

**CASTLE ROCK TOWNSHIP  
BOARD OF SUPERVISORS REGULAR MEETING  
March 13, 2017 @ 7:00 P.M.**

**Approved**

The regular monthly meeting of the Board of Supervisors of Castle Rock Township was convened at the Castle Rock Town Hall on Monday, March 13, 2017 at 7:00 p.m. Present were Sandy Weber, Chair; Jon Juenke, Vice-Chair; Jeff Partington, and Kelly Elvestad, Supervisors; Barbara Lang, Clerk and Rhonda Rademacher, Treasurer. Supervisor Dave Nicolai was not present. Also in attendance were Terry Stapf, Russell Zellmer, Russ Zellmer & Ashley Zellmer, Nancy Asher, Erik Nielsen, Nicole Sindelar, Paul & Molly Wagner, and Mark Henry.

Sandy Weber called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

**APPROVE AGENDA**

Terry Stapf asked to be added to Public Comment.

**Jeff Partington made a motion and Jon Juenke seconded to accept the amended agenda. 4 ayes. Motion carried.**

**CONSENT AGENDA**

1. February 13, 2017 Board of Supervisors Regular Meeting Minutes
2. February 22, 2017 Annual Budget and Audit Meeting Minutes

**Jon Juenke made a motion and Kelly Elvestad seconded to approve the minutes listed above. 4 ayes. Motion carried.**

3. February 27, 2017 Special Meeting Minutes

Supervisor Kelly Elvestad commented that she didn't think what was recorded accurately reflects some of the discussions presented by Town Planner Dean Johnson at this meeting, especially regarding lot sizes. She did not have specific suggestions to correct the minutes. There was discussion about some of the wording in these minutes, but with no solution for corrections or additions.

**Jeff Partington made a motion and Kelly Elvestad seconded to direct the Clerk to forward these minutes to Dean Johnson, Town Planner, for his review and clarify the information recorded in the minutes. 4 ayes. Motion carried.**

**PUBLIC COMMENT**

Terry Stapf was present and commented that his issue was regarding a building permit application for his son for an in-ground pool. They didn't understand what the process is for submitting building permit applications. Their issue is that the contractor they are working with wants to begin work immediately, and his son has been told that the application has to be reviewed by both the Planning Commission and the Board of Supervisors before the actual permit can be issued. Supervisor Elvestad explained that any permits that make changes to the footprint on property need to go through the process in the correct order. Supervisor Jeff Partington confirmed that permit applications need to go through the process, and explained that the Clerk can be instructed to send the application and drawings to the Building Official to go through the plan review process after the Planning Commission has reviewed and recommended proceeding in order to expedite having the actual permit issued. He recommended that Mr. Stapf should be present at the March 27<sup>th</sup> Planning Commission meeting when the permit in question would be reviewed, in case there were any questions so there wouldn't be any delays in getting the paperwork completed.

**PLANNING COMMISSION UPDATE**

At the February 27, 2017 meeting, the following action items were reviewed:

- Review Parcel Split Application, Mike Thomas, 26752 Denmark Ave
- Review Building Application for new residence on new parcel, Mike Thomas, 26752 Denmark Ave
- Review Parcel Split Application, Nick & Mary Niebur, PID #07-02500-76-010
- Review Parcel Split Application, Russell Zellmer, 1612 250<sup>th</sup> St W
- Review Ag-zoned Building Application, Robert Wegner, 22680 Blaine Ave

- Review Ag-zoned Building Application (includes existing ag-building demo – no permit required), Paul Wagner, 23545 Chippendale Ave
- Review Building Permit Application for residence addition, approx. 25' x 50', Paul Wagner, 23545 Chippendale Ave
- Review Building Permit Application, Dan & Nicole Sindelar, 24519 Chippendale Ave (Demo permit for existing house will be applied for later – will not be torn down until new house is occupied)

All applications were reviewed and recommended to the Board for Approval, with some contingencies as noted in the February 27, 2017 Planning Commission meeting minutes.

In addition, PC Chair Jeff Partington requested that the Board specify the procedure that is to be followed for verifying setbacks for ag-zoned buildings. Chair Sandy Weber stated that ten years ago, when she was on the Planning Commission, the Clerk would review the setbacks for ag structures as applications came in and they were only checked at the building site if the locations were close to property lines. She also mentioned that Dave Nicolai had volunteered to verify the setbacks at a previous meeting, as he has the equipment to do this. Jon Juenke commented that when he had a new grain bin built this past year, the Building Inspector had been out to verify the setbacks. There was discussion that this will be verified with Mr. Nicolai upon his return, and possibly he and a Planning Commission member would verify the setbacks going forward.

