

New Haven Township

9024 County Road 3 NW
Oronoco, MN. 55960
(507-356-8330)

Regular Monthly Meeting Minutes January 10, 2012

1. Call to Order: A regular-monthly meeting of the New Haven Town Board was called to order with the Pledge of Allegiance at about 7:03 PM by Supervisor Denny Beyer sitting in for Chair Dave O'Brien. Dave was absent. Quorum requirements were met with Supervisor Brian Hervey also present. Also in attendance were Treasurer Bob Figy, Planning and Zoning Administrator Ann Fahy-Gust, Road Maintenance Contractor Mike Wood, and Clerk Dale Thomforde.

2. Approval of Minutes: The December 2011 monthly meeting minutes were reviewed. Brian moved for approval of the minutes and Denny seconded. Motion carried 2-0.

3. Public Comment/Hearing Time: Chris Nelson from the Pine Island Bank thanked the Township for their business in 2011, and presented a 2012 calendar and plate of cheese and crackers in appreciation.

4. Old Business:

Sign management survey status – Dale is continuing with the inventory of the signs maintained by the Township. 85th Avenue, 125th Street and most of New Haven Road have been completed. Dale estimated about ½ of the signs have been surveyed so far.

MATIT insurance – Question was previously raised on contractor equipment coverage and papers in Town Hall. The coverage is \$10k cover on equipment and furnishings and \$2k for papers. The \$2k is built in no extra charge. The thought is that \$10k equipment and furnishings coverage is low for size of building. There is \$20k cover on borrowed on contractor equipment which is built in. Brian thought that we should move up to \$40k in coverage for the building contents. Dale to check on increasing to \$40k coverage on equipment and furnishings.

Deputy clerk and treasurer positions – Bob appointed Don Brownlow as the Deputy Treasurer and Dale reappointed Ann Fahy-Gust is the Deputy Clerk. Both have been sworn in. We will check into getting their signatures on the bank accounts.

REA poles in right-of-way (ROW) – working on new ordinance to prevent future problems. Denny will talk to REC about the poles on Center Street since he will be talking to them about yard light out in driveway. When we get the PAC ordinance on ROW, we will send the ordinance. There is an optic cable in the area on Center Street so they were trying to miss it. Poles in the ditch close to the road are a safety and maintenance concern.

Planning Advisory Commission meeting will be held Thursday, January 12, 2012.

Board of Adjustment meeting will be held Thursday, January 19, 2012.

OCAT 50 yr celebration will be at Cascade Town Hall on Sunday January 15, 2012, starting at noon. We are invited to attend.

The past and present Township leaders recognition dinner (pot-luck) on Saturday, January 28, 2012, starting at 5:30 PM.

5. New Business:

Annie Bigelow celebration life was in the Town Hall earlier in the day and they asking for a waiver of the hall rental charges. Denny moved to waive the charges, and Brian seconded. Motion carried 2-0.

Election judges: we need 4 judges for March elections. Brian and Denny volunteered to be election judges. Bob Lindahl has head judge training and will volunteer if he hasn't gone south - he can give someone head-judge training if he isn't available. Ann can also work as an election judge if needed. No one has filed yet so Dave might be available if he doesn't run for reelection. Resolution 2012-1 appointing the absentee ballot board of Denny and Brian was adopted.

CTAS year end input has been completed. Ann, Bob and Dale spent last Saturday updating the data on CTAS. There is some fine tuning yet to be done. The Board of Audit will sort out some of the fund oddities. CTAS is working with 2012 data now. There was some further discussion about moving payroll move to CTAS. Denny has seen some advertising for Quicken payroll. Dale will check into it. If we move our payroll to CTAS we become responsible for tax filing, PERA, etc., which our accountant currently does for us now.

Dave Klann requested the additional \$500 in previously authorized funds, if needed, at the last March Annual Town Meeting. They took a lot of storm damage this year. He also filed a report for the Center Grove Cemetery. They sent out a letter this year and raised about \$4,000 for the perpetual care fund this year. A check can be issued since it had been previously authorized.

6. Fire Department Report: Bret Bagan was elected new fire chief. Thursday night will be meeting and the annual assessment will be determined. Brian will have more information on that at the next Town Board meeting. The new truck is having some issues with metal in the pumps and company is fixing it.

7. Road Report:

Mike Wood reported cleaning up the little snow we received.

85th Street from Mrs Denny's and up hill has been cleared of trees. Mike needs to have a lift to clean up a few trees that couldn't be reached. He would like to complete ROW cleanup down through the valley after checking with landowners .

Did some grading with truck to cut down some washboarding.

8. Planning & Zoning:

Ann reported 2 home permits; one on Co Rd 12 and one on 110th Ave.

161 kVA line and 365 kVA lines will miss New Haven Township. The North Rochester substation line is planned to come down somewhere, probably along 60th Avenue. Ann will monitor communication on this line and keep Board updated.

Completed FEMA process survey was submitted.

Completed the boundary annexation survey for the Dept. of Commerce.

9. Treasurer’s report: (Year End 2011)

Final Planning and Zoning	\$ 3,981.47
General Road and Bridge Account (Bank statement balance)	\$ 54,485.89
Final General Road and Bridge balance (after all 12/27/11 checks clear)	\$ 13,063.05
Final Money Market Deposit Acct. (MMDA)	\$ 435,631.10

Bob proposed a resolution for treasurer to make electronic transfers. Resolution 2012-2 was proposed to the Board. Denny moved approval of the resolution, Brian seconded and motion carried and the resolution was signed.

A new Pine Island Bank agreement for safekeeping of pledged securities needs signatures (signed).

10. Bills:

Bills were presented to the Board. Denny moved to pay all bills, seconded by Brian. Motion carried 2-0.

Braaten royalty was \$4100 for 2011. We need to determine what we are going to do with the pit when the current contract runs out.

11. Adjournment: Denny moved to adjourn, seconded by Brian. Motion carried 2-0. The meeting was adjourned about 8:20 PM.

Respectfully submitted,

Dale J. Thomforde - Clerk
New Haven Township

New Haven Township

9024 County Road 3 NW
Oronoco, MN. 55960
(507-356-8330)

Regular Monthly Meeting Minutes February 14, 2012 and Reconvened February 28, 2012

1. Call to Order: A regular-monthly meeting of the New Haven Town Board was called to order with the Pledge of Allegiance at about 7:01 PM by Chair Dave O'Brien. Quorum requirements were met with Supervisor Brian Hervey and Supervisor Denny Beyer also present. Also in attendance were Treasurer Bob Figy, Planning and Zoning Administrator Ann Fahy-Gust, Road Maintenance Contractor Mike Wood, and Clerk Dale Thomforde.

2. Approval of Minutes: The January 10, 2012, regular-monthly meeting minutes were reviewed. Denny Beyer moved for approval of the minutes and Brian Hervey seconded. Motion carried 3-0.

3. Public Comment / Public Hearing:

Chair Dave O'Brien opened the Public Hearing on a Conditional Use Permit (CUP). Zoning Administrator Ann Fahy-Gust described the CUP request by Corey Allen for a landscaping business. Ann stated it is a permitted use within our zoning ordinances and recommended consideration of CUP conditions of 1) operating hours, 2) any expansion plans come back to the Board before expanding the business (ordinance limits on business size), and 3) that the cleanliness be maintained, which currently is very nice. With that, Ann's recommendation is to approve the CUP because it fits within the requirements of Section 5.02 (A-2 Agricultural Protection District) and it brings an existing business into compliance. A separate Zoning Administrator opinion and review was submitted.

Applicant Corey Allen (8967 County Road 3 NW – Oronoco) spoke giving the reasons for the permit request. It was recommended by a Town Board member that he should have a CUP. He is not planning on expanding or changing operations. Has owned the business since 1989; for 24 years. Has always had only 1 full-time employee and 1-2 part-time seasonal help. The business works only from ground thaw to freeze up. Office and bookkeeping is done at his house. His passion is farming, beef cows, crops and rents some land as well. Has a shop on the property to repair and maintain equipment and storage sheds for equipment.

Kenneth Lubahn (9000 County Road 3 NW – Oronoco) spoke in favor of the CUP. He said Corey is the best neighbor anyone could ask for. Truck traffic between dawn to dusk is no disturbance, and no issues seen with his operation.

Chair O'Brien asked 3 times if there was anybody else that would like to speak for; no takers.

Hearing none, O'Brien asked 3 times if there was anybody that would like to speak against; no takers.

Hearing none, Supervisor Hervey made a motion to close the public hearing, Supervisor Beyer seconded. Motion carried 3-0.

O'Brien opened the Board for discussion about the CUP. Hours of dawn to dusk were discussed and found acceptable. Beyer moved approval, Hervey seconded. Criteria for granting a CUP were reviewed:

1. Proposed use will not be injurious to the enjoyment of property in the neighborhood
2. Will not impede the orderly development and improvements of surrounding property
3. Adequate utilities, parking, drainage etc. will be provided – already in place
4. Adequate egress/ingress to minimize traffic and congestion on streets – not a problem
5. Traffic anticipated can be safely accommodated on existing street system

Chair O'Brien stated all criteria were met by the proposed CUP, and called for a vote:

Beyer – aye

Hervey – aye

O'Brien – aye

Motion carried.

4. Unfinished Business:

Clerk Dale Thomforde gave a sign-management survey update – about 2/3 complete with about 75 signs surveyed to meet the Federal requirement. The survey includes pictures and GPS coordinates of each sign. Al Bruce asked about no stop sign on 88th Ave coming on to CR105 – the county determined that the sign was better placed on CR105. This intersection is maintained by county.

5. New Business:

Plum Creek information – Ann shared some e-mails with the Board from Dana Werner of the Army Corps of Engineers. Dana reviewed the Plum Creek on February 8th and would be available for the next Board meeting to review the situation. Dave moved to study the emails and table further discussion until the March Board meeting. Denny seconded and motion passed 3-0.

March 2012 Township election calendar – Dale reviewed the dates for the election requirements, which will be held on Tuesday March 13th from 5-8 PM after the Town Meeting at 3-5 PM. We need an election judge to staff the office Saturday March 10th from 10 AM to noon for absentee voting, because the Clerk is on the ballot. On March 9th or before the Absentee Ballot Board needs to review the absentee ballots received to accept or reject them. Dale presented a draft notice of annual Town meeting and election for publication – anticipate

this will be published on February 22nd and 29th in the newspapers, and also posted on the office door and website. The ballots are printed and absentee ballots have been sent to those that have requested them. March 6th at 7:00 PM will be the next regular month Board meeting. Also, Ann reviewed with the Board the requirements for behavior at polling place during the election.

Keller quarry lease – Braaten Construction has requested the Board authorize a lease extension after April 4th until a new lease is finalized. Bob Braaten couldn't be at the Feb meeting and requested consideration at the March or April meeting. The Board discussed the fill isn't "clean" as per the agreement and berms need to be completed. Bob Figy reviewed the royalty rates. \$4200 was royalty for 2011. Brian discussed crushing the rock for only our use. If we had the rock crushed only for our use we would not get the royalty, but we are getting our rock. Dave considers that if we use a lease, we can get it crushed and spread for reasonable rate and sell a little out of the pit. If we custom crush, will be twice the price. Denny recommended we check with other custom crushers. A committee could get a whole proposal together from the township people. There is more rock to get at over the hill. Mike can check on prices for March meeting for custom crushing. Denny moved to table to March 6th meeting, Dave seconded. Motion passed 3-0.

Board of Audit 2011 review – Board will recess meeting until Tuesday February 28th 6:30 PM for strictly Board Audit.

Annual Town Meeting planning – tabled until March 6th regular Board meeting.

Township Officers Recognition Dinner review – Everyone thought it went well, good time, good turnout. No recommendations to change.

Electronic deposits form - Olmsted County request for ACH deposits. Can use e-mails sent to email addresses to document the transaction. Denny moved approval for electronic deposits, Brian seconded. Motion carried 3-0.

Payroll on our own – Dale checked it out what it would cost to use a program like Quicken Payroll. The program costs \$250 annually, for 3 employees, fee for additional employees, need version of Quicken to go with it about \$100, for a total about \$500. Feels like this is getting up to about we already spend. Dale recommended to check with other townships to see how they are handling payroll.

Cemetery report for annual meeting – we have Othello and Center Grove reports – do not have Catholic cemetery reports. Al Bruce spoke to Othello reporting – asked if Othello could get the other \$500 authorized (\$2000 previous for the year) at the last Annual Town Meeting. Denny moved to authorize \$500 to Othello Cemetery, Brian seconded. Motion carried 3-0.

