clerk has copy
- **April Permits ~ 8 permits ~ 1 re-roof, 1 window/door replacement, 1 mechanical, 2 accessory building, 1 demolition, 2 driveway**

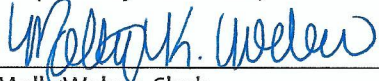
ADJOURN

Sandy Weber made a motion to adjourn meeting at 10:02pm. Kelly Elvestad seconded. Motion carried.

Date Signed

6/8/2021

Respectfully Submitted,



Molly Weber, Clerk

Attest:



Jon Juenke, Chair