**Kelly Elvestad made a motion and Jon Juenke seconded to add this topic for discussion at the Annual Town Meeting. 4 ayes. Motion carried.**

#### **REVIEW / APPROVE**

- Review Parcel Split Application, Mike Thomas, 26752 Denmark Ave

**Jeff Partington made a motion and Jon Juenke seconded to approve the parcel split. 4 ayes. Motion carried.**

- Review Resolution 2017-03 approving above parcel split

**Jeff Partington made a motion and Kelly Elvestad seconded to approve Resolution 2017-03 approving the above parcel split. 4 ayes. Motion carried.**

- Review Building Application for new residence on new parcel, Mike Thomas, 26752 Denmark Ave

**Jon Juenke made a motion and Kelly Elvestad seconded to approve the building permit application. 4 ayes. Motion carried.**

- Review Parcel Split Application, Nick & Mary Niebur, PID #07-02500-76-010

**Jeff Partington made a motion and Jon Juenke seconded to approve the parcel split. 4 ayes. Motion carried.**

- Review Resolution 2017-04 approving above parcel split

**Kelly Elvestad made a motion and Jeff Partington seconded to approve Resolution 2017-04 approving the above parcel split. 4 ayes. Motion carried.**

- Review Parcel Split Application, Russell Zellmer, 1612 250<sup>th</sup> St W

**Kelly Elvestad made a motion and Jon Juenke seconded to approve the parcel split. 4 ayes. Motion carried.**

- Review Resolution 2017-05 approving above parcel split

**Kelly Elvestad made a motion and Jon Juenke seconded to approve Resolution 2017-05 approving the above parcel split. 4 ayes. Motion carried.**

- Set Public Hearing Date for Variance Application for continued use of shared driveway at 1612 250<sup>th</sup> St W

Clerk was directed to publish and post Public Hearing for the above Variance Application to be on March 27, 2017 at 6:30 pm.

- Review Ag-zoned Building Application, Robert Wegner, 22680 Blaine Ave

**Jon Juenke made a motion and Kelly Elvestad seconded to approve the Ag-zoned building permit application. 4 ayes. Motion carried.**

- Review Ag-zoned Building Application (includes existing ag-building demo – no permit required), Paul Wagner, 23545 Chippendale Ave

**Jeff Partington made a motion and Kelly Elvestad seconded to approve the Ag-zoned building permit application. 4 ayes. Motion carried.**

- Review Building Permit Application for residence addition, approx. 25' x 50', Paul Wagner, 23545 Chippendale Ave

**Jon Juenke made a motion and Kelly Elvestad seconded to approve the building permit application. 4 ayes. Motion carried.**

- Review Building Permit Application, Dan & Nicole Sindelar, 24519 Chippendale Ave

**Jeff Partington made a motion and Kelly Elvestad seconded to approve the building permit application. 4 ayes. Motion carried.**

### **COMMITTEE REPORTS**

- Parks – Supervisor Kelly Elvestad made the suggestion of holding a volunteer clean-up and planting day at Countryside Estates Park. Clerk was instructed to add this topic to the Annual Township Meeting for comments by our residents.

### **UNFINISHED BUSINESS**

- Review Opt-Out Ordinance Amendment 2017-A for Family Healthcare Dwelling Units and accompanying Resolution 2017-01 – set Public Hearing Date

Both Sandy Weber and Kelly Elvestad indicated that they have done additional research regarding the Family Healthcare Dwelling Units. Supervisor Elvestad commented that she had a conversation with one of the attorneys from the Minnesota Association of Townships (MAT), who had explained in more detail that even if the township adopts the Opt-Out Ordinance Amendment, that would not prevent a resident applying for a Variance in the future if they had a family situation that came up and would utilize this option.

**Kelly Elvestad made a motion and Jon Juenke seconded to set the Public Hearing date for comments on Ordinance Amendment 2017-A to be March 27, 2017, as part of a series of Public Hearings beginning at 6:30 pm. 4 ayes. Motion carried.**

- Review new Ordinance 2017-01 (draft) establishing fees for Emergency Response Services in Castle Rock Township and accompanying Resolution 2017-02 – set Public Hearing Date

The updated language prepared by township attorney, Troy Gilchrist, was reviewed.

**Jeff Partington made a motion and Kelly Elvestad seconded to set the Public Hearing date for comments on Ordinance 2017-01 to be March 27, 2017, as part of a series of Public Hearings beginning at 6:30 pm. 4 ayes. Motion carried.**

- Discuss re-zoning requests and plan for land use map updates

Chair Sandy Weber reminded the Supervisors that they should be looking at the maps that were provided to everyone and have updates back to the township by the May meeting so they can be passed on to the Township Planner for the Comprehensive Plan map updates.

Discussion continued regarding the re-zoning request areas. Supervisor Elvestad stated that her understanding of the information provided at the February 27<sup>th</sup> meeting with Dean Johnson, Township Planner, was that the areas asking for re-zoning consideration are in a good location for the Met Council to approve. Ms. Elvestad believes in landowner's rights, and that the timing of the ten-year cycle of the Comprehensive Plan updates makes this zoning update the best time to consider making this change. Clerk Barbara Lang commented that our current Rural Residential 1 zoning category does not allow for housing density of less than one per ten acres. Supervisor Partington stated that he is not in favor of the smaller lots. Chair Sandy Weber asked resident and former Board Supervisor Russell Zellmer to provide a history regarding the Rural Residential zoning. His recollection was that the adjacent RR-1 lots were plotted prior to 1978 when the township's Zoning Ordinances were created, and that is why some of the lot sizes do not conform to the existing Zoning Ordinance. His understanding is that the zoning categories and housing density in our Ordinance is what has been acceptable to the Metropolitan Council. Mark Henry commented that the areas being considered do have potential access off Highway 50, which is a blacktop road, and more conducive to a housing development. Supervisor Jon Juenke stated that while the township is working on

the ten-year Comprehensive Plan update is a good time to be looking ahead and to make considerations for future development. Chair Weber then tabled further discussion for this meeting, and indicated the topic will be included in discussions at the Board of Supervisors meetings for the next several months.

