

**CASTLE ROCK TOWNSHIP**  
**BOARD OF SUPERVISORS REGULAR MEETING**  
**March 14, 2016 @ 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 14, 2016 at 7:00 p.m. Present were Sandy Weber, Chair; Russ Zellmer, Vice-Chair, Jeff Partington, Jon Juenke, and Dave Nicolai, Supervisors; Rhonda Rademacher, Treasurer, and Barbara Lang, Clerk. Also in attendance were Kyle Hartnett, Matt Lemke, Janthra Lemke, Cliff Salmon, Tara Lien, Rebecca Lien, Erv Zimmer, Jason Maras, Kelly Elvestad, Brandt Erwin, Dakota County Deputy Sheriff Smith.

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

**APPROVE AGENDA**

**Dave Nicolai made a motion and Jon Juenke seconded to accept the agenda. 5 ayes. Motion carried.**

**CONSENT AGENDA**

1. February 8, 2016 Board of Supervisors Special Meeting Minutes
2. February 8, 2016 Board of Supervisors Regular Meeting Minutes

**Jeff Partington made a motion and Jon Juenke seconded to approve the consent agenda. 4 ayes, 1 abstain by Russ Zellmer. Motion carried.**

**PUBLIC COMMENT - None**

**PLANNING COMMISSION UPDATE**

On February 22, 2016, the following item was discussed at the monthly Planning Commission meeting:

- Discussion about Lee Bremer parcels on 270<sup>th</sup> St

Attorney David Hvistendahl was present and presented two applications for Variances for the required road frontage for the two parcels that currently have no buildings on them. As the old property deeds were updated back in the 1970s with the intention that the easements included in the deeds were adequate, the Planning Commission recommends moving forward with the required Public Hearings to review the applications. The recommendation is to hold a series of two Public Hearings beginning at 6:30 pm on March 28, prior to the regular Planning Commission meeting.

**Jon Juenke made a motion and Russ Zellmer seconded to set Public Hearing date for 6:30 pm on March 28, 2016. 5 ayes. Motion carried.**

**REVIEW / APPROVE - None**

**COMMITTEE REPORTS - None**

**UNFINISHED BUSINESS**

- Discussion of Resolution 2016-01 Resolution Issuing a Conditional Use Permit for the Property Located at 1120 220<sup>th</sup> Street West.

Sandy Weber, Chair, read the following statement prepared by the Township Attorney:

“Before us tonight is a request for a conditional use permit to operate a cemetery at the property located at 1120 220<sup>th</sup> Street. The town board originally denied the request and the denial was challenged. The district court ruled in favor of the applicant and has ordered the town board to issue the conditional use permit for the cemetery. The town board is required to comply with the court’s order and the resolution before us tonight is to issue the conditional use permit.

The conditions imposed on the permit, as directed by the court, are set out in the resolution and are summarized as follows:

- The cemetery shall only be open from 7:00 a.m. until one half hour after sunset.
- The Association shall provide adequate parking on the Property.
- The Association shall use sealed vaults and vault liners in all graves.
- The Association shall define the number of potential burials on the property.
- The Association shall provide the water table information to the Township.

- The Association shall identify landscape perimeter requirements.
- The Association shall use only flat stone markers for graves.
- The Board of Supervisors shall review the installation of a turn lane on Highway 50 and shall contact the Minnesota Department of Transportation if necessary.
- The Association shall install a privacy fence along the western boundary line of the property to screen the cemetery from the homes in Chaparral Estates and place trees to screen the property as the burial area expands.
- The Association shall provide an increasing amount of financial security as the burial area develops to provide for the maintenance of the cemetery if it ever becomes abandoned or reverts to the Town. The total amount of financial security to eventually be provided is \$440,000.

Again, the town board is bound by and must act in accordance with the court's order. The order was very specific about the conditions that can be placed on the permit and we are not allowed to add or change the conditions. In addition, the U.S. Department of Justice is currently investigating this matter. As such, we will not be taking any public comment on the application this evening.

The resolution adopting the conditional use permit that we are considering was drafted by our attorney and is consistent with the court order. Our attorney is here tonight to answer any questions the Board may have, but because we are mandated to approve the conditional use permit, and because it is the subject of an active Department of Justice investigation, I will simply ask for a motion to approve the resolution before us."

Supervisor Russ Zellmer asked how the town will be able to enforce the conditions listed. Town Attorney Kyle Hartnett responded that typically the town would have to receive a complaint about some violation and then could act accordingly to enforce compliance.

Chair Sandy Weber inquired if the Supervisors would be allowed to enter the property if any inspections needed to be made since it is private property? Mr. Hartnett recommended that arrangements should be made in advance with the cemetery organization if that is necessary.

Supervisor Dave Nicolai asks what happens if there is a violation and the township needs to rescind the CUP? Mr. Hartnett indicated that whatever stage the cemetery is in at that point would have to remain intact. State law would then come into play to declare it as an abandoned cemetery.

Mr. Zellmer asked about clarification about Item 4 in the CUP, which is that the Association shall define the number of potential burials on the property. Will they be required to comply with State Statute 307.01 which requires the Association to have the land surveyed and platted and this information must be recorded with the County Recorder? Mr. Hartnett indicated that the Association is required to comply with all State Statutes that apply to Private Cemeteries, which are covered under MN State Statutes Chapter 307.

