

**CASTLE ROCK TOWNSHIP  
BOARD OF SUPERVISORS REGULAR MEETING  
NOVEMBER 9, 2004**

The regular monthly meeting of the Board of Supervisors of Castle Rock Township was convened at the Town Hall on Tuesday, November 9, 2004. Present were Randy Becker Chair, Arlyn Lamb Vice Chair, Jim Ozmun, Russ Zellmer, and Paul Irrthum Supervisors, Roger Randall Treasurer, and Maralee Rother Clerk. Also present were Kirsten Pauly, Bill Sather, Jean Mulvihill, Joyce Schaffer, Mike Rademacher, Shirley Dubbels, Richard E. Dubbels, Tony Ferrozo, Susan Ferrozo, Margarete Lucht, Orren Lucht, Nancy Nielsen, DeLoy Kiser, Charleen Kiser, Patrick Tinsley, Paul Christiansan, Judeen Valentine, Tom Scott, Mary Ellen Smith, Mark Henry, Terry Merritt, Joe Miller, Paul Rogosheke, Jim Yarosh, Bob Dubbels, Lloyd Stevens, and Mike Goodlander.

Chair Randy Becker called the meeting to order at 7:00 p.m., and the Pledge of Allegiance was recited.

**APPROVE MINUTES OF OCTOBER 12, 2004 REGULAR MEETING**

**Arlyn Lamb made a motion and Russ Zellmer seconded to approve the minutes of the Board of Supervisors regular meeting of October 12, 2004 with the following change: on page 2, the name “Jerry Thraen” should read “Terry Thraen” in the minutes referring to Farmington Fire Department, fire hydrant placement. Motion carried 5 ayes.**

**JOE MILLER MINING APPLICATION**

Chair Randy Becker announced that public input would be allowed and then the Board would make a decision. Shirley Dubbels presented a petition from the public to the Board which states that the petitioners request no open gravel pit operation. A petition requesting an Environmental Assessment Worksheet (EAW) and an Environmental Impact Statement (EIS) signed by petitioners was received by the Township from the Environmental Quality Board (EQB), who designated the Township as the Responsible Governmental Unit (RGU), and who must make a decision regarding the EAW. The EAW will show if there are significant environmental effects.

Township Attorney Terry Merritt addressed the issuance of the petition received requesting an EAW and an EIS.

Public input for the need of an EAW:

- Kirsten Pauly, engineer for Joe Miller, discussed letters received from Brian Watson, Dakota County Soil and Water , and a (MBS) permit.
- Dick Dubbels inquired about elevations in the mining area.
- Tom Scott discussed EAW information of the potential for environmental effects referring to page 5 and 8 of Dean Johnson’s (Resource Strategies) report dated November 4, 2004.

- Jim Yarosh stated there must be material evidence for significant environmental effects. The Dakota County Soil and Water letter, dated August 25, 2004, addressed the wetland and what the potential for environmental effects would be.
- Pat Tinsley responded to Mr. Yarosh's statements.
- Krista Dubbels discussed wetland protection and how to keep it protected.
- Joe Miller commented about Ms. Dubbel's statements.
- Roger Randall asked Mr. Merritt what the Board needs to do to order or deny an EAW. Mr. Merritt explained the procedure, which is stated in MN Rule 4410-1100.
- Kirsten Pauly stated that there are specific state standards for wetlands.
- Judeen Valentine said "why not have an EAW" and questioned who monitors the site and the work going on at the site.
- Arlyn Lamb, referring to the Resource Strategies report previously mentioned, asked why boring was done outside of the 35-39 acre site. The response was the boring result was ST 1.
- Paul Irrthum questioned who will govern and take care of berms and silts, especially after rains.
- Margarete Lucht also said "why not allow an EAW."
- Jim Yarosh stated he does not believe there is a great concern or issue.
- Bob Dubbels – Ag Preserve program is an 8 year program – Ag preservation is a definition of the Township and the land in question is in Green Acres program.
- Paul Irrthum discussed the contents of statements #6-8 on page 7 of the Resource Strategies report.

The public input came to a close, and the Board addressed Mr. Merritt requesting advisement on the matter at hand. Mr. Merritt had prepared two resolutions, for either denial or for ordering an EAW, and it was the consensus of the Board to go forward with an order for the EAW. Mr. Merritt explained that if an EAW is ordered, all action stops.

