

HAMPTON TOWNSHIP
Board of Supervisors Agenda
March 17, 2015
7:30 P.M.

Meetings are recorded for minute taking purposes. All recordings are destroyed.

THE MEETING IS CALLED TO ORDER BY CHAIR BERNIE PISTNER USING THE CONSENT AGENDA

(Consent items are acted on with one motion unless a request is made for an item to be pulled for discussion)

Pledge of Allegiance to the Flag

Motion needed for the approval of the routine items on the consent agenda; except the claims and to approve the balance of the agenda

The board will sign the Minutes and the Treasurers Report

Motion needing approval for claims 5088 to 5115 and sign checks

Township letters of information

PUBLIC COMMENT

ROAD REPORT-

- Gravel Bid-Possible Resolution

PLANNING COMMISSION SYNOPSIS

- Adam Hager to build a 36x54 Pole Shed at 22521 Inga Avenue, Hastings
- Blake Otte requesting building permits for 2 ag buildings. Two sheds to be torn down and replaced with two new sheds (64x90 Machine Shed & 64x240 cattle shed) at 27729 Emery Avenue. Randolph

OLD BUSINESS

- Utility Permit approval process
- Cap x2020 Escrow Agreement
- Permit Issues

NEW BUSINESS

- Township Election Canvassing Board Meeting
- chloride program
- Reorganizational meeting
- Gravel quotes
- Mileage rate-resolution to sign

OTHER BUSINESS-Board Members only

Adjourn the meeting

**Hampton Township Board
Regular Meeting Minutes
February 17, 2015**

Attendance:

Chair: Bernie Pistner
Supervisor: Doug Wille
Supervisor: Jim Sipe
Treasurer; Leo Nicolai
Deputy Clerk: Bob Reinardy

Meeting was called to order at 7:43 P.M. by Bernie Pistner, Chair, with the pledge of allegiance, using the consent agenda with the exception of approving the claims.

Motion was made by Doug Wille to approve the routine items on the consent agenda, including the minutes to the January 27 regular meeting, and the February 4 Budget and Audit meeting, seconded by Jim Sipe. Motion approved.

Minutes and Treasurers report were signed.

Motion made by Doug Wille to approve claims 5077-5087, seconded by Jim Sipe. Checks were signed.

Bernie Pistner turned the meeting over to Jim Sipe to conduct. Jim opened the floor to public comment.

Heather Arndt (e-mail: harndt@okstate.edu) from Hader, representing Citizens Concerned About Rail Line (CCARL) spoke regarding Tier 1 of ZipRail line from Twin Cities to Rochester. She noted townships are not being invited to serve on Tech. Advisory Committee. She states townships can serve on Community Advisory Committee, and she was seeking applicants so rural areas and townships are represented. Deadline to apply is 2/27/15. Committee should consist of about 20-25 members. They are concerned about such things as stray voltage, parcels being carved up, along with other issues. Website for more information is: www.goziprail.org.

Jason Otte provided the Road Report. He mentioned that they did some sanding, but there has been little snow to deal with, and that things are in fair shape.

Synopsis was provided by Jim Sipe and Bob Reinardy regarding the Planning Commission Meeting of 2/9/15. Tom Walters requested information covering two PID's. He wanted to know minimum lot sizes, information regarding clustering, density, shared septic systems and wells, etc. Planning Commission answered all of his questions. (See Planning Commission Minutes of 2/9/15 for detail of information provided to him.)

Jim Sipe discussed the Halweg Property decision. There was much discussion regarding sections 402 and 509, effective dates of lots-of-record,, and fixing the intent of the ordinance. Doug pointed out that township board can interpret ordinances and rule as they see fit, but that he also felt that the April 21,1982 should be recognized as the proper date to follow. Jim pointed out that the planning commission felt the same way. (see old business for continuing discussion and action planned regarding ordinance updating.)

Old Business:

Discussion continued on Halweg property and fixing ordinance to clarify a lot of record as prior to April 21, 1982 being the effective date. Jim states township needs to tell Troy Gilchrist exactly what the township wants. Jim asked Troy to address the Halweg issue, and to also address divided properties which create sub-standard lots. Doug asked Jim that communications with the legal field be conducted by email and copied to all board members so there is a written record of what is said and to provide current information to the board members.