Mr. Nicolai asked what the township will need to do if a time comes when there is inadequate parking at the property during a burial. Mr. Hartnett responded that at this time we don't have the ability to define the number of actual parking spaces. If it becomes a problem that there is overflow traffic that is attempting to park along the State Highway on a consistent basis, then this could be addressed.

Mr. Nicolai then asked what the difference is between a public cemetery and a private cemetery. Mr. Hartnett explained that the State Statutes have slightly different regulations for each category. Clerk Barbara Lang pointed out that the original application's business plan defined the proposed use as a private cemetery.

No further questions being asked, Chair Weber asked for a Motion to act on Resolution 2016-01.

**Dave Nicolai made a motion and Jon Juenke seconded to approve Resolution 2016-01. 4 ayes, 1 opposed by Russ Zellmer, who stated that he is against authorizing this use, as he still feels it is a loss of ag land for the township. He also stated that it still is a loss of tax money for the township. Motion carried.**

- OAA with City of Farmington – still waiting for further comments from City of Farmington.

#### **DAKOTA COUNTY SHERIFF UPDATE**

- Deputy Smith reported that they are still seeing some pick-ups and trailers being stolen in the local area. He reminded residents to please report suspicious activity to the Sheriff's office. Residents should be careful to not leave keys in their vehicles.

## NEW BUSINESS

- Review 2016 Annual Park Maintenance Agreement Quote from David Mumm  
Quote was received from David Mumm for the same price as the previous year - \$5,500.00

**Russ Zellmer made a motion and Dave Nicolai seconded to accept this quote and award the Agreement to David Mumm. 5 ayes. Motion carried.**

- Discussion of Ordinance 6.04 AG Agriculture District, B.8.a.  
Sandy Weber, Chair, wanted to point out that our Zoning Ordinance listed above only requires single-family farm dwellings to be located on a separately conveyed parcel to equal or exceed one acre for the dwelling unit. This also applies to a single family non-farm dwelling unit on qualifying Ag zoned property. Recent parcel splits have recommended five acres for such parcels, so the Supervisors need to be mindful of the language in the Ordinance. The “equal or exceed” requirement should be adequate to justify a larger dwelling parcel as we work to maintain the agricultural use in our township and minimize smaller parcels on Ag-zoned property.

- There was discussion to set the time for Annual Re-org Meeting.

**Jeff Partington made a motion and Jon Juenke seconded to set the Re-org Meeting for April 11, 2016 at 6:30 p.m. 5 ayes. Motion carried.**

## ROAD REPORT

- Draft of the 2016 Invitation to Quote for Gravel was reviewed.

**Russ Zellmer made a motion and Dave Nicolai seconded to release the Invitation to Quote. 5 ayes. Motion carried.**

- Clerk Barbara Lang read e-mail dated March 14 from Tom Anton, Dakota County Dept. of Transportation, requesting to hold a project open house at the Castle Rock Town Hall on April 28 from 4:30 to 7 pm for the County Road 78 project that is scheduled to begin in 2017. Ms. Lang is available to have the town hall open for this event. The County is responsible to send out whatever notices are required.
- Supervisor Dave Nicolai indicated there are some large trees on his property along 225<sup>th</sup> Street that will be dug up to be moved to his residence on Biscayne Ave and he inquired if he needs some kind of a permit for that. Clerk Barbara Lang indicated that other projects similar to this in the past have had a Road Use Variance form and fee. It was recommended that Mr. Nicolai will need to coordinate this with Mark Henry, and the roads are very soft right now, and road restrictions are in effect.

## TREASURER’S REPORT

Treasurer Rhonda Rademacher gave a summary of Town Hall repairs: All lights have been checked and repaired, fire extinguishers have been tested and replaced, and new shades have been installed in the office area. Will be replacing the others three window coverings sometime this year since we are well within the budget. She also gave a reminder that Irene Bright will be coming next week to work with us on CTAS.

Receipts	\$ 48,664.22
Current Investments	\$879,829.34

**Russ Zellmer made a motion and Jon Juenke seconded to approve the Treasurer’s Report. 5 ayes. Motion carried.**

## REVIEW PAYROLL AND CLAIMS

Payroll:	\$ 1,612.29	Claim #8583 - 8584
Claims:	\$36,066.98	Claim #8585 - 8613
<b>Total:</b>	<b>\$37,679.27</b>	

**Russ Zellmer made a motion and Dave Nicolai seconded to approve the Payroll and Claims Review. 5 ayes. Motion carried.**

## CLERKS REPORT

- Township Elections were held on Tuesday, March 8. We had fairly good voter attendance.
- Annual Township Meeting was held on Tuesday, March 8. The Annual Report is available on the Township website.
- Clerk and Treasurer will be attending the MAT Short Course in Rochester on March 15 – no office hours that day.
- Newly elected Supervisors (Kelly and Dave) need to get the Certificates of Election and take the Oath of Office between March 16 and March 28.

- Clerk reminded Supervisors that the Dakota County Township Officers Association meeting will be held on March 19, 2016 at the Empire Public Works Building. Meeting begins at 9 am.

**Russ Zellmer made a motion and Jon Juenke seconded to adjourn. 5 ayes. Motion carried.**

Meeting adjourned at 7:43 p.m.

Respectfully submitted,  
Barbara Lang, Clerk

Attest: Sandy Weber, Chair of Board of Supervisors