While reviewing the resolution, a question was asked regarding #9, page 4, which stated: access from the project area to 240<sup>th</sup> Street West is via an easement over another owner's property. The route is adjacent to the building site on the other owner's property. The easement is over an unpaved driveway, and Mr. Miller stated that "no one else owns the property mentioned in the statement", so therefore #9, page 4, will be deleted, and #10 and #11 shall be #9 and #10.

**Russ Zellmer made a motion and Paul Irrthum seconded to adopt the findings of fact, conclusions, and resolution approving petition requesting preparation of an Environmental Assessment Worksheet, Castle Rock, and Minnesota. Motion carried 5 ayes.**

**Paul Irrthum made a motion and Russ Zellmer seconded to hire Dean Johnson to proceed with the EAW. Motion carried 5 ayes.**

### **WEB SITE**

Patrick Tinsley stated that he couldn't do the website. However, he does have the necessary software to go ahead with the project. Arlyn Lamb will call Mr. Tinsley on Wednesday and discuss the matter and the Township will take steps to get the website finished.

### **PATRICK PARROTT CLEANUP**

Paul Rogosheke, legal counsel regarding Patrick Parrott, discussed the possible clean up of the property on 24335 Chippendale Avenue. Mr. Rogosheke suggested that the Township negotiate with Mr. Parrott and try to make an agreement with him, and then have to take a look at the clean up. If an agreement can be made, Mr. Rogosheke will make up a contract if the estimates are obtained before the next meeting.

### **CONDITIONAL USE PERMIT**

**Arlyn Lamb made a motion and Russ Zellmer seconded to approve the recommendation of the Planning Commission for NORTHWEST AUTO SALES, 3344 220<sup>th</sup> Street, Farmington, MN 55024, for a conditional use permit for incidental sales of used automobiles in connection with the business of auto body repair, with no more than five cars for sale per month, with a two year review, and the conditional use permit will expire on the sale of the business and it will not transferable to a new owner. Motion carried 5 ayes.**

**Jim Ozmun made a motion and Arlyn Lamb seconded to approve the recommendation of the Planning Commission for LLOYD STEVENS, 1827 250<sup>th</sup> Street West, Farmington, MN 55024, for a conditional use permit to allow ABC Housing, 2055 Lyndale Avenue, Faribault, 55021, to move a 28' x 68' modular home onto a walkout basement to be built on the premises. The existing home must be moved off the premises twenty one (21) days after certificate of occupancy is issued, and a \$2000.00 performance bond must be issued to the Township. Also required before issuance of a building permit: a submittal of a new site plan with dimensions showing compliance with set back requirements, and a submittal of design details for the 8" concrete block foundation or a design for 12" concrete block foundation. Motion carried 5 ayes.**

### **BUILDING PERMIT**

**Arlyn Lamb made a motion and Jim Ozmun seconded to approve a building permit for LLOYD STEVENS, 1827 250<sup>th</sup> Street West, Farmington, MN 55024, to allow ABC Housing, 2055 Lyndale Avenue, Faribault, MN 55021, to build a 28' x 68' walkout basement for a modular home with stipulations stated above. Motion carried 5 ayes.**

**CONDITIONAL USE PERMIT**

**Paul Irrthum made a motion and Russ Zellmer seconded to accept the recommendation of the Planning Commission at their special hearing for the DAKOTA COUNTY FAIRGROUNDS, Box 173, 220<sup>th</sup> Street, Farmington, MN 55024, for a conditional use permit for outdoor storage of boats. The conditional use permit will be denied because it is not a permitted use in agriculture-zoned areas, and if allowing the request thru special permit or ordinance change, it would create a situation that could not be controlled. Motion carried 5 ayes.**

**BUILDING PERMIT**

**Arlyn Lamb made a motion and Russ Zellmer seconded to approve a building permit for KEITH ESPERSON, 1432 220<sup>th</sup> Street East, Farmington MN 55024, for an attached garage. Motion carried 5 ayes.**

**COLIN GARVEY HAULING DIRT**

**Paul Irrthum made a motion and Russ Zellmer seconded that the Clerk should notify Ron Wasmund by letter to have Mr. Wasmund do what has to be done to get Colin Garvey to stop hauling out material from his property at 26790 Chippendale Avenue in Section 29, and to notify the County gravel tax agent and to proceed with penalties if needed. Motion carried 5 ayes.**

**BUILDING PERMITS**

Ron Wasmund sent a memo regarding JEAN MULVIHILL. Jean Mulvihill submitted an application for a building to be constructed at 2760 232<sup>nd</sup> Street East. This is a parcel that has no principal structure and therefore no legal address assigned. A permit cannot be issued without an address. The parcel is an affected parcel, meaning that part or all of the parcel is located in the flood plain/shoreland district. Before Castle Rock can issue a permit, the applicant must contact Dakota County Office of Planning and receive a Floodplain designation letter. Ms. Mulvihill will take care of these issues before returning her application.