Jim Sipe pointed out how we need to clean up ordinances. He referenced a 2007 addendum regarding frontage-requirement changes as they pertain to houses built 300 feet from road. He found no record of this in the ordinance record, and this was disturbing. He asked what precipitated this change, but there was no clear reason found. Jim will talk to attorney to go through ordinance book and find other areas that need attention. Board agrees that ordinances need to be cleaned up. Jim will ask Jeanne as to how to proceed with public hearing notices at the point which they will be required if and when changes will be made.

Jim said Gilchrist should also look at ordinances to determine if there are any rules that may pertain to construction and the number of driveways permitted on a property.

Jim Sipe asked what the capacity of Dean Johnson was to the township and was told he writes all of our ordinances. Jim said he will only deal with Troy Gilchrist's law firm, as we should only be utilizing one firm when trying to fix our ordinances.

Jim Sipe will talk with Troy Gilchrist regarding utility payments to establish an escrow account to cover township costs on CAP X project. Troy sent a proposal to CAP X, and they changed some things and sent it back to him. Troy did not like their changes, and he is still looking at it.

New Business:

There have been some complaints covering MnSpect and the manner in which they have been performing inspections and conducting business.. Jeanne will be asked to procure some more information as to the nature of the complaints, ie, who issued the complaints, and ask them to provide specifics as to the reasons that drove the complaint. Doug reviewed the contract with MnSpect.

Leo referenced a portion of the Budget and Audit Meeting minutes which reads date of levy as 2017. and that it should read as 2016. **Motion made by Doug Wille to have the minutes corrected to read levy date of 2016, seconded by Bernie Pistner. Motion approved.** Bob will provide a copy of minutes to Jeanne and ask her to correct the date to 2016.

Upcoming meeting schedule: March 10 Annual Meeting. March 17 Organizational/regular meeting.

Doug Wile made a motion to adjourn, seconded by Bernie Pistner. Motion approve

DATE _____

CHAIR
Bernie Pistner _____

DEPUTY CLERK
Bob Reinardy _____

Hampton Township
Planning Commission
March 9, 2015

Attendance:

Jeremy Irrthum-Chairman
Dave Peine
Larry Runyan
Mike Tix
Casondra Schaffer

Meeting called to order by Jeremy Irrthum at 7:30 following order as listed on the agenda.

Mr. and Mrs. Adam Hager requests a permit for a 36x56 Pole Shed at 22521 Inga Avenue. Sketches were presented by Mrs. Hager. Jeremy informed her setback requirements are 15' from property line and 33' from center of road, and he stated the plan appears to meet those requirements, pointing out the property area is 9.89 acres. Jeremy informed her planners are advisory only, and she would need to appear before the board to apply for the permit. He suggested she provide some dimensions and other information which would be helpful to the township board when they appear. **Motion made by Casondra Schaffer to recommend board approve the permit to build a 36x56 pole shed on this property, second by Larry Runyan. Approved.**

Blake Otte appeared and is requesting a permit to build two sheds at 27729 Emery Ave, Randolph MN. Blake presented pictures of the locations on the property where the sheds are to be built. He pointed out a shed that will be torn down, and replaced with a 64x90 Machine shed, which is a little larger than the existing 54x80 shed. The second location shows an area from cattle barn all the way down is to be torn out, and shed to be built will be 64x240. It was established he has enough acreage, and there appear to be no setback issues. **Motion made by Larry Runyan that they recommend to the board that a permit be issued to Blake Otte to build the two sheds as requested. Second by Dave Peine. Approved.** Blake was informed of the need to go to the township board, and they believed he needed a separate permit for each building.

New Business: Dave Peine stated that someone from River County Co-op said they planned to remove a smaller storage tank and replace it with a larger tank; he was uncertain if it was a propane or anhydrous tank. He asked if River Country Co-op needed to come before the planning commission. Dave stated he was uncertain as to whether he needed to come before the planners, but told him that he was sure they would need to go before the board, as permitting and other issues would need to be addressed.

The Planning Commission discussed a number of areas covering the issue, including tank sizes, safety issues, inspections, replacement as opposed to adding capacity, and conditional-use conditions, etc. Jeremy looked up ordinance covering above-ground storage. Without further information to go on, it was agreed that it was not a project for the planning commission at this point, and that Dave should inform the individual that River County should go before the board to present their plans and provide answers to questions the board will have.

