

**The Hampton Township Board
Regular Meeting Minutes
August 25, 2015 7:30pm**

ATTENDANCE

Chair	Jim Sipe
Supervisor	Doug Wille
Supervisor	Dan Peine
Treasurer	Leo Nicolai
Clerk	Jeanne Werner
Deputy Clerk	Molly Weber

This meeting was called to order by Jim Sipe, Chair at 7:30pm with the Pledge of Allegiance to the flag, using the consent agenda, prior meeting minutes, claims for payment and the balance of the agenda. There were a couple corrections made to the last meeting minutes. **Doug made a motion to approve. Dan seconded it. Consent agenda approved.**

Township letters of information- **Doug Wille made a motion the legal stuff should still go to Troy. Dan Peine seconded it. Motion carried.**

PUBLIC COMMENT

None

PLANNING COMMISSION SYNOPSIS

Bill from Keller Williams came to finalize the number of buildables on PID#170050028020 (section 5) & 1700600001013 (section 6). Planning Commission approved section 5 for 1 buildable and section 6 for 2 buildables separated by a road given the number of acres (just under 140) and the way the land is situated the 2 buildable lots can be clustered. **Jim Sipe made a motion that we find that as of today we find that there is one buildable on PID#170050028020 and there are 2 buildable sites on PID#1700600001013 and that those 2 buildable sites could be clustered. Doug Wille seconded it. Motion carried.**

Shelly Kidd from Edina Realty requested PID#17-01300-25-023 land split and annexed to the City of New Trier. She said the City of New Trier is in favor of this if the Town Board approves it and the county approves the roads. The split would be 3.56 acres annexed to the City limits. The developer wants more space to put a cul-de-sac in (3.11 acres is already annexed) The split would create a substandard lot the Township for a period of time until the City of New Trier annexes it. We approve this subject to the City of New Trier annexing it. It is not substandard if the City of New Trier annexed it. It would be an additional 8 or 9 lots. It is more feasible if the circular part of the cul-de-sac goes to the south. **Jim Sipe made a motion for the board to approve property split of approximately 3.56 acres in PID#17-013-0025-023 knowing it would create a substandard lot but with the understanding that the City of New Trier would annex it. Doug Wille seconded. Motion carried.**

ROAD REPORT

Per Jason Otte culvert for 250th just came in and they plan to work on it in the next couple weeks. Hopefully they will just have to close the road one day. Leo Nicolai's just came in too and they will need 2-3 hours to fix it. The second cutting of the ditches they try to do as late as possible. Leo Nicolai said we usually do it in the first or second week of September. Last year we paid the bill in October. Doug Wille proposed we do it in the middle of September. Castle Rock Elevator wants to spray the weeds & brush but the crops need to mature & die off before they can do it. He was thinking October. Jason Otte said it would be more successful if the Wild Parsley, Wild Parsnip & Yellow Mustard were mowed down before they sprayed. It needs to be marked before it's mowed in order for the spray to be successful. Jason Otte said we could mark a start and stop point. Leo Nicolai suggested marking the ditch with flags. Doug Wille said it would be going to seed. Jason Otte said the guy told him it will kill off the bulb in the ground if they spray late. Doug Wille said they make two passes in the fall. Doug Wille said he would talk to the Castle Rock guy and see what he wants us to do.

UTILITY PERMIT

Hiawatha Broadband requested a refund of escrow money (and to revise the location of work that was performed from their permit). Our ordinance requests an inspection at the end of the job. Before we release the escrow money we want Jason to ride around with them to approve it. Hiawatha is okay with this and will fix anything at their cost if they need to. Jason Otte will contact Molly Weber or Jeanne Werner if it is approved so we can send Hiawatha Broadband a check for the escrow money. After Jason Otte approves the inspection we can release the escrow money.

Hiawatha Broadband has requested a new permit for a new project. The existing fiber from Hastings will meet up with the fiber in New Trier. There are 14 houses in the township they would like to offer their services to. They would bore it under Hogan 2-5 feet + 2000 foot of plowing on the west side of Hogan off the edge of the road on the East side coming down. The total construction would be 7500 feet of construction in the township. Doug Wille said they need a complete application that states they will do a mile on 230th and work south to just north of New Trier. Dakota County asked Hiawatha to include New Trier in their project. Jim Sipe is okay with approving it as long as they have a complete application. Then they will work with the clerk to figure out the cost and need to provide the Township with 2 separate checks, one for the permit fee and one for the escrow money. Jason Otte said it is better up on the edge of the road so they can still work in the ditches. Hiawatha said they would stay as close to the existing one as they can but they just need to bore across the road for a few of the houses. **Doug Wille made a motion in favor of approving this permit upon a complete permit along with calculating the escrow and permit fee and so forth. Dan Peine seconded it. Motion carried.**

OLD BUSINESS

Darrel Gilmer septic contract signed. Jim Sipe wants 2 copies both with real signatures. Real one for the Township signed, not a copy of it and one for him. Added 70/80 on the front changed. The contractor does everything essentially. The Town Board already approved hiring him. We just need to sign the contract now. **Doug Wille made motion we sign contract for Darrel Gilmer to be our septic inspector. Dan Peine seconded it. Motion carried.** Jeanne said she would scan a copy of the contract to Darrel Gilmer.

Feedlot permits-Jim Sipe got a revised copy of the ordinance from Troy today. We will not act on this tonight. It's part of the zoning ordinance amendment. We will put it on next month's agenda.