6. Fire Department Report: The new Fire Chief Brett Bugar. There will be about an additional \$500 in dues for 2012, up to \$32,762 from \$32,173 in 2011. Valuations are down but the levy up due increased the expenses. Insurance rating hasn't changed, missed by 1/10th of a

point. Will be reviewed next year with the new truck expectation is that this will increase and as a result will decrease resident insurance. Denny asked if we are building funds for new equipment? About \$15,000 a year added to the fund which is at about \$150,000. Should be covered for 10 years in large expenditures.

7. Road Report:

Mike Wood reported not much snow to clear. Mike has been tree cutting in Milton. Resident in Douglas made a point to move his truck into the path, if there were a lot of snow it would be very difficult. Denny will try to contact. Cottonwoods 60th Ave near pit need trimming; Kelly's owns it. Denny will take slip to them to sign. Ann/Dale check on procedure for notification for tree trimming at old Vern Randall place.

8. Planning & Zoning:

Ann reported a new driveway going into the Pete Rose place off Count Road 12. There is a also a permit for rebuild from a fire.

Olmsted County traffic planning is starting to do work on 125th Street from Co Road 5 to Elk Run. They are doing a 15 month investigation including traffic patterns. Consultants will be doing traffic counting on 125 Street and New Haven Road.

Courri & Ruppe meeting was very good. Learned a lot and had great ideas on what we can do with variance criteria, IUP, and road ordinance. Will reconvene Planning and Advisory Commission and will have ordinances ready for March 13th Annual Town Meeting.

Ann has the new map showing the parcels annexed into Pine Island. Dave reiterated until we get a payment the parcels are not actually annexed.

Denny reported Board of Equalization training is required before 2013. Meeting is set April 18, 2012.

9. Bills: Bills were presented to the Board. Denny moved to pay all bills, seconded by Dave. Motion carried 3-0.

10. Treasurer's report: (Balance Month Ending January 31, 2011)

Planning and Zoning	\$ 8,877.15
General Road and Bridge Account	\$ 9,971.20
Money Market Deposit Account (MMDA)	\$ 440,905.01

Brian moved to accept, Denny seconded. Motion carried 3-0.

11. Recess: Dave recessed the meeting. The meeting is recessed at about 8:27 PM to be reconvened February 28, 2012, at 6:30 PM. for the Board of Audit.

12. Meeting Reconvened February 28, 2012: The New Haven Town Board meeting was reconvened February 28, 2012, and called to order about 6:37 PM by Chair Dave O'Brien.

Quorum requirements were met with Supervisor Brian Hervey and Supervisor Denny Beyer also present. Also in attendance were Treasurer Bob Figy, Planning and Zoning Administrator Ann Fahy-Gust, and Clerk Dale Thomforde.

11. Board of Audit: The Town Board conducted the Board of Audit for fiscal year 2011.

13. Adjournment: Chair Dave O'Brien adjourned the meeting at about 11:00 PM

Respectfully submitted,

Dale J. Thomforde - Clerk
New Haven Township

New Haven Township

9024 County Road 3 NW
Oronoco, MN 55960
(507-356-8330)

Regular Monthly Town Board Meeting Minutes March 6, 2012

1. Call to Order: A regular-monthly meeting of the New Haven Town Board was called to order at about 7:02 PM by Chair Dave O'Brien and the Pledge of Allegiance was recited. Quorum requirements were met with Supervisor Brian Hervey and Supervisor Denny Beyer also present. Also in attendance were Treasurer Bob Figy, Road Maintenance Contractor Mike Wood, and Clerk Dale Thomforde.

2. Approval of Minutes: The meeting minutes for regular monthly Town Board meeting on February 14, 2012, and the reconvene meeting on February 28, 2012, were reviewed. Denny Beyer moved for approval of the minutes as printed and Brian Hervey seconded. Motion carried 3-0.

3. Plum Creek / Corps of Engineers Project:

Former Town Clerk Bob Lindahl spoke of the history Plum Creek project. In the late 70's, Olmsted County wanted the Township to designate public waterways in the Township, excluding the Zumbro River which was designated a public waterway by the County. The Board did designate Plum Creek a public waterway and it was put on the County records. To the best of Bob's recollection, up to 10 feet on each side of where the water runs have special rules because of the public waterway designation. In the early 80's a bad storm came through and Plum Creek did get full of debris. Much of it by the Co Rd 105 bridge, which was later replaced with 3 huge culverts. The Army Corps of Engineers ("the Corps") agreed to come in and clear back the trees 10 feet from the banks Plum Creek along most of the creek. It was a big project. Once the project started, a representative of the Minnesota Department of Natural Resources ("the DNR") came and stopped the clearing. The Town Clerk got no correspondence of any agreement worked out between the Corps and the DNR. The Corps had debris cleaned out of the creek channel and then it was turned over to the Township.

Alvin Bruce confirmed that the DNR told him that trees along the banks cannot be removed. The trees along the banks cause problems when the fall into the creek. Alvin asked if this part belongs to the DNR, why isn't the DNR responsible for the clean out?

Chair O'Brien talked with the DNR face-to-face and they instructed him that nothing can be done until the DNR comes out and looks at it and they will come up with a plan on what can and cannot be done. The DNR said right now, you can do nothing and you are on a waiting list. The DNR would not, at this time, give a time when they would come and look at the condition of the creek.

Lamoyne Bruce said he talked to the DNR and they will be coming out Thursday or Friday.

The Town Board had invited attorney Bob Ruppe from Couri and Ruppe to attend the Town Board meeting for the Township. Mr. Ruppe asked if a committee was formed and a superintendent appointed. Although neither was done, according to Bob Lindahl and Lamoyne Bruce, the creek was inspected annually for some period of time. There was some correspondence between the Corps and the Township. Mr. Ruppe will contact the Corps and request a copy of all correspondence between the Corps and the Township, and evaluate whether the contract between the Corps and the Township is still valid. Mr. Ruppe advised the Board not to take any action at this time while further research is conducted.

Denny made a motion for the attorney ahead and do further research and obtain documentation from the Corps and the DNR. Brian seconded the motion. Motion carried 3-0.

4. Keller Quarry Lease Extension:

Dave said that he thought the lease ran out in April. He asked the Clerk to contact Braaten Construction to see if they wanted to bring forth a proposal for a new lease.

5. Town Annual Meeting Planning:

Clerk Thomforde presented a Township financial summary for the year 2011 (4 pages), which will be posted in the Town Hall and distributed at the Annual Town Meeting. The Town Board signed and attested the financial summary.

The Board set the recommendation to the Town for the Annual Meeting for the road and bridge fund at \$135,000, with \$15,000 earmarked for special improvements, and general fund at \$60,000. These have remained the same for the last 5 years. The funding for fire emergency services will increase by about \$500 to \$32,762 for 2012.

5. Board of Audit: Denny made a motion to approve the Board of Audit results for 2011. The comment was made that there were many changes during the last year with a new Treasurer, new Clerk, and going to CTAS (City and Township Accounting System), and this year should go easier. Brian seconded. Motion carried 3-0.

6. Miscellaneous Mail:

Stussy Construction is interested in providing material for the Township. We will ask them for a pricelist if we need to pick up small amounts. We also should inquire if they are interested in operating the Keller quarry.

A fracking sand informational meeting for Township by MAT (Minnesota Association of Townships) was scheduled to be held at the Town Hall on March 10th, 8:30 PM – 12:30 PM.

Board of Appeal will be April 18th, 10:00 AM – 10:30 AM.

7. Fire Report: Nothing new to report.

8. Road Report:

Mike Wood reported doing some blading to touch things up. Not much snow plowing due to lack of snow. Plan to start doing tree work along right-of-ways. Mike is still having trouble getting permission from some landowners.

Dick Pressnall raised a concern about his driveway culvert flooding. This will be checked during the road inspection.

9. Planning & Zoning:

Mary Andrist reported the Planning Commission had a good meeting on interim use permits and a road ordinance. Wording was discussed which will include required legalese so that we conform to state statutes.

Ann was absent and submitted a written report. No permits were issued in February. There has been some discussion on possible splits. Ann will be distributing a planning and zoning survey at the Annual Meeting to get feedback from the township.

10. Treasurer's report: (Balance Month Ending February 2012) Bob Figy reported:

Planning and Zoning	\$ 7,458.58
General Road and Bridge Account	\$ 3,697.84
Money Market Deposit Account (MMDA)	\$ 457,323.94

Bob reported he is now signed up to transfer funds electronically at the bank and we are set up with Olmsted County to receive funds electronically.

Denny moved to accept the Treasurer's report, Dave seconded. Motion carried 3-0.

11. Bills: Bills were presented to the Board. Denny moved to pay all bills except the rural fire association bill, which will be paid after approval at the Annual Town meeting. Brian seconded. Motion carried 3-0.

12. Adjournment: Chair Dave O'Brien adjourned the meeting at about 8:28 PM.

Respectfully submitted,

Dale J. Thomforde - Clerk
New Haven Township

New Haven Township

OLMSTED COUNTY, MINNESOTA

PHONE: 507.356.8330 EMAIL: NHTOWNSHIP@PITEL.NET

9024 COUNTY RD 3 NW, ORONOCO, MN 55960

Regular Monthly Town Board Meeting Minutes April 10, 2012 and Reconvened April 14, 2012

1. Call to Order: A regular-monthly meeting of the New Haven Town Board was called to order at about 7:02 PM by Chair Denny Beyer and the Pledge of Allegiance was recited. Quorum requirements were met with Supervisor Mary Andrist and Supervisor Brian Hervey also present. Also in attendance were Treasurer Bob Figy, Planning and Zoning Administrator Ann Fahy-Gust, Road Maintenance Contractor Mike Wood, and Clerk Dale Thomforde.

2. Approval of Minutes:

The meeting minutes for monthly Town Board meeting on March 6, 2012. Brian Hervey moved for approval of the minutes as printed and Mary Andrist seconded. Motion carried 3-0.

The meeting minutes for Reorganization Town Board meeting on April 3, 2012. Brian Hervey moved for approval of the minutes as printed and Mary Andrist seconded. Motion carried 3-0.

3. Approval of Agenda: The agenda was amended to add Board of Adjustment information and Road report. Mary moved approval of corrected agenda and Brian seconded. Motion carried 3-0.

4. Comments from Chair: There were no comments from the chair.

5. Public Comment: There was no one present for public comment.

Old Business

6. Plum Creek / Corps of Engineers Project Update: No new info including no contact from Corps of Engineers or the Township attorney.

7. BOA (Board of Adjustment) members:

Recommended replacing Tom Olson since he is unable to show to most meetings. Mary will contact Dennis Manning to see if he is interested in filling the position.

Denny moved to reappoint Roy Hawley for 1 year. Brian seconded the motion. Motion carried 3-0.

8. Keller Quarry Lease: Reviewed new proposal for lease. A few differences from the old lease were pointed out by Ann Fahy-Gust. Bob Braaten was present and will be returning for further discussion next meeting. Moved by Mary to extend the old lease until June 12, second by Brian. Motion carried 3-0.

New Business

9. 60th Ave Weight Restrictions: No waiver has been found nor is one present in the CUP (Conditional Use Permit) for the pit. No action was taken.

10. Spring Road Inspection: Set for 9 AM Saturday, April 14, 2012. Notice will be posted and the public is welcome to come along if they wish.

11. 125th Street Corridor: A study has started on designating an upgrade corridor in the 125th Street area to connect Count Rd 5 with the new Elk Run overpass. Also an Elk Run map with the road work schedule was reviewed and discussed. There is also state work being done on County Rd 14 between Hwy 63 and Hwy 52 which will become Hwy 63.

12. CapX 2020: Ann reviewed meeting she attended which mostly addressed the Chester segment. They discussed the Administrative Law Judge's new recommendation as a better route because of the fewer number of people impacted. CapX 2020 prefers the other route still and may appeal to PUC (Public Utilities Commission). Much of the Northern Hills branch goes through New Haven Township.

13. Town Hall Maintenance: The winter gravel on the lawn will be pulled back. Mike offered to mow the area around the Town Hall for \$50 a time. Mike does the other maintenance on the Township roads and ditches. Mike will mow the lawn until further action by the Board.