Old Business: Jim Sipe attended the meeting, and discussion continued with Jim regarding the intention of the board to review, update, and clarify the wording of our ordinances. He states the board was in agreement with the planning commission that the intent of the lot-of-record issue, which has been the focus of the past several meetings, was the April 21, 1982 date, and that this and other ordinances will be reviewed to clarify wording and intent. Jim brought forward a number of changes that were made over the years and he wanted to confirm that the planning commission ordinance book reflected the same changes uniformly. Planning commission found most of the changes in their records that Jim presented, with one exception being the change of the 2007 ordinance covering frontage of 140' with the 300' setback. This lapse was a concern to them and to Jim. (Change was initiated before planning commission was formed). Jim advised them that work will continue to research and fix the ordinances as needed, acknowledging that despite the best efforts, questions may always come up as to what the exact intent of a particular ordinance is. Jim states he will keep a running record of issues and questions, and correct them as they appear. They confirmed they will receive a copy of the new ordinance book when it is created. Board was in agreement of the need to take these steps, and to keep the planning commission informed changes which may require public hearings.

No further topics were brought forward for discussion. **Motion made by Larry Runyan that the meeting be adjourned, second by Dave Peine. Approved.**

Signed

Jeremy Irrthum-chairman

HAMPTON TOWNSHIP TREASURER'S REPORT

March 17, 2015 (February's Business)

Beginning Balance: \$341,889.81

INCOME:

Dakota County - Tax Distrubution	\$5,441.88
Dakota County – Tire Disposal Reimbursement	3,879.00
Account Interest:	<u>65.28</u>
TOTAL INCOME:	\$9386.16

EXPENSES:

Robert Reinardy – Dep. Clerk Wages	\$ 379.56
Jeanne Werner – Clerk Wages	1074.95
CNS Solutions – Website	87.50
Otte Excavating – Road Maintenance	2651.00
Dakota County Twp. Officers Assoc – 2015 JPA Pump Maint.	962.28
Cannon Falls Beacon – Notice	31.00
Randolph-Hampton FD – Fire Protection	25,223.00
Cannon Falls FD – Fire Protection	7600.66
Citizen’s Bank MN – March Rent	500.00
Don Kimmes – 2014 Cemetary Mowing	495.00
Scott Harris – Computer Repair	25.00
Century Link – Phone	73.55
Service Charge:	<u>11.21</u>
TOTAL EXPENSES:	\$39,214.71

\$312,061.26

CHECKBOOK BALANCE:

Checks Not In (3) \$9062.94
Balance Per 2/28/2015 Bank Statement: \$321,124.20

Jim Sipe, Chair 03/17/2015

Leo Nicolai, Treasurer 03/17/2015

ESCROW AGREEMENT

THIS ESCROW AGREEMENT is entered into this ____ day of _____, 2015 by and between Hampton Township, Dakota County, Minnesota, a Minnesota public corporation (“Town”), and Northern States Power Company, a Minnesota corporation, as the administrative agent for Dairyland Power Cooperative, a Wisconsin cooperative association, Rochester Public Utilities, a division of the City of Rochester, a Minnesota municipal corporation, Southwest Minnesota Municipal Power Agency, a Minnesota municipal corporation and political subdivision of the State of Minnesota, and Northern States Power Company, a Minnesota corporation d/b/a Xcel Energy, as tenants in common and on a several and not joint basis (collectively, “CapX2020”) and.

RECITALS

- A. CapX2020 is constructing a new 345kV transmission line (the “Project”), a portion of which is located in the Town;
- B. The transmission line being constructed as part of the Project constitutes a “high-voltage transmission line” for the purposes of Minnesota Statutes, chapter 216E, the Minnesota Power Plan Siting Act (“Act”);
- C. Development of the Project will involve the use of certain Town road right-of-ways for construction traffic, including the hauling of equipment and materials related to the Project;
- D. Pursuant to the Act, the Minnesota Public Utilities Commission has exclusive and sole jurisdiction to determine the route for high voltage transmission lines, preempting any local land use rules, regulations and ordinances relating to the determination of said route;
- E. The Minnesota Public Utilities Commission has issued a Certificate of Need and Route Permit to CapX2020 for the Project, which under Minnesota Statutes, section 216E.10, subdivision 1 preempts local land use rules, regulations, and ordinances relating to the determination of the Project’s route;
- F. The Town and CapX2020 are developing an agreement to address the resulting potential impacts to the Town’s roads, including their maintenance during the Project, the protection of public safety, and the restoration of the roads once the Project is constructed, in a manner consistent with the Town’s authority to regulate the use of the Town’s right-of-way;
- G. The Town and CapX2020 agree to proceed in good faith and as promptly as reasonably practicable to finalize and execute the road agreement described in the preceding paragraph; and
- H. The Town requests, and CapX2020 agrees, to deposit Six Thousand and zero/100 Dollars (\$6,000.00) with the Town to fund an escrow account, from which the Town shall

reimburse itself for the reasonable costs it has and will incur related to the Project up to the execution of the road agreement referenced in the preceding paragraph.

