

**THE HAMPTON TOWNSHIP BOARD
REGULAR BOARD MEETING
MINUTES
September 20, 2011 7:30 P.M.**

Attendance

Chair	Doug Wille
Supervisor	Donna Otto
Supervisor	Bob Leifeld
Clerk	Jeanne Werner
Treasurer	Leo Nicolai

This meeting was called to order by Doug Wille, Chair at 7:30 P.M. with the pledge of Allegiance to the Flag, using the consent agenda with the exception of approving the claims.

A motion was made by Bob Leifeld and seconded by Donna Otto to approve the routine items on the consent agenda and to approve the balance of the agenda with the exception of the claims. Motion was unanimously passed.

The minutes and the Treasurers report were signed.

A motion to approve the claims number 4486 to 4507 was made by Donna Otto and seconded by Bob Leifeld and unanimously passed. Checks were signed.

ROAD REPORT

A sign list was prepared by Bob Leifeld. He drove around for 3 hours figuring out what signs and posts will need to be replaced. He rated them from good to bad. We will need to pick out the ones that need to be replaced by 2012 and have the plan be in place by January 2012. The state is putting a 10 year life replacement on signs. Bob asked the supervisors to review the list and to think about the plan. Donna mentioned to table this until next meeting. Donna asked the approximate dollar amount it will take to replace the signs and Bob has not figured that up at this point. Bob stated the ones that are poor needs to be replaced right away and posts will have to be replaced as well. The township association is after the State of Minnesota to hold off this request or give us some funding to help with the cost. This was tabled until October's meeting. Bob will prepare an estimated cost for the project.

Chloride was applied on 250th from Hogan to Hwy 52. Donna was called by two residents to thank the board for taking care of those roads. Bryce Otte suggested that we chloride the freshly graveled roads the first year. It would figured out to be approximately \$2000.00 per mile to apply the chloride but will

save on grading the road and the loss of rock. Bob also mentioned that this would help settle the fines down. Doug stated maybe we should try it next year. We will discuss this next spring. It was mentioned on Lewiston Blvd by the Bedards, there is black dirt showing again. Bryce mentioned that they will need to apply some spot loads of gravel. He mentioned that he needs 15 to 20 loads. Inga and 225th also needs attention. **Bob Leifeld made a motion to go ahead and fix up the spots that needs fixing by Otte Excavating, seconded by Donna Otto and unanimously passed.**

PERMITS

Santani Custom Homes for Decker project on Darkhorse Lane was present. Project involves widening the front steps, putting a roof over steps and replacing front door. It was approved by the Planning Commission. **Bob Leifeld made a motion to approve this permit, seconded by Donna Otto and unanimously passed. Permit granted.**

Corey Thompson is the contractor for BetaSeed was present in regards to putting a shed. Doug stated it was a research company and was wondering if this was an agricultural building. Jerome Irrthum debated if it was an agricultural building verses an agricultural building. There are buildable lots but stated that it is no different than a shed that stores tractors. Donna stated that it is a commercial research facility and was wondering if it is commercial. Jeromy stated that they are not selling anything out of there and will be storing tractors. The shed will have a break area and a bathroom. Donna again stated it was a research center. Doug stated that they are growing sugar beet and it is an agricultural business. Gary from Beta Seed explained it is a sugar beet research center seed company and they are a research center that does trials ever year and we use only use 20 acres of the land to research diseases of the sugar beets. We have 150 acres we own and will be rotating the area where we will be planting the sugar beets. The shed will be used for a place for the employees that are there during the growing season, otherwise the employees will be in our Shakopee headquarters where the research is done. We are improving the irrigation system for the improvement of the research area. We have 5 to 6 people there working at a time and they do occasionally have additional people weeding and thinning the beets. We might have 15 to 20 people out there for 1 or 2 days and we are not there on a regular basic. Donna stated we might have to issue a conditional use permit but Doug stated that he thinks it's like another agricultural business. Jeromy stated that the Planning Commission thought the same way but his only concern is the western quarter section already has a house in it and asked if he could move it to the east quarter/quarter section. Donna asked for the distance from the roads. Gary stated that it was 100 feet from the edge of hwy 86 and 650 feet from Fischer Avenue. Corey stated that he will have a surveyor out by the end of the week if the permit is approved. They do not want to be in the pivot area of the irrigator and also chose that corner because the rest of the property is laid out in square grids. Kyle Shay was present and stated that he meet earlier with Gary and Gary reinsured him that there would be no problems. Earlier this summer, they were doing some work in the field and they had a tan truck (C50) that backed into Kyle's driveway and crushed the culvert. Kyle called Gary's office and left a message at the headquarters and there was no response. He had a few additional episodes with some pickups and employees. The employee walked into the back of his yard and then Kyle heard some spinning of gravel, and pulled out of the ditch and again called the office and left a message and again, no return phone call. Kyle stated that the driveway was no big deal but he has small children and he feels like there is a safety issue. Kyle stated that he is concerned. Gary stated that he was not notified of this and apologized to Kyle. Bob agreed with neighbors concerns but if they had the building built, they would probably not be in the neighbor's area. The location is also determined for there are two road accesses there. Kyle asked how much traffic would be there. In the winter, we would have someone there checking on the building once a week, and during the growing season it would vary for