14. Misc. Mail:

Jim Wharton's certificate on liability insurance has been cancelled. Jim was a backup contractor for Mike, but now he works for Mike.

Offer to do sign inventory for about \$2500 is declined.

15. Road Report:

Mike reported that he has purchased Jim Wharton's equipment. Mike presented an updated the equipment list with his new rates. Jim now works for Mike under a 3-year agreement. Mike also has 2 part time employees. He feels he should be able to cover the road next winter even faster now.

Work since last meeting has consisted of blading shoulders, trimming. Regular blading on the roads makes no sense unless it rains. Will be getting ready for rocking, will discuss which roads on Saturday 4/14 with the road inspection. Trees in road right of way are being cleaned up so mowing is easier. 4H kids are cleaning ditches now and Mike is picking up the bags of garbage. Trees along east side of 60th Ave in Oronoco TWSP are still a problem. Denny to will call Supervisor Neil Stolp regarding this. What is the procedure for cutting trees if they are in right of way if they refuse to give permission? Ann to check with lawyers on this and see if we can include in the ordinance. Utility poles of REA aren't same issue for liability as untrimmed trees. Denny did talk to REA, they will not remove the poles.

A call was received from Genoa about the corner of Mechanic Street. A boy with a 4 wheeler seems to be making holes in the road. This will be checked on Saturday 4/14 during road inspection. Trees have been cut in Genoa by the stop sign – the power company probably cut them. Mike updated his rate sheet and amended the sheet to include Town Hall mowing at \$50 a time. Mary moved to approve the amendment for mowing, and Brian seconded. Motion carried 3-0.

16. Fire Department Report: Brian is now Chair of Rural Association.

17. Planning & Zoning:

PAC (Planning Advisory Commission) – meeting needed.

BOA – meeting needed. Appointments need to be filled.

Permits and variances – none this month. Splits have been the big piece of work. Discussed the Fuchs (splits) and Gathje (fire calls) parcels – discussed that the census report work will be done. CUP's are in the process of being updated. Survey from annual meeting was positive.

Review and Pay Bills – Clerk would like to do auto deduct from checking account for county taxes, will save on writing checks. We were paying all at once - this will prevent us getting fines for late payment. Paperwork submitted and approved for this. Denny moved approval, Mary seconded, unanimously approved.

Recessed meeting until 9am 4/14/12

18. Treasurer's report: (Balance Month Ending March 2012) Bob Figy reported:

Planning and Zoning	\$ 7,553.80
General Road and Bridge Account	\$ 4,505.57
Money Market Deposit Account (MMDA)	\$ 452,555.01

Brian moved to approve the Treasurer's report, Mary seconded. Motion carried 3-0.

19. Bills: Bills were presented to the Board. Dale proposed doing auto-deduct to pay County taxes and presented papers to initiate. This eliminates problem of late fee if not paid on time. Denny moved to pay all bills, Brian seconded. Motion carried 3-0.

20. Recess: Denny recessed the meeting until 9:00 AM on April 14th, 2012.

21. Meeting Reconvened: Denny reconvened the meeting at 9:05 AM on April 14th, 2012, for the Spring Road Inspection. Present were Denny Beyer, Brian Hervey, Mary Andrist, Dale Thomforde, Bob Figy, Ann Fahy-Gust, and Dave Andrist (1/2 trip).

22. 2012 Spring Road Inspection Observations: The following observations of projects to further consider were made during the road inspection:

1. Need to rock 69th Ave.
2. Need to clean culvert and ditch by 69th Ave and 91st St.
3. Ditch along 91st St – Rip Rap and possibly remove dead trees on far side of ditch.
4. Verizon will be doing some work on their tower in September, Ann contacted for a permit, but none necessary due to no change in building or tower structures.
5. At 60th Ave and 90th St there is an old stop sign on the road maintained by New Haven Township – replace.
6. Need to rock 60th Ave from grade of hill towards 100th St with about 4 loads.
7. On River Heights Dr. trim trees and brush. Contact Ron Titus to see if we can use his post for “Township Road Ends” sign that is current laying in the ditch.
8. Need to rock 120th St, but not where state will be working this summer.
9. Need to rock 68th Ave just off of 120th St.
10. “Township Road Ends” sign missing on Center St.
11. Considered the stop sign on Center St and 65th Ave. Very little traffic on 65th Ave. Should stop sign be removed, changed to Yield, or moved to control north-bound traffic (from NE corner to SE corner of intersection)?
12. Need to rock all of New Haven Road.
 - a. Need to clean trees along Leitzen or Stussy property along New Haven Road.
 - b. Need to tile line clean out at New Haven Road hill by Lockway – clean ditch and trees **
 - c. Need to replace stop sign on New Haven Road and 115th St.
13. Check legal responsibility on old Randal property to remove trees. Ann has not heard back from Dykes on the matter.
14. Need to rock all of 125th St (consider 125th corridor plans).
15. Need to get road maintenance agreement with Pine Island for about 1 mile of New Haven Road by Friese.
16. Missing “Trail Crossing” signs by Murch and Berg. Do we need to have these? Who placed them originally? Will DNR assist in the cost?
17. Need to check on Bridge report from Olmsted County.
18. Consider clearing ditch and replacing culvert at Presnall drive off 88th Ave.
19. Plum Creek Rd turn around needs more fill were the 2010 storm washed it out.
20. Clean ditch on 105th St by Toft.

-
21. Cut trees on 85th St by Brogan – those cut on 85th St last year look good.
 - a. Cattails on 85th St by Bement indicate wet areas, need to clear ditch/trees and extend pipe on Bement side of road.
 - b. Just beyond Bement on 85th St pipe area needs rip rap.
 22. The stop sign on 110th Av and 85th St has poor reflectivity and needs replacing.
 - a. Ditch along 110th St needs cleaning.
 23. Checked on 4-wheeler complaint in Genoa and road is OK, concerns should be managed with sheriff.
 24. On 80th Ave rock to where the Township Road Ends sign.
 25. Extend tile line on 75th Ave another 500 ft to help soft spot**.
 26. Pit inspection showed vegetation being brought in, black tar and cement. The tar and cement are ok as they can be crushed, but the other items are not OK. Also the berms have not been shaped for mowing as agreed. Needs to be discussed before signing another lease

After returning to the Town Hall, the Town Board considered which items to proceed on immediately. Brian move to have Mike proceed on items 12b and 25 (items with **), seconded by Mary, and passed by unanimous vote. The Lindahl drive ditch cleaning is also to be done as previously agreed by the Town Board.

23. Adjournment: Chair Denny Beyer adjourned the meeting at about 2:35 PM.

Approved by the Board,

Attest,

Denny Beyer – Chair
For the New Haven Town Board

Dale J. Thomforde – Clerk
New Haven Town Board

New Haven Township

OLMSTED COUNTY, MINNESOTA

PHONE: 507.356.8330 EMAIL: NHTOWNSHIP@PITEL.NET

9024 COUNTY RD 3 NW, ORONOCO, MN 55960

Regular Monthly Town Board Meeting Minutes May 8, 2012

1. Call to Order: A regular-monthly meeting of the New Haven Town Board was called to order at about 7:01 PM by Chair Denny Beyer and the Pledge of Allegiance was recited. Quorum requirements were met with Supervisor Mary Andrist and Supervisor Brian Hervey also present. Also in attendance were Treasurer Bob Figy, Planning and Zoning Administrator Ann Fahy-Gust, Road Maintenance Contractor Mike Wood, and Clerk Dale Thomforde.

2. Approval of Minutes:

Approval of minutes Board of equalization 4-18-12 – Mary moved approval, Brian seconded motion. The motion carried 3-0.

Approval of minutes 4-10-12 and 4-14-12 (Town Board meeting and Spring road inspection) – Mary Andrist pointed out that the public was invited and as a member of the public Dave Andrist came and there was no need for concern. On item #15 spring road inspection minutes concerning Mike’s contract running through April 15, 2013 – Mary questioned if there is a contract or not. Will need to look up this in minutes past because Dale has not located the contract therefore Mary thought this should be removed from the minutes. Mary moved approval with the removal of the note of the contract date. Brian Hervey recommended that the language change to rate quote – without minutes to verify this, the discussion should not be in the minutes. The approval of these minutes was moved to be tabled in order to conduct a review by Denny and Brian seconded. The motion carried 3-0.

3. Comments from Chair: There were no comments from the chair.

4. Public Comment: There was no one present for public comment.

Old Business

5. Plum Creek / Corps of Engineers Project Update: No new info including no contact from Corps of Engineers or the Township attorney. LaMoyne Bruce spoke on this topic – Plum Creek people have lined up a guy to do the work with no cost to township, and the DNR agreed to allow removal of dead and down trees, trees along the bank, and exposed root trees. Replanting with walnut trees or strong root trees would occur. Requested that the township approve the work because Olmsted County said that this is in our zoning area. We don’t know why the Town Board would need to approve this because we don’t do the conservation piece – this is done at county level. Attorney has advised the Town Board do nothing at this time. Shoreline comes under the jurisdiction of the County and DNR. Ann will discuss with Olmsted regarding ordinance clarity.

6. Keller Quarry Lease: Bob Braaten was present to discuss quarry lease. Questions on black dirt removal, prefer to leave this here, ensure clean fill only, current fill not really good – tires, scrap metal, berms are not able to be mowed this was to be done and should be taken care of this time. Dale explained the differences in the two contracts old vs new - \$4 crush rate is gone because it was for only first year. Current quarry area in old contract was to be only what was existing and that has expanded. Right to remove equipment has been removed. Brian suggested we get this changed and go to the lawyers. Extension ends on June 12 and want to get this done. Ann will scan the document and get the following requested changes to the lawyers to have ready for next meeting:

1. Lease commences on the date we agree i.e., June 12, 2012.
2. Payment – Black dirt stay here as much as possible, will be done on permission basis from Board chair.
- 3-6. No issues.
7. Cleaner fill than what was present last fall on the road inspection. No tires.
8. No issues.

7. BOA (Board of Adjustment) Roster:

Keith Maxson has agreed to serve. Mary moved approval for 3 year appointment, Brian seconded, unanimous approval. Roster given to Dave O'Brien and subsequently passed to Ann Fahy-Gust.

New Business

8. Concerned citizens anonymous letter received by Clerk: Concern was for a supervisor doing work for the township. Facts aren't correct in letter as Dale reviewed – Sept minutes authorized work for water heater, and to get pricing for siding the small shed. Brian stated that there is no reason all for this concern because Denny has been above board all the time. If people are concerned they should come before the Board and do it in person. The person that wrote this doesn't have the facts correct and shouldn't be considered a valid concern because it's anonymous. In the future, Dale recommended we need to be more careful using the resolutions and affidavits required for pay when supervisors do work for the township. Dale has provided a template to use for any future work.

9. Township website: Mary proposed that New Haven prepare a disbursement ledger to be placed on the website similar to what Milton township website has. It shows how much vendors are paid and how service quotes are obtained. Ann voiced a concern that since she is a private person, not an elected official or a contract vendor, she is not as comfortable with this information out on the internet. Dale Thomforde spoke about programs that will search out names and details and can then be used maliciously. Mary moved to table for further consideration, seconded by Brian, motion carried.

10. New Haven Sodbusters: A request was received to waive the fee for 75th anniversary event – Brian moved approval , seconded by Mary, motion carried 3-0.

11. Chloride: No information from the County for chloride yet – Denny to call county – Ann to send postcards, once we get a price, to those that got chloride last year when chloride rate/date is known. Mary moved to approve seconded by Brian, motion carried 3-0.

12. Misc. Mail: We received a thank you from St Michael’s Cemetery for the maintenance contribution.

13. Fire Department Report: Nothing new to report.

14. Road Report:

Mike Wood reported on where rock should be done. New Haven Road is main concern. 120th St and 125th St also need rock. Would be about 5,000 yds – New Haven Road takes a lot of abuse, needs to increase the amount of rock per mile (up from 500 yds per mile to 600 per mile). We need to get a maintenance agreement for 1st mile with Pine Island. Denny and Brian to discuss with PI City government. There is enough rock crushed but not certain the loading price – need to check the minutes. Denny moved that we start rocking the roads, Brian seconded, motion carried 3-0.

4H has been picking up litter in ditches and Mike is picking up the bags.

There was a dog bite in the township – reported by Olmsted County. Brian will deal with the issue with the dog owner.