AGREEMENT

NOW, THEREFORE, the parties hereto hereby agree as follows:

1. Deposit of Escrow. Within 10 days of the execution of this Escrow Agreement by CapX2020 and receipt of any documentation reasonably requested of the Town by CapX2020, CapX2020 agrees to escrow with the Town Six Thousand and zero/100 Dollars (\$6,000.00) in cash or the equivalent ("Escrow") to be used by the Town to reimburse the Town for the reasonable administrative and professional costs it incurs related to the use of the Town's roads for the Project as provided in this Escrow Agreement or the road agreement being developed. The Town shall deposit the Escrow in its official bank and keep a separate accounting showing all amounts paid from the Escrow, and sufficient details regarding each payment from the escrow so as to allow CapX2020 to readily identify at least to whom each payment was made, when it was made, and the specific reason for the payment.
2. Use of Escrow. The Town Board may withdraw funds from the Escrow as needed to reimburse itself for the reasonable administrative, legal, and engineering costs it has or will incur to draft, negotiate, and act on this Escrow Agreement and the road agreement ("Initial Costs"). The road agreement to be entered into between the parties will address the reimbursement of the Town's costs related to the administration and enforcement of the road agreement including, but not limited to, any engineering inspections and the maintenance and restoration of the Town's roads; provided, however, that if there are excess funds remaining from the Escrow at the time of the execution of the road agreement, such excess funds may stay on deposit in connection with said agreement and be dealt with in the manner provided therein.
3. Additional Escrow. If the Town Board determines the Escrow is not sufficient to fully reimburse the Town for its Initial Costs, the Town shall provide the CapX2020 a written notice of the need to place additional funds in escrow with Town. Such additional funds will be subject to the same terms and conditions of this Escrow Agreement. If CapX2020 fails or refuses to provide the required additional escrow, the Town reserves the right to suspend its negotiation of the road agreement until it is fully reimbursed for the Initial Costs it has incurred and sufficient additional funds are provided to ensure the Town's Initial Costs through the execution of the road agreement will be fully reimbursed.
4. Accounting. Upon reasonable request, the Town shall provide CapX2020 an accounting of the deductions made from the Escrow, which accounting shall provide the detail described in the foregoing paragraph 1.
5. Unused Funds. Any portion of the Escrow remaining after the Town has fully reimbursed itself for its Initial Costs shall be returned to the CapX2020, or the parties can agree to make the remaining Escrow a part of the escrow to be provided under the road agreement.

6. Miscellaneous Provisions.

- a. Recitals and Amendments. The recitals contained herein are incorporated in and made part of this Escrow Agreement. No modification of the terms of this Escrow Agreement is effective unless reduced to writing and signed by both parties.
- b. Binding. This Agreement shall be binding upon the parties hereto and their respective successors and assigns.
- c. Governing Law. This Agreement shall be governed by the laws of the State of Minnesota.

IN WITNESS WHEREOF, the parties hereto have executed this Escrow Agreement the day and year first above written.

TOWN

_____, Chairperson
Print Name

Signature

Attest: _____
Town Clerk

Date: _____

Northern States Power Company, a Minnesota corporation, as the administrative agent for **Southern Minnesota Municipal Power Agency**, a municipal corporation and political subdivision of the State of Minnesota, **Dairyland Power Cooperative**, a Wisconsin cooperative association, **Rochester Public Utilities**, a division of the City of Rochester, a Minnesota municipal corporation, and **Northern States Power Company**, a Minnesota corporation d/b/a **Xcel Energy**.