TRACY BAUER has put his application on hold because he doesn't know what his insurance wants to do about the remodeling of the house.

DAVID FINNEGAN, 25251 Chippendale Avenue, Farmington MN 55024, submitted an application for an accessory building. The site plan does not have any dimensions on it – it is not complete – no further work will be done to process the application, and it is noted for the record that the applicant started the site grading and building preparation prior to issuance of a permit. The site grading has been stopped with a stop work order by Ron Wasmund.

MIKE THOMAS, 4889 Pilot Knob Road, Eagan MN 55122, regarding activity at 26752 Denmark Avenue: Inspectron, Inc. is checking this issue and will send the Clerk a memo regarding their actions.

## **VIOLATIONS**

**Arlyn Lamb made a motion and Paul Irrthum seconded that the Clerk notify Ron Wasmund by letter of the following problems:**

- 1. Gary Kassa, 22235 Beaumont Way, Farmington, in Countryside Estates: junk cars and unlicensed vehicles**
- 2. Mark Beltz, 22488 Chippendale Avenue, Farmington: on-road parking**
- 3. JJ Young, of 16275 Hudson, Lakeville MN, 55044: regarding outside storage at property at 22428 Chippendale Avenue**
- 4. J and L Auto, 22380 Chippendale Avenue, Farmington: excessive parking**

**Motion carried 5 ayes.**

## **SPOTTED KNAPWEED**

Paul Irrthum informed the Board that the spotted knapweed problem was discussed at the Dakota County Association of Township Officers' meeting, and it was passed to ask the County to put this plant on the noxious weed list. The Dakota County Association of Township Officers also passed a resolution to support the Hazard Mitigation Planning Process.

## **ROADS – MARKING TILE OUTLETS**

**Paul Irrthum made a motion and Arlyn Lamb seconded that Mark Henry should order enough signs to mark the tile outlets on Township roads. Motion carried 5 ayes.**

## **MAILBOX**

**Arlyn Lamb made a motion and Paul Irrthum seconded to send a letter to Richard Faber, 26209 Cambodia Avenue, Farmington, informing him of his illegal mailbox and to also send him a flyer instructing him what must be done to correct the present situation before snowplowing starts. Motion carried 5 ayes.**

## **TREASURER'S REPORT**

**Jim Ozmun made a motion and Arlyn Lamb seconded to approve the October Treasurer's Report as written. Motion carried 5 ayes.**

## **CLAIMS REPORT**

**Russ Zellmer made a motion and Arlyn Lamb seconded to approve the Claims Report as presented. Motion carried 5 ayes.**

## **REPLACEMENT OF TREES AT NEIL'S**

Roger Randall was questioned by Steve Neil about the replacement of trees removed from Bill Neil's property for the rebuilding of 275<sup>th</sup> Street. The agreement, made on July 9, 2002, stated that the trees in the right of way will be removed and will be replaced with twenty (20) pine trees four feet (4') minimum, to be placed at the owner's request. **Arlyn Lamb made a motion and Russ Zellmer seconded that Roger Randall should talk with the owner, Bill Neil, about the purchase of trees. Motion carried 5 ayes.**

**DRY HYDRANT**

Discussion was held regarding the placement of dry hydrants in the Township. There are two possible places – one is at 260<sup>th</sup> Street and Biscayne Avenue, and the other is at 230<sup>th</sup> Street and Blaine Avenue. Terry Thraen will talk with Empire Township to possibly share the cost of the one on Blaine.

**ADJOURN**

**Jim Ozmun made a motion and Paul Irrthum seconded to adjourn. Motion carried 5 ayes.**

Meeting adjourned at 10:35 p.m.

Respectfully submitted,  
Maralee Rother Clerk

Attest: \_\_\_\_\_  
Randy Becker Chair