15. Planning & Zoning Report:

Olmsted County Ordinance has been approved for residential homes and non-residential homes for developmentally disabled. This will be discussed at PAC (Planning Advisory Committee) meeting next week. Recommendation to be brought to next meeting.

PAC meeting will be next week.

BOA meeting can convene now that there is a full roster of members.

3 Permits – 2 basement re-finishes and 1 new house.

Calls for splits are abundant. However not a lot of paperwork has come in yet. No variances and no CUPs (Conditional Use Permits).

Concern for old Blasing house – Ann will check and send note to owners regarding the building permits etc. that are required.

Checked on concern for dust on tables at recent event – wind will lift ceiling tile because of the construction, venting cannot have check valves to prevent dust coming in.

16. Treasurer's report: Bob Figy reported the following account balances month ending April 2012:

Planning and Zoning	\$ 6,649.02
General Road and Bridge Account	\$ 7,924.34
Money Market Deposit Account (MMDA)	\$ 408,230.13

Pine Island Bank is requesting new signatures on the accounts. All present signed as required by the Bank.

Mary moved to accept the Treasurer's report, Brian seconded. Motion carried 3-0.

17. Bills: Bills were presented to the Board. Mary moved to pay all bills, Brian seconded. Motion carried 3-0.

18. Adjournment: Chair Denny Beyer adjourned the meeting at about 8:43 PM.

Approved by the Board,

Attest,

Denny Beyer – Chair
For the New Haven Town Board

Dale J. Thomforde – Clerk
New Haven Town Board

New Haven Township

OLMSTED COUNTY, MINNESOTA — ORGANIZED IN 1858
PHONE: 507.356.8330 EMAIL: NHTOWNSHIP@PITEL.NET
9024 COUNTY RD 3 NW, ORONOCO, MN 55960

Regular Monthly Town Board Meeting Minutes June 12, 2012

1. Call to Order: The Pledge of Allegiance was recited and a regular-monthly meeting of the New Haven Town Board was called to order at about 7:04 PM by Chair Denny Beyer. Quorum requirements were met with Supervisor Mary Andrist and Supervisor Brian Hervey also present. Also in attendance were Treasurer Bob Figy, Planning and Zoning Administrator Ann Fahy-Gust, Road Maintenance Contractor Mike Wood, and Clerk Dale Thomforde.

2. Set Meeting Agenda and Order:

Meeting agenda- The Clerk proposed modifications to agenda as follows:

1. Posting of the treasurer report on the website was added under Old Business;
2. Byron Snow Bears grass drag event was added under New Business.

Brian Hervey moved to approve the amended agenda, seconded by Mary Andrist. The motion carried 3-0.

3. Comments from Chair: Denny Beyer reviewed Roberts rules of order regarding the tabling approval of minutes. Denny is still not sure if this is an acceptable practice.

4. Public Comment/Hearing Time: Butch Owens was present to request hall rental for Rochester Corvette Club Aug 11, 2012, 6-11pm. He has secured the date with Ann but would like to request that the fee be waived as he has served on the Board. Denny and Brian agreed that the fee can be waived for past Board members as part of the policy and past practice. Mary moved to waive fees, Brian seconded, and the motion carried unanimously.

5. Approval of Minutes:

March 13, 2012, Annual Town Meeting minutes – Mary moved approval, seconded by Brian motion, and carried unanimously. Denny noted that the approval should be done either at the end of the annual meeting by having the Clerk read the proceedings, or by the Board at the next meeting after the annual meeting since when a year passes, it is difficult to recall what actually did occur.

April 10-14, 2012, Town Board Meeting and Spring Road Inspection minutes – These minutes were tabled at the last meeting and were removed from table status for review and approval. Brian moved approval, Denny seconded, and the motion carried unanimously.

May 8, 2012, Town Board Meeting minutes – Denny moved approval, Brian seconded and the motion carried unanimously.

6. Treasurer's report: Bob Figy presented a written treasure's report. Bob reported the following account balances month ending May 2012:

Planning and Zoning	\$ 5,315.11
General Road and Bridge Account	\$ 5,241.49
Money Market Deposit Account (MMDA)	\$ 405,786.72

Brian asked what the checks from Denny was for. Denny reported that he returned the wages for flag-pole concrete work (\$200) and siding the storage shed and installation of new water heater (\$350) to alleviate any concern of a conflict of interest.

Brian moved approval of the report, Mary seconded, and the motion carried unanimously.

7. Review and Pay Bills: Bills were presented to the Board. Mary moved to pay all bills, Brian seconded. Motion carried 3-0.

Old Business

8. Plum Creek / Corps of Engineers Project: Township Attorney letter was received last week and an inspection report packet from Army Corps was just delivered to the Board. The Board has not had ample time to review the Army Corps report and will delay decision until the Board has reviewed the materials. Discussion has been moved to July Town Board meeting. Motion to table by Brian, seconded by Mary, and the motion carried unanimously.

9. Keller Quarry Lease / Lease Extension: Bob Braaten is out of town, and Robin has requested a delay on the decision due to an issue that needs to be discussed. They requested a 1-month new extension to the old lease. However, all equipment has been moved. No new price quotes have been received. Motion to table lease discussion and allow 30-day extension was moved by Brian and Denny seconded, motion carried unanimously. After a site review of the pit and the activity that has been going on there, Brian moved to withdraw the extension of lease, Denny seconded. The motion to withdraw the extension of lease carried unanimously. Braaten Construction to be notified by the Clerk that the extension request was unsuccessful.

10. Posting the Treasurer's report on the Township web site:

The discussion from last month continued. Mary likes the idea of transparent government. She has reviewed the Milton Township website and believes this is a good model. Discussion ensued on the on whether this would be just for the treasurer's report or the full disbursement/expense report. Brian raised a concern that the information might generate more issues rather than clarity because people aren't at the meeting where issues are discussed. We want people to come to the meetings and be more involved. It is possible to be involved and not be at a meeting if we have open government. Mary moved to have the issue put on the agenda for the annual meeting, motion failed for lack of a second.

11. 125th Street Corridor update: Dale attended meeting – gave out maps with alternative routes, trying to search for all possibilities – further south and north extensions to connect CR5

into 125th Street corridor. Dale said that there will be more open houses held and that it is unlikely that any construction will occur for several years but want to finalize the corridor for planning purposes.

New Business

12. 88th Ave NW traffic concerns: Sue Haakenson spoke about the high speed traffic on 88th Ave. Since a horse facility has been put at end of road, extreme amounts of traffic – trucks and trailers, go by very fast. The regular road speed limit is 55mph. Sue spoke about safety issues with grandchildren. Travis Bruce who owns the horse facility has talked to people coming there, but issues continue. The road is 14-16 ft wide and 2 cars meeting would have difficulty. Denny stated that it would be a costly study to lower speed by legal posting. Sue stated that others on the road also have grandkids and are concerned. The new gravel is loose and makes it more dangerous. Denny said that a “Slow – Children at Play” sign is alternative. Denny spoke to Mike Sheehan, County Engineer, who agrees that this road is too narrow a road for 55mph speed limit. Mike doesn’t like Children at Play, because of the control and monitoring element, it is hard to change speed sign, and he recommended that we could use orange “Recommended Speed – Slow Narrow Road”. If we do a full study we can’t guarantee enforcement. Bob Figy suggested speed bumps as a possibility. Ron Hodge wanted clarification on recommended speed sign – what we would need to do. This option won’t cost money for study, the sign can have a speed that the residents on the road agree. Residents liked this possibility. Board decided that recommended speed sign put up by county would be best. The group also discussed adding a stop sign but decided to try the narrow road one first. Recommendation from group was 30mph. Sue Haakenson said she would pay for sign if needed. Mary moved approval of installation of the narrow road/recommended speed limit signs, Brian seconded, and the motion carried.

13. Road Maintenance Resolutions: Dale presented Summer maintenance and Winter maintenance resolutions going through to April 15, 2013. Brian moved approval, Denny seconded. Mary recommended getting quotes mowing and tree trimming before we do this. The discussion centered around the concern for getting bids vs. quotes – Mike’s quotes & Olmsted County quotes have been used to make the quote process official. Brian spoke on the good job and low cost that we have with received with Mike. Mary said that we can’t show preference. If we don’t get the quotes then it looks like we give preference. Mary stated that the County isn’t an apples to apples quote. Mary agreed Mike’s work and fees are good. Brian moved to approve the resolution and Denny seconded. The resolutions passed 2-1 with Brian and Denny voting aye and Mary voting nay.

14. County Road Maintenance Quotes: Denny moved to accept the County quotes as back-up, Brian seconded. The motion carried 3-0.

15. Election Judge training: Dale has list of judge training sessions available from the County. We can sign up on line. Mary will get head judge training as a backup for the Clerk.

Wages for Election Judges have been \$10/hr in the past. Denny moved to continue payment at the same rate, Brian seconded, and the motion was unanimously approved.

16. Misc. Mail - Clerk: County rabies-shot clinic on June 13th, summer Township short course on June 21st, and PI Fire list of members and calls letters were reviewed by the Board. No Board action was needed.

17. Byron Snow Bears: Bob Figy presented a request for a temporary Conditional Use permit and permit to sell 3.2 alcohol. The fee of \$100 has been received. Denny moved approval, Brian seconded, and motion passed with unanimous approval. On the temporary permit for alcohol license (also need County approval) – motion by Brian, second by Denny, and unanimous approval. Bob Figy stated that this might be the last year because the lease is running out. Snow Bears thanked the Township for the years that they have been able to hold the event.

18. Fire Department Report: Nothing new to report.

19. Road Report:

Mike Wood reported he has cleared the 4H garbage collected from the ditches, installed tile on 75th Avenue have been extended 500ft, new rock has been placed on the roads that were identified on the road inspection. He will start mowing ditches this week. The next work will be to clean the ditch on New Haven Road. The Lindahl drive will be done after the hay is off.

Chloride –There were 3 people that still needed chloride Brooks, McCormick, and Allen. This will be done soon. Dale commented that he thought the team of Ann, Brian and Mike did a good job managing and applying the chloride this year.

Sign Survey – Dale has been doing more sign surveys – SW corner is all that is left. He expects to finish this month. Dale has looked at the Cascade map at the OCAT (Olmsted County Association of Townships) meeting for comparison and Dale found most of their signs failed the retro-reflectivity test, including some of their newer signs. We will have more information on our signs than Cascade other than retro-reflectivity. Dale wants to contact DNR to inquire about assistance in upgrading trail crossing signs. They are old and cracked and need upgrading. On N end of New Haven road there are no trail crossings signs. Dale feels that we are unlikely to have PI assistance in placing new signs. Dale will suggest cost sharing to DNR roughly \$2600 total so \$1300 each. Denny reported that the deadline for getting signs in compliance has been removed. The plan might still needs to be completed and we will be able to comply with this by the survey work that Dale has been doing.

20. Planning & Zoning Report:

PAC information – Road Ordinance and Road Right Of Way Permit were emailed to the Board. Some members did not receive it or could not read it so this was tabled until next meeting. Ann will mail out copies

BOA information – The Board of adjustment has re-organized as follows:

Dave O’Brien – Chair

Roy Hawley – Vice Chair

Bob Lindahl – Secretary

The BOA has met and requests that the Township Board move to approve a public hearing to amend the variance language in our ordinances to bring them into compliance with the new law. The Board asked Ann to get the public hearing documentation out and prepare a public hearing for the July Board meeting.

Permits/Variations/Splits/CUP – There has been 1 new construction permit, no variances, lots of talk about splits but no active splits received, and no conditional use permits. Ann did report that the Zoning change for the Keller quarry has been recorded and will be changed to ARC .

Chicken Ordinance Update – Dispute at County level and will be taken up by the County Board.

21. Other Items:

Lamoyne Bruce – requested that the Board make a decision on Plum Creek at the next meeting. He expressed his frustration with the delays. The Board needed to be able to review the new information and will have it on the agenda for July.

Dave O’Brien asked what the cost was for road spread rock. Dale said the cost was \$6.00 a yard for road spreading for a total cost of \$12.60 per yard. Schafer will take more clay from the pit. They have hauled a lot of black dirt. There were a number of concerns for mowing and spraying around the mounds that surround the township building. Board went to look at what has been removed. The Board voted unanimously that no more black dirt will be removed.