there will be someone there during planting season and then another 2 week after that. Gary was not going to have shipments going out of there. Bob asked if there would be parking in front of the building so there won't be parking on the road anymore. Gary stated that was correct. Corey stated that there will be a parking area and be more accessible then parking on the side of HWY 86. The reason why there was parking on HWY 86 this summer is because that was the only place to park. Doug stated that our building inspector was present and wanted to hear from him on his opinion. Scott did not have a lot to offer since this was in the "gray area". He was unaware if a research facility was considered commercial or agricultural. He would like to contact the state to see if it was an exempt permit or not. Doug asked if we could table this or were they planning on building this fall. Corey stated that they would like to start this fall. Scott stated if it was an agricultural permit, it would still need a plumbing permit. Doug stated if it agricultural permit, they would not have to get a building permit for the structure. Doug asked Scott Qualle to get a better verification from the state if we need a building permit on this or not. Doug stated that we might have to post-pone another month and we are unaware if a seed company is considered agricultural by growing test plots and growing seed. Donna stated that the key word was business. Doug stated that farming is a business also. Donna stated that she would feel better if Scott checks on it with the state and if it's agricultural, that she would be fine. Corey stated that he is concerned about pushing it back a month due to the concrete. Doug stated that he is concerned about granting a permit when he doesn't know exactly how to issue it. Scott stated that if the state comes back and stated if it was agricultural, they could continue to go forward with their plans. Gary stated that if he needs a permit, he will get one if that is what the board is requesting. Doug stated if it is commercial, it structural has to be modified. **Bob Leifeld made a motion if the state rules it as an agricultural permit, the permit will be grant, but if not, we will have to have them come back and re-discuss the plan, seconded by Doug Wille and unanimously passed.** Scott will get back to Jeanne after he gets an answer from the State and Jeanne will contact Corey with the answer. Doug wanted to clarify with the State of Minnesota that it is an agricultural building and if not, they are required to get a building permit that meets state codes and any additional permits from the township verses building an agricultural building. Jeromy asked about commercial building restriction in our ordinance book. Doug stated that they will have to come back and start over if it considered commercial.

Marvin & Dixie Schaffer has stated that they have a statement from Bob Friermuth that will approve the septic permit if the township allows. They are putting in a holding tank and a bathroom in a shed but are not meeting the setbacks from the shed because then they will be in there driveway and it would not work. It was discussed by the Planning Commission and they approved. **Bob Leifeld made a motion, seconded by Donna Otto to approve the septic permit requested. It was unanimously approved.** Dixie stated that all the application was submitted to Bob Friermuth. Dixie asked if they need to get a variance and Doug stated that it technically is not a variance.