BY: Anthony T. Jandro

Date: 2-24-15

NAME: ANTHONY T. JANDRO

ITS: DIRECTOR, TRANSMISSION PORTFOLIO DELIVERY

Hampton Township Right-of-Way Permit Application Local Utility Providers

Description of Utility Service	
<u>Type of Service</u> <input type="checkbox"/> Buried <input type="checkbox"/> Overhead <input type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Telephone <input type="checkbox"/> Cable <input type="checkbox"/> Other _____	<u>Purpose of Permit Application</u> <input type="checkbox"/> Install New Service <input type="checkbox"/> Repair Existing Service <input type="checkbox"/> Connect to Existing Service <input type="checkbox"/> Other _____
<u>Location</u>	
Attach a site map or drawing showing the location of all project work	

Description of Construction Activities	
<u>Type of Construction (mark all that apply)</u> <input type="checkbox"/> Trench <input type="checkbox"/> Plow <input type="checkbox"/> Hole <input type="checkbox"/> Bore <input type="checkbox"/> Structure(s) for Overhead Service <input type="checkbox"/> Other _____	<u>Type of Permit Required</u> <input type="checkbox"/> Excavation <input type="checkbox"/> Obstruction <input type="checkbox"/> Combination <p style="font-size: small; margin-top: 10px;">An obstruction or combination permit is required if the project will create anything more than an <i>incidental obstruction</i> of that portion of the right-of-way normally used by the public. See Section 103(b) of the ordinance.</p>
<u>Project Schedule</u>	
Start Date _____	Completion Date _____

Applicant Information	
Utility Owner _____	
Contact Name _____	Phone _____
Contractor _____	
Address _____	
City _____	State _____ Zip _____
Contact Name _____	24/7 Phone _____
Applicant Name _____ Title _____	
<p style="font-size: small;">The applicant declares that s/he is familiar with the township right-of-way ordinance and related state requirements, and the requirements of this permit, and agrees to perform the work of this project in accordance with these requirements.</p>	
Applicant Signature _____	Date _____

Hampton Township Right-of-Way Permit Requirements Local Utility Providers

Permittees must comply with the requirements of Hampton Township Ordinance Number 2014-1, titled AN ORDINANCE REGULATING TOWN ROAD RIGHT-OF-WAYS AND THE IMPACTS FROM LARGE UTILITY PROJECTS, adopted April 15, 2014, which can be found at:
<http://www.hamptontwp.com/pdf/Ordinances/Ordinance%202014-1.pdf>

In addition, permittees must comply with the following permit requirements.

Location of Utility Placement

If other utilities already exist in a township right-of-way where a permittee will place new utilities, every effort shall be made to place new utilities on the same side of township roads as existing utilities. Placement on the opposite side of the township roads must be noted and discussed with the township board and approved by the board prior to permit approval.

Every effort shall be made to place new utilities on the outside upslope of a roadway ditch. Placement of utilities in other locations must be noted and discussed with the township board and approved by the board prior to permit approval.

Buried utilities shall not be placed under any township roadway surface except when crossing the roadway.

Buried utilities shall not be placed above any culverts in township right-of-ways.

Permit Requirements for Repair of Existing Utilities

Repair of existing utilities does not require a permit if the Estimated Restoration Deposit for the utility project is still held in escrow by the township, or if the repair does not require installation of buried utilities across a roadway surface.

Permit Requirements for Connection to Existing Utilities

Connection to existing utilities does not require a permit if the Estimated Restoration Deposit for the utility project is still held in escrow by the township, or if the connection does not require installation of buried utilities across a roadway surface.

Estimated Restoration Deposit

Excavation permits for the construction of new utilities require an Estimated Restoration Deposit to be held in escrow by the township. The township may use funds from the escrow account to repair any damage caused by permittee activities that the permittee is unwilling or unable to repair in a timely manner.

The township will continue to hold the escrow deposit for up to one year after receipt of a completion certificate from the permittee, depending on the season of completion. After ensuring that no unforeseen settling or other damage occurs, representatives of the township and the permittee shall perform a final inspection of the project and, upon agreement that the right-of-ways have been returned to their original condition, the escrow deposit shall be returned to the permittee.

**Hampton Township
Right-of-Way Permit Fee Schedule
Local Utility Providers**

Permit Fees

Type of Permit	Work to be Performed	Fee
Excavation Permit	Construction of new utilities, including methods such as plowing, boring, trenching, and placement of overhead service	\$500 or \$0.10 per lineal foot, whichever is greater
	Connection to existing utilities (if permit is required)	\$500
	Repair of existing utilities (if permit is required)	\$500
Obstruction or Combination Permit	Obstruction Permit (for a Combination Permit the Obstruction Permit fee is IN ADDITION to any Excavation Permit fees)	\$500
Penalty	Any non-emergency work performed without a permit or not covered by a permit	Double the permit fee

Estimated Restoration Deposit

Excavation Permit	Construction of new utilities, including methods such as plowing, boring, trenching, and placement of overhead service	\$1.00 per lineal foot, to be held in escrow by the township for up to one year after receipt of Notice of Completion
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