22. Adjournment: Chair Denny Beyer adjourned the meeting at about 9:12 PM.

Approved by the Board,

Attest,

Denny Beyer – Chair
For the New Haven Town Board

Dale J. Thomforde – Clerk
New Haven Town Board

New Haven Township

OLMSTED COUNTY, MINNESOTA – ORGANIZED IN 1858
PHONE: 507.356.8330 EMAIL: NHTOWNSHIP@PITEL.NET
9024 COUNTY RD 3 NW, ORONOCO, MN 55960

Regular Monthly Town Board Meeting Minutes July 10, 2012

1. Call to Order: The Pledge of Allegiance was recited and a regular-monthly meeting of the New Haven Town Board was called to order at about 7:17 PM by Chair Denny Beyer. Quorum requirements were met with Supervisor Mary Andrist and Supervisor Brian Hervey also present. Also in attendance were Treasurer Bob Figy, Planning and Zoning Administrator Ann Fahy-Gust, Road Maintenance Contractor Mike Wood, and Clerk Dale Thomforde.

2. Approval of Minutes:

June 12th, 2012, Town Board Meeting written minutes – Mary moved approval, Brian seconded and the motion carried unanimously.

3. Set Meeting Agenda and Order:

Denny requested to review and set the Agenda. Denny moved placing the Old Business before the Public Hearing. Mary seconded the motion and it carried. Brian Hervey moved to approve the amended agenda, seconded by Mary Andrist. The motion carried 3-0.

4. Public Comments – Lenny Laures was present to say that he was running for Judy Ohly's old district County Board seat (District 7). Lenny has been the Maintenance Supervisor for Cascade and Rochester townships and a Cascade Township board member. He has also worked with ROCOG planning, TCPA planning, and establishing a policing operation for the townships that surround Rochester. Lenny stated that townships are in his blood and he recognizes how tough it can be when the township is "small" next to Rochester. His campaign website is at www.electLenny.com.

Old Business

5. Plum Creek / Corps of Engineers Project: Bob Ruppe, Township Attorney, explained his findings on the Plum Creek situation. He was able to review history/documentation/contracts from the past and the Township clerks were helpful, the Army Corps of Engineers ("the Corps") provided some documentation but there were many lost documents. The contract is a standard one from early 1980's and there is no dispute that both Township and Corps fulfilled the contract. The township thought that the DNR said no tree clearing on the banks of the creek and stopped the project. However the DNR said that they don't have this in their notes, but in their view both parties did do what they were supposed to do. The dispute now is from the Corps new contract (maintenance manual); which is not signed by the township and appears that it was "dropped on the township" the contract states that there is an ongoing obligation. However, common law states that ongoing contract can be stopped by either party; the corps attorney

agrees this is true. Bob tried to get to arrangement w/ Corps, to modify the contract with some ending dates etc., but, they said that only an act of Congress changes these contracts. The attorneys agreed to disagree on this point. If the Township doesn't agree that the contract is in force, they threaten that they will potentially withhold funding for future projects. Their view is that we are in breach, but agree that they also had an obligation that yearly investigations and reports would be done. If we would have received these we could have done the work at minimal costs. The agreement is that both are in breach of the contract. The Corps state that they ran out of money and that we have the obligation to clean up, not them.

The options for the Township that the Attorney outlined are:

Option 1 – Ignore the contract and do nothing. It is unlikely that the Corps will withhold funding since they don't have money for this type of project anyway and their focus has changed to large scale flood prevention.

Option 2 – Terminate the contract. This can be done with a letter to the corps indicating that there is a breach of contract and common law would allow termination of a contract with no end date.

Option 3 – Fulfill the contract. This might ratify the contract in the minds of the Corps and would potentially cause the township to carry a long term obligation that could be potentially costly.

Option 4 – Use Section 429 project to assess costs for property owners for the work done by the township on their behalf. He would want a waiver from all property owners not challenging an assessment.

Brian's view was that it was a mistake that it was ever signed 30 years ago since it puts the township at a financial risk. While there is a threat take away future funding from the Corps, he feels it is unlikely, he also felt that the 429 option was not possible and he didn't want to start and enter back into contract. Brian felt we should terminate the contract. In about 2001 Mike cleaned the culvert according to Bob Lindahl's (previous Clerk) minutes and at that point it was said that this was the last time to clean that culvert. There was to have been a written letter to terminate at that time. Brian moved to have the Attorney write a letter to terminate the contract, seconded by Mary, motion carried 3-0. Bob Ruppe will write the termination letter and have it reviewed before sending to the corps.

6. Keller Quarry Lease / Lease Extension: The next 2 year lease has been reviewed.

Remaining concerns are on weed control that will require spraying, or running a machine over and knocking them down. Additionally Brian questioned how much rent did we lose from agricultural rent on the land? We will need to pay this back. Is the pit worth it? Denny also requested that Bob Braaten let the Board have input when he starts changing things. Bob said from his perspective he was performing a clean up operation. Denny was concerned because no one knew what was going on – Bob said that since no one asked he thought all was OK. Denny

asked if there were any questions from Bob on changes that the Attorney recommended. Bob said no. Mary moved to approve the lease as written, with the caveat that the weed control be done as follows we buy chemicals (2-4-D) and Bob will spray, Denny seconded. The vote carried with Mary and Denny voting aye, and Brian voting nay.

7. Comments from Chair: Denny Beyer reviewed Robert’s Rules of Order regarding the tabling approval of minutes. Denny is still not sure if this is an acceptable practice.

8. Public Hearing:

Variance language changes to Section 4.08 were explained by the New Haven Zoning Administrator, Ann Fahy-Gust. Basically changes are required to keep the township compliant with the current law. The complete language of the changes has been available on the website and on the door since July 1. Ann asked if there were any questions from the floor on the language. She reviewed the changes element by element. Denny then asked three times if any one would want to speak against and no one came forward. When asked three times for those speaking in favor, Ann came forward to state that this was a good change since we would be legally compliant. No one else spoke in favor. The hearing was then closed through a motion by Mary seconded by Brian. Supervisors felt that abiding by the law was a good direction. Mary moved to accept the new language and Brian seconded. The motion carried 3-0.

9. Treasurer’s report: Bob Figy presented a written treasure’s report. Bob reported the following account balances month ending May 2012:

Planning and Zoning	\$ 6,138.59
General Road and Bridge Account	\$ 8,110.81
Money Market Deposit Account (MMDA)	\$ 369,301.48

Mary moved to accept the report Brian seconded. Dale made a comment that details of expenditures were listed on the sheets which were passed out additional copies are available if desired. Motion carried unanimously.

10. Review and Pay Bills: Bills were presented to the Board. Mary moved to pay all bills, Brian seconded. Motion carried 3-0.

New Business

11. Appointment of Election Judges: Judges for August Primary Election – Mary has had head judge training – Brian, Ann, Bob, Dale (head), Bob L (head) will be receiving training this month. Denny moved to approve a resolution to allow Mary to be an election judge at the same cost or less than another township resident – Brian seconded. Motion carried with Mary abstaining. Mary moved to approve a resolution to allow Brian to be an election judge at the same or less cost that another township resident, Denny seconded. Motion carried with Brian abstaining. The clerk will draft have the resolution paperwork done for signatures after the meeting.

12. Bank CD renewal: Renewal comes due 7/26, was at 5.2%. Dale asked what the Board wanted to do with the funds. Possibilities are to renew at low CD rate - 5 yr.= 1.4%, 1 yr. = 0.6%, 2 yr.= 0.8% or adding to MMDA which is at about 0.5%. Dale recommended a 1-year CD. Brian thought a 6 mo. CD would be better with the market changing as it has been. Mary moved a proposal to have a 6-month CD, Brian seconded. Motion carried 3-0.

13. Mail: We receive a thank you card from Sue Haakenson for the Narrow Road – Recommend Speed Limit signs on 88th Avenue. She feels that they are helping about 75% of the time.

14. Road Report:

Mike Wood reported mowing is done. No blading because the roads are very dry, however, roads are a mess and he will try some blading. Dunkel hill on New Haven Road is getting cleaned up now. He would like to clean south side up to the drive at the top at tree line – trees are in the road – need to keep water in the ditch. Brian agreed this would be good. The trees in right of way on 115th Street are still an issue. We have sent notes to the owner with no response. The statute says we can move forward with clearing what is in the right of way. There is mostly brush that needs to be removed won't take long – 300-400 ft. Denny stated the board approval of these 2 suggested works.

Olmsted County Road 31 will be closing. Ann showed a map that will close part of CR 31 for development of the frontage road. The impact is mostly near the Stock farm. Traffic will be re-routed via 120th and on to 52 from there.

DNR sign assistance for trail crossing is still in the works to split costs to upgrade the signs. Dale has been in contact with some of the DNR folks as has Denny. Denny thought Craig Blommer might be the correct person and he had indicated that it was likely that costs would be shared 50-50.

20. Planning & Zoning Report:

Road use and Ordinance approval – Ann requested that the Board vote on the Ordinance and the use permit. With the CAPX 2020 work starting soon, it will be important to have all the elements in place. Brian asked about the “misdemeanor” charges and whether we would use that, would it be better to have a higher payment required. Ann replied that both elements are provided for in the ordinance. Bob Ruppe stated that it is common to have both, one that is used more, one that is more for “effect”. Denny asked about the cross cut and if that were where a road would be cut into. Ann stated that yes it was and that section required the involvement of the Road Engineer, who we designated as Mike, to review the road to ensure there wouldn't be issues later on. Mary moved to approve, Brian seconded it was noted that this change would be published in summary form and that the web will have the entirety of the ordinance. Motion carried.

Permits/Variiances/Splits/CUP – There have been no permits, splits or variances for the month of June.

The chicken ordinance questions have been to the Olmsted Planning Advisory Commission and the recommendation is to remove the designation of classification of RA from the chicken ordinance. This was passed to the Board of Commissioners for a vote in late July.

There has been a complaint to the Public Health regarding rabbit feces piles in Genoa. The concern is that it is too close to the well. Ann reviewed the issue and wrote a letter to the owner of the rabbits to request measuring the distance to complainant well. The well is more than 100’ from the pile. Ann reviewed this with Public Health and this is acceptable. There was an additional complaint regarding odor; Ann felt that this isn’t something that the township should deal with, but if directed by the Board, she would write another note to the rabbit owner. The Board felt that the situation has been dealt with from the needed standpoint and that the odor nuisance should be dealt with between neighbors.

22. Adjournment: Chair Denny Beyer adjourned the meeting at about 8:38 PM.

Approved by the Board,

Attest,

Brian Hervey – Vice Chair
For the New Haven Town Board

Dale J. Thomforde – Clerk
New Haven Town Board

New Haven Township

OLMSTED COUNTY, MINNESOTA – ORGANIZED IN 1858
PHONE: 507.356.8330 EMAIL: NHTOWNSHIP@PITEL.NET
9024 COUNTY RD 3 NW, ORONOCO, MN 55960

Regular Monthly Town Board Meeting Minutes August 7, 2012

1. Call to Order: The Pledge of Allegiance was recited and a regular-monthly meeting of the New Haven Town Board was called to order at about 7:02 PM by Vice Chair Brian Hervey. Quorum requirements were met with Supervisor Mary Andrist also present. Supervisor Denny Beyer was on a planned absence. Also in attendance were Treasurer Bob Figy, Planning and Zoning Administrator Ann Fahy-Gust, Road Maintenance Contractor Mike Wood, and Clerk Dale Thomforde.

2. Set Meeting Agenda and Order:

Mary Andrist moved approval of the agenda as printed, seconded by Brian Hervey. The motion carried 2-0.

3. Public Comments – No one came forward to speak.

4. Approval of Minutes:

July 10th, 2012, Town Board Meeting minutes – Mary moved to accept the minutes as written, Brian seconded, and the motion carried 2-0.

5. Treasurer's report: Bob Figy presented a written treasurer's report detailing all receipts and debits. Bob reported the following account balances month ending May 2012:

Planning and Zoning	\$ 5,802.02
General Road and Bridge Account	\$ 4,468.98
Money Market Deposit Account (MMDA)	\$ 756,594.82

The MMDA increased significantly due to the deposit of the 5-year CD which came due in July. The CD was to go into a 6-month CD, however, Bob and Dale found out that the rate for the 6-month CD (0.50%) was less than for the MMDA (0.55%). A 1-year CD (0.60%) gains a 0.05% benefit over the current MMDA rate. After discussion it was decided to leave it in the MMDA for now to allow future investment flexibility. Mary moved to accept the Treasurer's report, Brian seconded, and the motion carried 2-0.