Blake Otte requested a permit for manure storage. Planning Commission made a recommendation to approve. Blake was working with Tom Berry at Dakota County and presented the plans to the board. Arnie Radman wanted to review the plans. Arnie asked about the distance from the road. Doug stated on the plans it was 1067 feet from their house to the pond. Blake stated he will be setting it back another 50 feet (change of plans that day). Agricultural buildings only need to be 15 feet from the property lines if it is not used for animals. Buildings with animals have to meet the setbacks on the number of animals units their feedlot is permitted for. Arnie asked what kind of noise this will this cause? Arnie asked how many feet the building with the pump be away from his house? Blake stated that it would run 6 hours a day. Doug asked if the board could look up the noise ordinance and state what it says (Doug read the ordinance). Arnie wanted to know why he has to subsidize the operation

through the quality of life? Doug Wille read the noise ordinance. Arnie asked about the setbacks from a public park and stated it is a quarter of a mile so there must be a reason for that kind of distance. Doug did not know why. He also asked how you can pass this permit without knowing what kind of noise it will have. He asked if this was a normal farm operation. Doug stated that it is smaller operation in today's Dairy and that the ordinance allows this permit to be granted. Arnie stated he needs to have sound proofing in the building that the pump is in. Jerome Irrthum stated that if he lowers his animal units, all the requirements of the ordinance have been met. Arnie was concerned that in the future, if Blake decides to go bigger, will it be allowed. They stated there would have to be additional set of rules that would have to be met. Jeromy stated that if he increases his animal units by 2, it changes his setback to 750 feet. Donna pointed out ordinance 625 "Right to Farm" and Doug read it. This operation has been following the township and county rules from the beginning. Myra Radman asked Blake if he could sound proof the shed. Blake stated that it will be insulated due so it won't freeze. He also stated that the only thing you should be hearing is the blower which will only be running Monday through Friday. It will not be running during the night. We are separating the solid from the manure to reuse for bedding the animals. Myra asked if this digester could produce electricity. He stated not his one but maybe would consider that in the future. Arnie asked Jerome if anyone had researched the noise that this will produce. Jerome stated that we did not have to since it was not in the ordinance. **Doug stated that it fits our ordinance and the Planning Commission approved so motion was made to approve the permit application, seconded by Bob Leifeld and unanimously approved.** Arnie stated he did not want to stop Blake's operation but he thought he should not give up the quality of life for it. Blake stated the he thought he was helping the situation by storing the manure than running his tractors up and down the road. Arnie agreed but thought the noise level should have been researched before permit approval.

On September 12, the Planning Commission had a public hearing on section 504 of ordinance book. The ordinance stated that buildings that blew down or burnt down has to follow the current ordinance books including setbacks. The revised recommendation is as follows: **SECTION 504 A nonconforming building or structure damaged by peril to the extent greater than 50 percent of its market value may be restored or reconstructed only if market value may be restored or reconstructed only if constructed on the original footprint with the original structure's dimensions. However, re-locating the restored or replaced structure in conformity with this ordinance is encouraged.** Donna made a motion to change the ordinance to the above recommendation, seconded by Bob Leifeld and unanimously passed to change the ordinance 504. The recommendation of wording for the revised ordinance will be forward to Dean Johnson for print. He will make legal necessary changes to the wording if needed.

Bill Tix was requesting to rebuild his shed, which was passed at the Planning Commission back in September contingent on the ordinance change. **Donna made a motion to approve the building permit, seconded by Bob Leifeld and unanimously passed.**

Scott Qualle explained the process of permits and the way they go through the system. First thing is to approach the Planning Commission, the regular board and then the application goes to the inspector for a permit. The question is what items need to go to the Planning Commission or can it go directly to the inspector. He suggested that we give one person the authority to review the application, either a planning commission member or Jeanne to see if the application needs to be reviewed by the Planning Commission or if it can go directly to the inspector. For example, if it is 3 times the setbacks and we know that it will be approved, it could go onto the permit process. Doug asked how other townships due it where someone does not make a mistake. He suggesting if we could draft up something stating