Paul Gergen's Permit Issue-Last September or October Paul Gergen wanted to build a porch on his house and we approved it but he had issues with MNSpect. We heard from MNSpect earlier this year that the resident and building inspector would not speak to each other. MNSpect found out that Paul Gergen was doing work on the project and they wanted to inspect it. In the mean time, Hampton Township approved another inspector to look at it on a one time basis. We thought this would be okay. Per our attorney we found out we can't hire 2 building inspectors working for the Township at the same time. Paul Gergen was out of town so was not present at this meeting. He stated he didn't want Scott Qualey from MNSpect on his property. Jim Sipe said the best action was for us to ask Darrel Gilmer to step down. So based on what we heard from our attorney and based on where we are we need Paul Gergen to allow MNSpect to inspect. Jim Sipe requested that MNSpect restart the 15-day clock for Paul to respond to their letter. Tom Richardson was present at the meeting tonight and agreed they could restart the 15-day window. Jim proposed that, on the advice of our attorney, we have asked Darrel Gilmer to step down. #1 it must be inspected and #2 we would like a different inspector from MNSpect. Jim Sipe said we need to send Darrel Gilmer another letter requesting that he back down on this one and we will pay him any money he is due. Then we need to send a letter to MNSpect and Paul Gergen clarifying that on the advice of our attorney, MNSpect is our inspector and we need to work with them to get this job inspected. **Jim Sipe made a motion that he will work to draft a letter with the clerk to resolve the issue by reassigning this building permit to MN Spect and make sure Paul Gergen understands he needs to work with the building inspector and making sure that MNSpect knows that we would like them to reset the 15-day clock on the letter to Paul Gergen because Paul has been told to hang on until we figure this out. Doug Wille seconded the motion. Motion carried.**

NEW BUSINESS

Agricultural permits – New application and description. Our attorney thought it was appropriate for us to go through the Planning Commission to determine if a building was AG or not but the Planning Commission needed to understand what the rules were for an AG building and they needed to follow them. MNSpect sent us a couple different versions of AG buildings and Jim researched it. Jim Sipe drafted up a new application and sent it to the Planning Commission. The consensus is that we would like the Planning Commission to use this form to determine if something is AG or not. Doug Wille thinks the form clarifies if a building is AG or not and Jim's form is great for a one pager as long as everyone abides by the same rules. Dan Peine thinks

it is good too as long as everyone abides by the same rules. Jim Sipe said Jeremy Irrthum and the other Planning Commission members are more aware of this situation now. Doug Wille thinks we should approve using the form and make changes if necessary. Doug Wille and Dan Peine are not wild about passing it off to the inspector to determine if it is AG or not since that would be one person's opinion. **Doug Wille made a motion to approve the use of the new AG building zoning permit application form.** We can always say we are going to change it or we can make a motion to throw it out. For the time being Doug thinks its fine to go ahead and use it. **Dan Peine seconded it. Motion carried.**

New building inspector for 2016 – We have a committee looking into this. The candidates are Darrel Gilmer and Bennie Sevine. Leo Nicolai is on the committee and said they are still trying to decide who to hire. Leo would like to see the Paul Gergen thing cleared up first, then decide what to do next meeting. Paul Gergen needs to deal with someone from MNSpect. If not, the Township would have to take legal action. MN Spect would not take legal action. Tom Richardson said the code allows MNSpect to work with a contractor to go over there but the Township can't hire a contractor.

McKenzie's Letter – He wants to inspect some documents. Per Jim Sipe, we are not an Urban Township and we are not subject to data privacy act but we are required to be reasonably fair & open with our records if someone wants to inspect them. We need to send McKenzie a letter and allow him to look at our records. (Jim is not sure these records exist). Jim McKenzie will be charged \$ 0.50 per page for copies. He can come in before a meeting or some time to look through our stuff. He wants to challenge we are not an Urban Township per Peter Tiede. He wants to inspect the meeting minutes. There was no ordinance or guidelines for entering into planning & zoning regulations and restrictions prior to the 1973 ordinance. He wants to inspect what the ordinance basis of Hampton Township Authority, that the Township has no authority except that granted by the legislature. Jim Sipe wants to give him access to this information. He wants the clerk to send Jim McKenzie a letter to allow for him to research the information he needs. In 2008, Troy drafted an administrative procedure for how we provide access to records and it was denied. The board chose not to adopt it. Jim Sipe wants us to work with Jim McKenzie so he can research the information he needs around the 1970 ordinance. He would like this to be done in the next few weeks, looking at the Birth of the Planning & Zoning ordinance. Jim McKenzie has to go through the secretary of state and challenge the point that Peter Tiede argued that Hampton Township was not an Urban Township. Attorney makes an argument and the state has to accept it. Jim Sipe doesn't want to take sides on legal issues here but we are not an Urban Township and we are not subject to the Minnesota Data Practices Act.

OLD BUSINESS FOR NEXT MONTH AGENDA

Jim Sipe wants the Administrative Policy on Old Business for next month meeting. We need to read and review Troy's mark up before next month's meeting. Jim also wants the Planning Commission to review it before our next meeting too. Need to think about if we want to compile some administrative polices but let's leave it for another day.

Temporary Moratorium for solar gardens– county is unhappy with the state law that they don't think it protects their shore land and flood plain areas as good as it should so they had a public

hearing about a Temporary Moratorium for shore land and flood plain areas and we don't have much of this. No one is in opposition but it only pertains to shore land and flood plain areas.

OTHER BUSINESS

Jim Sipe requested a motion to sign checks 5166 to 5182. Doug Wille made a motion. Jim Sipe seconded it. Motion carried. Checks were signed.

ADJOURNING OF MEETING

Doug made a motion to adjourn the meeting at 9:00pm, seconded by Dan Peine. Motion carried.

Date Signed: Conceded 9/20/16

Supervisor: 

Clerk: Melissa K. Weller