6. Review and Pay Bills: Bills were presented to the Board. Mary moved to pay bills, Brian seconded. Motion carried 2-0.

Old Business

7. Plum Creek / Corps of Engineers Project: A letter dated July 20, 2012, re: New Haven Township; Plum Creek Project Notice of Termination has been sent on behalf of the Town Board by our attorneys to Mr. Joe Willging of the Army Corps of Engineers.

8. CapX 2020 Power Line Project: Denny and Dale attended the July OCAT (Olmsted County Association of Townships) meeting where Grant Stevenson from Excel Energy was present to discuss the CapX 2020 construction schedule. The plan is to start construction in January and be completed in June 2013. Right now they are talking to land owners to get easements for pole and line placement. They are in the process of doing core sampling, some in the township right of way for which Ann confirmed they have secured a permit. Dale had asked about the NW section of New Haven Township where there are currently 345 KV lines and poles and whether these poles could be replaced with single poles with more hangars which would allow the 161 KV line to be added in the right-of-way same area. CAPX 2020 looked at this option but it is about \$1 million per mile more expensive so there will be another set of poles placed and additional easements for the 161 KV lines.

9. Keller Quarry: Ann has been getting calls from residents on whether they can get rock from the quarry and dumping dirt. The Board confirmed that residents and business should call Bob Braaten for getting rock and bringing in dirt since the lease is now in force. Residents should not be in the quarry due to the liability issue.

New Business

10. Mileage charges: Mary brought up a concern that mileage cannot be charged to the township without authorization. Also charges for phone calls is not allowed. It was thought that this was discussed at the annual or reorg meeting. This will be on the agenda for next month after further research is completed.

11. August 14 Primary Election: Mary moved to approve Resolution 2012-11 to allow Denny to be an election judge at the same cost or less than any other election judge – Brian seconded. The motion carried 2-0.

12. 125th Street Corridor Update: Dale attended the Steering Committee meeting in Pine Island on August 6th to review possible routes for attaching Co Rd 5 to 125th Street. A variety routes were considered and 3 selected for further study (options C2, E, and F2). Dale asked that a 4th (option C3) also continue to be considered since it appears that it might less disruptive to homes along 125th Street and doesn't have a conflict with the CapX 2020 right of way. Maps of the options being studied are available for viewing at the Town Hall. There will be an open house coming for public input in the near future.

13. Mail: Couri & Ruppe Township seminar will be held on September 8th from 9am-4pm at the New Haven Town Hall, all are invited to attend. Please RSVP to Dale and he will submit a preregistration.

14. Road Report:

Maintenance update – Mike has cleaned New Haven Road trees that were down and hauled dirt to top of hill from the ditches as well as to Plum Creek Road turn-around to repair washouts. Trees were buried in slope and here at quarry. Mike will blade when it rains next. Mary got a call from Mr. Ormsby (NW corner of New Haven Road and 125th Street) and he says there is an agreement to spray the road right-of-way to keep clear of brush. Some of the old board members were present to confirm the verbal agreement when trees were removed. Mike will be spraying and mowing. Mary requested that he be done first.

Spring road inspection review – The work that had been authorized has been completed. Additional work to do is as follows: Bury Bement pipe 85th Street deeper (#21a&b from the spring report), Don Kundert 91st Street ravine/right of way fallen tree and add rip rap along wash area (#3 from the spring report). Dale will contact DNR before removing the tree in the road and trail right-of-way at the trail crossing on New Haven Road.

DNR trail sign cost sharing – Dale contacted DNR to ask about 50/50 cost sharing and Mr. Craig Blommer indicated that this is something that they are interested in doing. Dale will review plans with the County and go back to the DNR with a complete estimate and plan before installation. There is a tree in both right-of-way areas where New Haven Road crosses trail and should be cut to improve line of sight for users of the trail. Dale will discuss with DNR and send paperwork for tree cutting to them. A discussion was held about stop/yield signs on trail crossings where private drives cross the trail (2 private drives between Co RD 3 and 90th Street) because bikers aren't stopping when machinery is coming across the trail. There is concern that someone will be hit by a tractor/combine etc. Dale will contact the DNR to get permission to clear the right-of-way.

Sign Survey status – Dale reported some additional progress but not yet complete. Will attempt to complete during the next month or two.

20. Planning & Zoning Report:

County Road 13 – Group home discussion – Ann has met with the owner and builder of the property. The township building inspector was present as well. There have been numerous modifications of the home for which no permits were pulled. The owner has been notified to present plans and pay for permits and submit to complete inspection of work. Plans have been submitted, but are not yet through the approval process so have not been determined if they are complete. Ann is liaising with the inspector closely. There will be fines assessed for failure to acquire proper permits for work done.

A septic inspection has been done in August 2011 and Ann contacted the inspector regarding the modifications done and if this would require another inspection. The inspector responded that under state law to treat the home as a single family home and so it does not require additional inspections since the design will accept a 4 bedroom home. He did state

though that there is a concern for failure since the group home does not use water and sewer in the same way as a single family does. There is no provision in the Septic Systems code for any other interpretation for a group home other than as a single family use.

As to the question of zoning and whether a group home can be placed in an A2 zone, Ann stated that the State Statutes are clear – group homes with up to 6 residents are to be treated as single family homes and as such cannot be subject to any zoning discrimination. There are certainly questions as to if this is best fit for use because of the distance from emergency services and the need for well and septic as compared to city sewer and water.

Jeremy Andrist – neighbor – stated that he was concerned about his housing value that will decrease as a result of having a group home next door. He also was concerned that there was no notification process from the state. He also was concerned that New Haven didn't contact the owner or go into the house and inspect when he called in April to complain.

Ann replied that as a single family home there are no notification requirements to neighbors since the residents do not meet the state requirements that require disclosure to neighbors. The residents are disabled adults. Ann did go check to see if there were bars on the windows being installed, there were no bars, this was discussed with the board and no further action was taken.

Brian pointed out that it is not the purpose of the zoning administrator to go into every single family home to inspect what people are doing. If we were to have acted in this way for this home, we would need to do it for every home. No one wants the township driving into their personal space questioning what they are doing in their own home.

Bob Lindahl spoke to voice his concerns about the state laws that enable them to do what they like without letting people know what is going on.

Chad VanHouten another neighbor spoke of his concern for the young children in the area and what will happen with these residents. He also would have liked to get notification that there was something other than a single family moving in.

Howard Glamm spoke of his concern that there were meth recovery addicts moving in and this should be something that the state lets neighbors know. He was concerned that new stairs were constructed and this should have had a building permit. He mentioned it to Denny Beyer two months earlier and nothing was done. He was disappointed that the township didn't go into the house and get inspections done because we knew it wasn't really a single family home.

Dennis Haakenson asked if the house was secured? There is plexiglas on windows for safety.

Abraham Algadi, Pine Island City Administrator, spoke on behalf of the residents at the back of the property which are in Pine Island city limits and a concern that the state should notify

towns and cities when these people move in. He also asked if Ann had contacted the state to find out why they aren't asking for building permits and septic permits. He listed a number of items that should have been checked at the beginning of the process which weren't done.

Ann responded that she understood people's concern but that the State statute is clear – the group home must be treated as a single family home, the township attorney also was clear that if the township wanted to take this to court, we would not be successful and that it was an action that he wouldn't support. Individuals have more leeway in issuing complaints than cities and townships. Ann requested that she be able to work with the County to actually improve the process of state certification for group homes so that when a license is applied for through social services there is a check that building permits and inspections have been done – this is something that the state does not concern itself with at this point in time when licenses are issued. Additionally, working with the state on septic requirements would assist in insuring the homes will have fit for purpose septic systems and that vulnerable adults will not be subject to hydraulic backup which comes from an overused septic system. The board expressed concern that this might be fruitless labor and that there would be expense to the township which would not be profitable.

Road Ordinances – these have not been filed, however, CapX 2020 and Schafer Excavating have both come in for permits to do work in the right of way.

Permits/Variances/Splits/CUP – There have been 3 permits issued, no variances, one split for Kispert farm and no CUP's. Mary asked if the split for Kispert could be done since there is a feedlot within the ¼ mile restriction. Ann answered that since it is an original farmstead the 5-acre building site can be split out, however, any new building sites created would have to submit to the ¼ mile regulation that separates non-farms from feedlots.

22. Adjournment: Vice Chair Brian Hervey adjourned the meeting at about 8:40 PM.

Approved by the Board,

Attest,

Brian Hervey – Vice Chair
For the New Haven Town Board

Dale J. Thomforde – Clerk
New Haven Town Board

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***Also Licensed in California*

July 20, 2012

Joe Willging
Department of the Army
St. Paul District, Corps of Engineers
180 Fifth Street East, Suite 700
St. Paul, MN 55101-1678

Re: New Haven Township; Plum Creek Project Notice of Termination

Dear Mr. Willging:

In an email to the Township dated March 1, 2012, Dana Werner, an Engineer with the Army Corps of Engineers ("Corps"), summarizes his most recent inspection of the Plum Creek Improvement Project and identified "numerous locations throughout the project that have downed trees within the channel that would impede flow during a rainfall or spring run-off event. This includes a major log jam at the upstream end of the project at a driveway crossing, across the road from the Bruce property.... The removal of this log jam requires the townships immediate attention." The email further states that "Based on the project's current condition the rating that will be issued is "Unacceptable". Mr. Werner later provided the Township with a formal written report dated May 30, 2012 which requested that the Township provide his office with a plan to return the project to an acceptable condition.

At its last meeting of July 10, 2012 the Town Board considered its options given Mr. Werner's request for action and voted to give notice to the Corps of Engineers that they are terminating the *1982 Agreement Between the United States of America and New Haven Township, Olmsted County, Minnesota for Local Cooperation for Clearing and Snagging on Plum Creek.*

Review of Documents:

I have spoken with both yourself, Dana Werner, Town Board and with Corey Hanson of the Minnesota Department of Natural Resources. I have also reviewed the documents provided by the Township and the Corps. The DNR indicated that they did not have documents relevant to the project in their files. Most of the documents relating to this project have been lost over time. The Corps was able to find only a few documents relating to the project. All of the other documents relating to this project have been lost or destroyed. Many of the Township's documents were also missing.

Based upon the review of available information, I do not believe that there is any dispute regarding the history of the project. In 1982 the Town Board entered into an *Agreement Between the United States of America and New Haven Township, Olmsted County, Minnesota for Local Cooperation for Clearing and Snagging on Plum Creek*. Under the terms of that Agreement the parties assumed various contractual obligations. It appears that all of the obligations regarding the original snagging and clearing project were fulfilled by both the Township and the Corps to the extent allowed by the DNR. At this point the history becomes confused. According to the former clerk, in addition to clearing the channel the Corps was to remove all of the trees within 10 feet of edge of both sides of the creek. Bids were obtained, the contract was awarded and the work began. Thereafter, the DNR stopped the work and prohibited the contractor from removing the trees outside of the channel. However, neither the Corps or the DNR have any documents relating to the alleged stop work order. The documents provided by the Corps state that they only clear the debris from the channel. What is undisputed is that it appears that recently both parties have not lived up to all of their obligations under the Agreement.

This matter is governed by Public Law 84-99 which governs the Army Corps of Engineers. It is my understanding that it is the Corps policy that provision of assistance under Public Law 84-99 will, insofar as feasible, require local interests to: provide without cost to the United States all LERRD's (Land, Easements, Rights-Of-Way, Relocation, and Disposal Areas) necessary for the authorized work; hold and save the United States free from damages due to the authorized work, exclusive of damages due to the fault or negligence of the United States or its contractor; maintain and operate, in a manner satisfactory to the Chief of Engineers, all the works after completion. I believe that it is undisputed that the Township has complied with these initial requirements. The Corps present complaint against the Township is that the Town Board has failed to abide by Section 1(d) of the Agreement requiring the Township to maintain the project after completion and Sections 5 (a), (b), (d) of the *Instructions for Operation and Maintenance of the Clearing and Snagging Project on Plum Creek New Haven Township, Minnesota* (the "Instructions") which the Corps alleges are incorporated into the Agreement signed by the Township in 1981.

However, I believe that it is equally undisputed the Corps is in default under the Agreement in that the Corps has failed to abide by Section 7 of the Instructions requiring the Corps to both inspect the project and transmit its findings to the Township on or about June 15th of each year. I believe that you would acknowledge that both the Township and the Corps are in technical default of the Agreement. It is my understanding from our conversation this spring that due to budget constraints the Corps has not complied with the requirement that it perform yearly inspections of the Plum Creek channel and provide written reports to the Town Board.