the requirements (not changing square footage, etc), it could bypass the Planning Commission and go directly to the inspector and if the township has any questions, the inspector could help them make that decision. It will speed up the permit process for the applicant. Jerome Irrthum stated he has a very good point but also would feel uncomfortable stamping an approval on something when he has other board members to help him make that decision. Doug stated if not adding any square footage or changing the original structure, it would be a good idea to give it directly to inspector. Scott would suggest they still submit plans. He was asking if we had a Planner for the township? Scott has a gentleman that is a planner that reviews the ordinance to help direct the permit. Donna stated that it would be worth our while to have him talk to us. Doug stated with our website, we should maybe put a notice "APPLY FOR PERMITS EARLY". Jeromy agreed that we put together a permit process. Also, maybe put on the website a deadline to be put on the agenda to give them direction. Bob stated he didn't think we need to change anything for their only has been a few complaints. Donna stated that the planner will not be hired on a payroll but to be a research to us on an hourly basis. Doug stated maybe it would be worth hearing him to see what he has to offer. Scott stated this would be a start and he could be a limited research. Scott gave us a layout to review that he has written up on permits. Doug mentioned maybe the planner could come in on our November meeting after things are slower.

The discussion was made to have the planning commission meet monthly throughout the year. The planning commission was taking a few months off in the winter but the regular board would like them to meet monthly. **Doug Wille made a motion, seconded by Donna Otto, to have the Planning Commission to meet twelve times a year and was unanimously passed.** Doug mentioned if we don't have an agenda by Friday, Jeanne would email the Planning Commission and cancel the meeting. She will also post the cancel meeting notice on the website.

Donna and Bob went to the annual meeting in Zumbrota. They had a brief report.

OPEN FORUM

Bill Tix asked if the sign replacement is mandated? Doug stated we need to submit a plan and we're asked to replace all the signs. Arnie Radman was missing a few culvert signs on his roads and brought to Bob's attention. Bob stated he needs to review all the culvert signs.

Bob Leifled made a motion to adjourn the meeting and was seconded by Donna Otto . The meeting was adjourned at 9:05PM.

Respectfully Submitted;

Jeanne Werner, Clerk
Hampton Township

Date Signed: 10-18-11

Doug Wille, Chair: 

Jeanne Werner, Clerk: _____

HAMPTON TOWNSHIP TREASURER'S REPORT

October 18, 2011 (September's Business)

Beginning Balance:

\$169,536.26

INCOME:

WDS - Permit	\$ 54.50
Kennedy & Graven - Refund	387.08
Mulvihill Septic	500.00
Mulvihill Septic	500.00
Square Deal Dairy - Ag permit	75.00
Southview Design - Permit	323.86
Bill Tix - Ag Permit	75.00
K. Shay - Chloride	90.00
T. Mulvihill - Ag Permit	75.00
R. Peine - Permit	54.50
Bank Interest	<u>13.07</u>

TOTAL INCOME:

\$2148.01

EXPENSES:

Dakota County - Sept. Septic Fee	\$ 80.00
Kennedy & Graven - Legal Zoning	52.50
MN Spect - Permits	37.13
B. Friermuth - Nemerov Septic	400.00
Earl Anderson - Signs	58.44
Otte Excavating - Grading	7483.00
Anderson Rock - Gravel	30228.12
CNS Solutions - Computer Work	87.50
Citizens Bank MN - October rent	485.00
Donna Otto - Mileage reimbursement	56.05
Bob Leifeld - Mileage reimbursement	86.85
Quality Propane - Dust Control	675.00
Planning Commissioners - 3 rd Qtr.	778.40
Supervisors - 3 rd Qtr.	1147.25
Clerk and Treasurer - 3 rd Qtr.	3725.60
IRS - 3 rd Qtr. Payroll Tax	859.04
PERA - 3 RD Qtr. Payroll	697.27
Century Link - Phone	81.30
MN Revenue - 3 rd Qtr. Payroll Tax	113.32
Bank Service Charge	<u>12.55</u>

TOTAL EXPENSES:

\$47,144.32

CHECKBOOK BALANCE:

\$124,539.95

BANK STATEMENT 9-31-2011 (2 checks not in \$248.03) \$124,787.98



Doug Wille, Chair

10-18-11
Date



Leo Nicolai, Treasurer

10-18-11
Date