- ADT contract cancellation update

Clerk Barbara Lang reported that she had checked with MATIT, the township's insurance carrier, if discontinuing the service would affect our insurance premium. They indicated this would not affect the policy. Clerk Lang had also contacted ADT to verify if there are any contract cancellation provisions, and was told that we are on a month-to-month basis. Written notice of the cancellation date would only need to be faxed to them.

**Kelly Elvestad made a motion and Jon Juenke seconded to discontinue the ADT service. 4 ayes. Motion carried.**

### **NEW BUSINESS**

- 2017 Park Mowing Contract

Clerk has updated language as instructed and prepared the 2017 contract, which was reviewed and authorized to send to the existing contractor, as allowed by our contract provisions.

- Discuss contract renewals for Building Inspector and Septic Inspector

Supervisor Elvestad inquired if the Clerk could contact the Building Inspector and ask if they could perform inspecting the Ag-zoned building setbacks as part of their contract service, with no charge to the township. Clerk was also instructed to add discussion of the contract renewals for the Building Inspector and the Septic Inspector to the agenda for the Annual Township Meeting to get feedback from the residents about their wishes to continue with the current contractors, or issuing an Invitation for Quotes for these services, as the contract for the Building Inspection Services expires on June 30, 2017.

### **DAKOTA COUNTY SHERIFF UPDATE** – None

### **ROAD REPORT**

- Gilmer driveways

Mark Henry would like confirmation that the Board approves slightly modified measurements for the location of the driveways for the new pole building and residence that are being built along 278<sup>th</sup> Street in Castle Rock. Mr. Henry doesn't believe a formal variance is required because it is on a reduced speed limit, residential street. Clerk was instructed to include that the Board approves of the location that Mr. Henry has inspected so it is on record.

- Request to prepare and distribute Invitation to Quote for the township's 2017 gravel needs, as well as for the dustproofing for 2017. Clerk was instructed to work with Mr. Henry, our Road Maintenance contractor, to prepare and distribute the invitations for quotes for both gravel and dustproofing, to be received for review at the April Board of Supervisors meeting.

Mr. Henry also commented that the Vermillion Watershed JPO will be developing approximately four acres to create a wetland area for nitrate reduction, in conjunction with the County Road 78 road upgrades.

### **TREASURER'S REPORT**

- Discuss two minor updates to Proposed Budget

Treasurer Rhonda Rademacher requested updating two line items on the Proposed Budget to reflect expenses that have been incurred – one for increasing the Election Expenses by \$600 to account for the equipment and licensing fees charged by Dakota County for the new election equipment; and decreasing the ADT Security amount by \$495.00 to reflect that service only being used for the first quarter of this year.

**Kelly Elvestad made a motion and Jeff Partington seconded to accept these changes to the Proposed Budget. 4 ayes. Motion carried.**

Receipts	\$ 901.10
Current Investments	\$ 869,240.92

**Kelly Elvestad made a motion and Jeff Partington seconded to approve the Treasurer's Report. 4 ayes. Motion carried.**

### **REVIEW PAYROLL AND CLAIMS**

Payroll: \$ 1,449.76    Claim # 8886 – 8887

Claims: \$ 36,080.88    Claim # 8888 - 8906

**Total: \$ 37,530.64**

**Kelly Elvestad made a motion and Jon Juenke seconded to approve the Payroll and Claims. 4 ayes. Motion carried.**

### **CLERKS REPORT**

- Township elections are tomorrow, followed by the Annual Town Meeting at 8:30 pm. It is recommended that all Supervisors attend the Annual Town Meeting. Reminder that the Board of Canvass will meet immediately following the Annual Town Meeting.
- Clerk received a call that several of the marker balls on the CAPX lines had broken during the high winds about a week ago, and there was debris in the fields that needed to be cleaned up. Clerk contacted the current project manager for our portion of the line. A lineman has been out to inspect the area, cleaned up the debris, and they are making arrangements to replace the broken marker balls.
- Reminder that the Spring Short Courses are coming up. Rhonda, Sandy, and Barbara will be attending the courses in Rochester on March 21.
- Reminder about the Spring meeting of the Dakota County Township Officers on March 18 at the Empire Maintenance Building. Registration begins at 8:30 am, meeting starts promptly at 9 am.
- Please let Clerk know if you have any updates for the website.

**Jon Juenke made a motion and Jeff Partington seconded to adjourn. 4 ayes. Motion carried.**

Meeting adjourned at 9:02 pm

Respectfully submitted,  
Barbara Lang, Clerk

Attest: Sandy Weber, Chair of Board of Supervisors