The Agreement is a Contract of Indefinite Duration:

It has been brought to the Town Board's attention that the Corps' believes presently that the Township is in default of Section 1(d) of the Agreement. The requirement to "Maintain the project after completion by keeping the channel free of debris which would significantly reduce the channel capacity." Section 1(d) does not state the period of time for which the Township is

required to maintain the project. It is the Corps' position that this is a continuing obligation of the Township that only ends if the United States Congress specifically adopts a law ending the Township's obligation. Under this view the question ultimately posed is whether one party can coerce the other to maintain a business relationship forever.

I have reviewed the Agreement and it does not contain an exclusive and specific right to terminate the contract. Section 1(d) does not state the period of time for which the Township is required to maintain the project. In my opinion this would make the Agreement one of indefinite duration. Under both Minnesota and federal common law when a contract fixes no time for its duration, and none can be implied by the nature of the contract and surrounding circumstances, the contract may be terminated at the will of either party upon giving reasonable notice. As such, both parties would enjoy the right to terminate the agreement at will, which means they could terminate the agreement for any reason or no reason without committing a breach of contract.

This presumption against perpetual contracts reflects two important public policies – one general, and one specific. First, in general, individuals should be free to order their affairs subject to important qualifications for instances of fraud, duress, or undue influence. Second, perpetual contracts are disfavored. “Forever” is a long time and circumstances change.

Statute of Limitations:

Further, the Townships records indicate that the Corp of Engineers has known since at least 2001 that the Township has allegedly been in default of Section 1(d) of the Agreement. In a letter bated stamped July 25, 2001, Kenneth Buck, Chief, Construction Operations Division, Department of the Army acknowledges that ongoing lack of maintenance of Plum Creek by New Haven Township stating:

The Corps is aware of the debris accumulation and sedimentation problems at each of the culvert crossings and within the creek channel. Debris and channel sedimentation has been an ongoing maintenance deficiency, having been noted during the annual project inspection and follow-up inspection reports provided to the Town Board. At the present time the Plum Creek Project has an unsatisfactory maintenance record and will remain unsatisfactory until the sediment is removed from each of the culverts and the channel is cleared.

Although the Township did clean logs out of Terry Glidden's driveway in November of 2001, there is no other evidence that the Town Board ever responded to this Letter dated July 25, 2001 by performing any of the work requested by the Corps to remove the unsatisfactory rating. Pursuant to the terms of this letter, the Corps of Engineers has known that the Township has been in default of Section (1)d of the Agreement since at least 2001. Absent some other evidence, I believe that the statute of limitations for a breach of contract action by the Corps against the Township has run. The breach of contract statute of limitations sets a limit on the time one party has to sue another party for breach of a legal contract. Breach of contract can include failing to uphold agreed upon terms without legal cause or preventing the other party from performing its end of the contract. The statute of limitations for breach of contract actions in both Minnesota

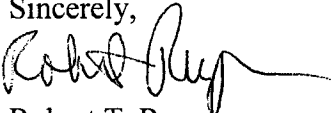
Joe Willging
July 20, 2012
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and the Federal Courts is six years pursuant to Minn. Stat. 541.05, Subd. 1(1) and Limitation of Actions Act 1958 - SECT 5.

I believe that the court would find that any lawsuit brought by the Corps would be time barred. The Corps clearly knew, or should have known, that the Township was in default of the Agreement when it failed to clear Plum Creek in 2001. The letter from Kenneth Buck, Chief of the Construction-Operations Division, clearly states that the Corps is aware that the Township has not been keeping the channel clear as required by Section 1(d) of the Agreement. Further, I believe that the Corps was also aware of the Township's failure to appoint a committee headed by the "Superintendent" as well as the Township's failure to file semi annual reports with the District Engineer by June 1 or spring high water as required by the Sections 5(a)(b)(e) and Section 6 of the Instructions.

At its last meeting the Town Board determined as a matter of policy that it could not afford to perform the work requested by the Corps of Engineers pursuant to the terms of the Agreement and Instructions and voted to terminate the Agreement by providing the Corps with this written notice.

Your cooperation and courtesy in this matter is greatly appreciated. If you have any questions, please do not hesitate to contact this office.

Sincerely,

Robert T. Ruppe
Couri & Ruppe, P.L.L.P.

Cc: New Haven Township

New Haven Township

OLMSTED COUNTY, MINNESOTA – ORGANIZED IN 1858
PHONE: 507.356.8330 EMAIL: NHTOWNSHIP@PITEL.NET
9024 COUNTY RD 3 NW, ORONOCO, MN 55960

Regular Monthly Town Board Meeting Minutes September 11, 2012

1. Call to Order: The Pledge of Allegiance was recited and a regular-monthly meeting of the New Haven Town Board was called to order at about 7:02 PM by Chair Denny Beyer. Quorum requirements were met with Supervisor Mary Andrist and Supervisor Brian Hervey also present. Also in attendance were Treasurer Bob Figy, Planning and Zoning Administrator Ann Fahy-Gust, Road Maintenance Contractor Mike Wood, and Clerk Dale Thomforde.

2. Set Meeting Agenda and Order:

Denny requested town hall repair work be added under new business. Mary Andrist moved approval with that addition, seconded by Brian Hervey. The motion carried 3-0.

3. Comments from the Chair – There was a good legal seminar that Attorneys Courri/Ruppe presented last Saturday. About 25 township officers were in attendance.

4. Public Comments – Jean & Dennis Moyer 9743 Co Rd 3 would like to rent the town hall and have the fee waived. The date requested is May 26, 2013, for a graduation. The hall is available that date. The Board requested that there be a donation requested towards utility expense such as pumping the septic tank. Mary moved approval of the waiver, and Brian seconded. The motion carried 3-0.

5. Review and Approve Minutes: August 7th, 2012, Town Board Meeting minutes – Mary moved approval and Brian seconded. Denny had a question on the Ormsby ROW (right of way) clearing discussion. This was clarified and the minutes were unanimously accepted as printed.

6. Treasurer's report: Bob Figy presented a written treasurer's report detailing all receipts and debits. Bob reported the following account balances month ending August 2012:

Planning and Zoning	\$ 8,411.75
General Road and Bridge Account	\$ 5,414.22
Money Market Deposit Account (MMDA)	\$ 751,364.58

Bob explained the MMDA is high due to the CD recently cash in that wasn't renewed due to the low interest rates.

Denny asked if the Planning and Zoning account was too high. Bob can transfer money on line if directed to do so. Brian questioned if this will make a real difference or if it is just a waste of time since interest is not very high for any of the accounts. The Board decided to leave it as is. Mary moved approval and acceptance of the report and Brian seconded. There was unanimous approval.

7. Review and Pay Bills:

Bills were presented to the Board. Mary moved to pay bills, Denny seconded. Motion carried 3-0.

With the Coop we can pre-pay and lock in a price of \$1.27/gal for the 2012-2013 heating season. Or we can book and price of \$1.29/gal if we pre-pay \$0.20/gal. However, we can lose the \$0.20/gal if it's not used. There is no risk with pre-pay since the money not used will roll over for next year. We use about 700 gallons of propane per year on average. The due date for a decision is Sept 15. Mary moved to contract for 800 gal at \$1.27/gal and Denny seconded, motion carried 3-0.

Old Business

8. Plum Creek / Corps of Engineers Project: A letter from the Army Corps of Engineers dated August 20, 2012, stated that they don't agree with us cancelling the agreement, our attorney's opinion is that doesn't change anything.

New Business**9. Unauthorized Charges to the Township:**

Mary stated concerns that Denny is charging the township unauthorized charges for classes, telephone and mowing. The legal seminar stated that supervisors charging for things other than wages is not allowed. This means that mileage, classes, and OCAT meetings are not allowed charges until authorized. The supervisor needs a resolution for hourly wages to be charged, also for mileage charges. Lawn mowing example was used, but Denny claimed there was a resolution for this. Mary said that classes should not be charged for when attending. Denny and Brian stated that the annual meeting has set the hourly wages and we have followed that. Dave O'Brien, former Supervisor and Board Chair, was in the audience and said the agreement with residents is that wages for extra work were at \$20/hr. for township business and \$65/ea meeting. Dale will start to draw up a resolution for this to cover the remainder of this year. After the next annual meeting another resolution will be done.

A resolution authorizing mileage charges was tabled for now until the additional resolutions are presented.

10. Aug. 14 election recap & Nov 6 election recommendations:

Dale presented a list of 8 certified election judges to be accepted for the November 6 election. The primary went well, but, we weren't very busy though. We expect that we will have at least 10 times that number for the general election. As Clerk, Dale will serve as head election judge and the following judges are on the list:

Mary Andrist, Denny Beyer, Brian Hervey, Bob Figy, Bob Lindahl, Ann Fahy-Gust, Larry Mattson, Dale Thomforde

Brian moved approval of the list which was seconded by Mary. The motion was modified to include posting of the closure of the P&Z office the focus will on the election and other work will not detract from the election. The motion carried 3-0.

Dale recommended a number positions that he thinks need to be filled, which supports the need for all the election judges.

11. Miscellaneous mail: Insurance coverage limits from the MN Association of Township are that the building is insured at \$350,000; personal property is at \$10,000 (the Board believes this is low for personal property); valuable papers and records are at \$2000. Dale will get additional quotes on covering the building contents. There is also an additional \$1.5 million wrongful act coverage with an aggregate limit of \$3 million. The decision on this needs to be in and the premium paid by Nov 1 so we can finalize at the next meeting on October.

12. August 14 Primary Election: Mary moved to approve Resolution 2012-11 to allow Denny to be an election judge at the same cost or less than any other election judge – Brian seconded. The motion carried 2-0.

13. Town Hall repairs: There are a number of elements that need repair such as the urinal valve, replace lights, recaulking around the furnace exhausts, the front door, and the sweep on the exit door. We also should check furnace like we did last year – Bushman Mechanical did this work. The pressure tank is also a problem because the pressure isn't constant. Their put this system in and should be called to look at it. However, Rusty Carlson is less expensive so we should call him. Denny Moyer can do the small repair jobs. Since he was present at the meeting he was asked what he would charge and he said \$20/hr. The board decided that quotes were not necessary and Denny Moyer will do the work. Denny Beyer recommended we get rid of the extra red chairs. They were donated by Jeff Eastman. Should we put in shed? No, other things are in there. No decision was made at this time.

14. Road Report:

Mike Wood discussed what he has been doing this month – spraying is completed, mowing has started, the pipe on 75th has been re-laid, a tree in Devils Kitchen that blew down has been rolled off road, and another one is down so Mike will get these taken care of soon, sign by Van Buskirk house blew down and Mike put in a new post and bolts. Going forward he wants to finish mowing, needs to look into getting rock salt – Mike has 75 yds, but, would like to have 100yds. Other work to do: Kunderts ditch and trees by trail on New Haven Rd. The DNR says they are OK with taking out the trees since they are in our right of way. Mike did not get with Mr. Ormsby, but did spray and mow anyway. On the SE corner diagonally – Joel Freidrich would like the brush taken down, again this is in our right of way. This work plan was approved. Mike stated if we get rains he will blade tomorrow since we have washboards.

DNR trail sign cost sharing – Dale did a joint review with Olmsted Co on the signs needed go upgrade the trail crossings. Dale has charts for the needed signs and recommended

positioning for signs as well as some new signs. Total cost estimate is \$2700, and DNR has given approval for ½ the cost. Dale needs a signed estimate from township for the DNR for the cost. If the Board approves we can proceed, we will order signs and county will do the replacements and new postings. This will be the least expensive option. Dale presented a letter for the Board to sign to proceed. Mary moved approval, Brian seconded, motion carried 3-0.

15. Group Homes:

Discussion was held on making sure that building permits are done before issuing group home permits. If we start a proposal this can be carried through the townships and to the state level for either a law change or a new rule to be created.

16. Planning & Zoning Report:

Ann proposed that the phone stipend be increased to cover unlimited calling. At present the stipend is \$35; to move to unlimited calls there is an additional \$10 in cost and Ann asked that this be picked up by the township because her minutes are virtually all used for the township and she is using her own phone for that. Denny moved approval and Brian seconded, motion carried 3-0.

The CapX 2020 powerline project has created quite a bit of work in reviewing buildable parcels and answering lot line questions. There are residents that will be upset because they believe that they have buildable parcels, but they are not lots of record, i.e., created before 1986 so all zoning laws apply to these other parcels.

Verizon has added a generator near their tower, and the residents are complaining. Ann has sent an e-mail to Verizon to see if they are planning on noise mitigation because of the disturbance to the neighbors. Verizon has done everything within the requirements, however, the generators are noisy and we don't have a noise ordinance. Ann asked if we should consider one, the Board indicated that she should start via contacting Verizon first and then seeing if there is some more reasonable solution.

Ann admitted that she has not completed the Road Ordinance paperwork filing with the county and publishing in the paper, this will be done this month. Denny noted that we need to review the other ordinances to see if they were published and filed. Dale will review.

There were 5 building permit, one variance for Beacom for a larger than allowed shed, many discussions of splits but none forthcoming and no CUP's (Conditional Use Permits).

The Board requested that Ann verify with CapX 2020 that poles for the lines will not be in the right of way. Ann spoke after the meeting with Ben Barker and he confirmed that the drilling is being done in the right of way where land owners have not given permission to enter, however, all poles will be outside the right of way.

17. Adjournment: Chair Denny Beyer adjourned the meeting at about 8:33 PM.

Approved by the Board,

Attest,

Denny Beyer – Chair
For the New Haven Town Board

Dale J. Thomforde – Clerk
New Haven Town Board

New Haven Township

OLMSTED COUNTY, MINNESOTA – ORGANIZED IN 1858
PHONE: 507.356.8330 EMAIL: NHTOWNSHIP@PITEL.NET
9024 COUNTY RD 3 NW, ORONOCO, MN 55960

Regular Monthly Town Board Meeting Minutes October 9, 2012

1. Call to Order: The Pledge of Allegiance was recited and a regular-monthly meeting of the New Haven Town Board was called to order at about 7:04 PM by Chair Denny Beyer. Quorum requirements were met with Supervisor Mary Andrist and Supervisor Brian Hervey also present. Also in attendance were Treasurer Bob Figy, Planning and Zoning Administrator Ann Fahy-Gust (arriving shortly after the meeting commencement due to another commitment), Road Maintenance Contractor Mike Wood, and Clerk Dale Thomforde.

2. Set Meeting Agenda and Order:

Brian Hervey made a motion for approval of the agenda as printed, seconded by Mary Andrist. The motion carried 3-0.

3. Comments from the Chair – No comments.

4. Public Comments – Julie Rustan and Ty Truax from the Rochester Area Corvette Enthusiasts (R.A.C.E.) presented the Board with a framed picture of the parking lot full of Corvettes from the meeting they had at the Town Hall along with a \$100 check in appreciation for use of the building. Interest was expressed to do it again next year.

5. Review and Approve Minutes: September 11th, 2012, Town Board Meeting minutes – Brian moved approval and Mary seconded. The motion carried 3-0.

Old Business

6. Township Officer compensation: Dale presented a copy of a proposed resolution documenting the previous Township Officer compensation plan. This resolution is not meant to change the previous plan; it is meant only to clearly document the Town Officer compensation plan. The proposed resolution is setup so the Township can change the rates without having to redo the resolution. The mileage reimbursement rate is set to the established Federal mileage rate, which can change at any time. Mary asked that the resolution include the current rate is 55.5 cents per mile at the present time, since it wasn't brought up at the Annual Town meeting or the Town Board Reorganization meeting. Mary said our attorney Bob Ruppe told her that it has to be passed with a unanimous vote by the Town Board. Mary also said that she does not charge the Township for mileage or an hourly rate but would not stand in the way other Township Officers charging for those. Brian moved to approve the resolution with the modification to include the current mileage reimbursement rate, seconded by Denny. The motion carried 3-0. (The approved resolution is now posted on the Township website. -- Clerk)

7. 125th Corridor preservation study: A meeting was held on September 25 for the 125th Corridor preservation steering committee members, including the engineering firm, City of Pine Island, PI School District, Olmsted Co., and Dale represented New Haven Township. The meeting reviewed criteria evaluations of four different primary routes (designated C2, C3, E, and F2). There will be a Public Open House in November for interested individuals. Land owners within ½ mile of any of the corridor primary alternatives will be notified by the County of the Public Open House. Dale feels it is very important to get input from the land owners in the area before making any final decision since they are the ones most impacted. Dale stated that there is no action that the New Haven Town Board needs to take at this time.

8. 115th Street Trees/Brush in road ROW: Mary talked with Mark Dykes and got his written permission for the Township to clear the trees/brush in the road right-of-way on his property along 115th Street.

Treasurer's report

9. Treasurer's report: Bob Figy presented a written treasurer's report detailing all receipts and debits. Bob reported the following account balances month ending September 2012:

Planning and Zoning	\$ 6,473.92
General Road and Bridge Account	\$ 7,087.14
Money Market Deposit Account (MMDA)	\$ 741,698.06

Denny said some of the money in the MMDA is annexation money which was set aside with the interest used to perpetually compensate for lost taxes, unless an extreme emergency. He asked if we could put this ear-marked money into a separate account. Since it is over \$100,000 it can be separated into a separate account and still get the higher interest rate. Ann suggested to set a goal of getting this sorted out before January 1.

Denny also suggest we work out a budget for next year to help set the mill rate. Dale said we should have a budget for the Annual Town Meeting in March, so they can approve the budget and the levy.

Mary moved to accept the Treasurer's report, Brian seconded. The motion carried 3-0.

10 Review and Pay Bills:

Bills were presented to the Board by the Clerk.

The insurance coverage for the contents of the Town Hall was increased from \$10,000 to \$25,000 as requested by the Board. The annual premium to MATIT increased by \$44 due to this change.

Mary moved to pay all bills, Brian seconded. Motion carried 3-0.

*New Business***11. Fall Road Inspection:**

Modifying the intersection of 75th Avenue and 90th Street from a triangle to a T-intersection was discussed. No decision will be made until it is inspected.

The Devil's Kitchen bridge on 110th Avenue has a 98 rating by the County. The rating is high enough to eliminate any requirement to replace the bridge. The triple culvert on 88th Avenue which was replaced has a lower rating (95 rating).

The Fall Road Inspection will be held Saturday October 13, 2012 at 9am. It will be a project review of work authorized at the Spring Inspection. (Late rescheduled to Saturday October 20, 2012 at 9am because Denny had a conflict.) Dale will post the required meeting notices.

The township road mileage was recalculated due to the loss of 59th – we lose 1.29 miles of road so that the new total is 32.8 miles.

12. November 6th Election:

There is a possibility to have 16-year old and over students serve as trainee judges. Dale will check with Pine Island High School to see if there are interested students. The Board recommended a \$5/hr wage and that the students be here between 4 and 8 pm so as to avoid interfering with school activities. Dale will correspond with the school.

Brian made a motion to pay the training election judges \$5 per hour as long as it meets the legal requirements, Mary seconded. The motion carried 3-0.

13. Miscellaneous mail:

The State Auditor requested additional clarification on the CTAS (City/Township Accounting System) numbers from last year. Dale was able to make the clarifications via telephone to their satisfaction.

The MAT (Minnesota Association of Townships) annual meeting is in St Cloud and we must pre-register by Nov 2. The County association will pay up to \$125 to help defray the costs of anyone attending. No interest was shown by any Town Officer to attend.

The third-quarter payroll taxes have been paid and filed by the Clerk.

Denny reported the OCAT (Olmsted County Association of Townships) meeting. The annual dues remain the same at \$500.

There will be a candidate forum October 10th from 6:30-10 at the Olmsted County building supported by OCAT.

14. Road Report:

Mike Wood has finished mowing the township road ditches. Bladed 75th due to washboards from apple orchard traffic but we need rain to assist before further blading. Reshaped ditch by Kundert's and re-seeded – would like to spread some hay for protection since it's so dry. Tree work still ongoing from spring requests.

Dale reported the Douglas trail crossing signs we ordered have come in, and the County will installing them. We will be repaid ½ the cost from the DNR through an ACH deposit. All signs are staked for location and utilities locating.

Sign survey book has been completed. Dale estimated it would take him less than 4 hours of additional work to survey and add the 18 new signs to the sign book.

15. Planning & Zoning Report:

Schafer Construction requested that they have an extension to their temporary construction permit. They had to leave due to state not getting enough land to complete the on ramp work that was scheduled. Therefore Schafer didn't get all the sand out that they needed. Ann recommended that we not extend a temporary permit, rather to re-issue one for a reduced amount. Schafer has been really good to work with on this. The Board agreed to charge them half price for a new permit. Ann will notify Schafer Construction.

CAPX2020 questions on buildable parcels is ongoing but lessening. There was significant work in September but last week seems slower. Ann expects about 10 splits to be forthcoming.

Verizon Tower has not responded to e-mail contact about their generator noise. Ann is concerned that they might not respond and would like to make next time more difficult for them to make adaptations to the towers. There have not been any more complaints but the fact that Verizon is not responding does not make them a positive partner to work with.

Road Ordinance – summary will be in this Saturday's paper. Will direct people to the website and the office for the full document.

Dog Ordinance – State has a statute (Chapter 347) we can enact if needed without having to do our own ordinance for dangerous dogs and potentially dangerous dogs. At the moment there is not a formal complaint. When owner of the goats that are being killed wants to report formally we have a mechanism to work through it using the State statutes.

Burning plastic complaint – Ann will write a letter to the people doing the burning pointing out they are violating their burning permit.

Inquiry from River Falls installer of in floor heating wanted addresses for recent permit applications. Ann preferred not to give, but he was insistent that he could get them as it was public record. Board agreed not to hand out these addresses.

This month there were:

6 permits – 2 homes, 2 garages, 2 sheds

1 variance completed in Sept and another planned for Oct – all larger than ordinance sheds

Many splits discussed, one on it's way – one lot-line shift

No conditional use permits.

16. Tractor Club: Bob Figy asked if the Board would wave the Town Hall rental fee for the Zumbro Valley Classic Iron Tractor Club for November 17th. Brian made a motion to wave the fees, Mary seconded. The motion carried 3-0.

17. Adjournment: Chair Denny Beyer adjourned the meeting at about 8:45 PM.

Approved by the Board,

Attest,

Denny Beyer – Chair
For the New Haven Town Board

Dale J. Thomforde – Clerk
New Haven Town Board

New Haven Township

OLMSTED COUNTY, MINNESOTA – ORGANIZED IN 1858
PHONE: 507.356.8330 EMAIL: NHTOWNSHIP@PITEL.NET
9024 COUNTY RD 3 NW, ORONOCO, MN 55960

Regular Monthly Town Board Meeting Minutes November 13, 2012

- 1. Call to Order:** The Pledge of Allegiance was recited and a regular-monthly meeting of the New Haven Town Board was called to order at about 7:03 PM by Chair Denny Beyer. Quorum requirements were met with Supervisor Mary Andrist and Supervisor Brian Hervey also present. Also in attendance were Treasurer Bob Figy, Planning and Zoning Administrator Ann Fahy-Gust, Road Maintenance Contractor Mike Wood, and Clerk Dale Thomforde.
- 2. Set Meeting Agenda and Order:** Mary Andrist made a motion for approval of the agenda as printed, seconded by Brian Hervey. The motion carried 3-0 .
- 3. Comments from the Chair:** Denny commented that he just had work done on his teeth and is learning to speak with the new work so feel free to ask if you don't understand what he says.
- 4. Public Comments:** Jan McNallan from New Haven Sod Busters 4H Club thanked the Board for the use of the Town Hall to celebrate the 75th anniversary of the group. Thank you was for recognizing the importance of 4H activities in our community.
- 5. Review Minutes for Approval:**

October 9th, 2012, Town Board Meeting minutes – Mary moved approval as printed and Brian seconded. The motion carried 3-0.

October 20th, 2012, Fall Road Inspection Town Board Meeting minutes – Brian moved approval as written and Mary seconded. The motion carried 3-0.

Old Business

- 6. 125th Corridor preservation study:** Dale reported a Public Open House for public comment is scheduled November 14th at the Pine Island City Hall from 5-7 PM. There will be a presentation at 5:30 PM.

Treasurer's report

- 7. Treasurer's report:** Bob Figy presented a written treasurer's report detailing all receipts and debits. Bob reported the following account balances month ending October 2012:

Planning and Zoning	\$ 8,194.22
General Road and Bridge Account	\$ 9,312.81
Money Market Deposit Account (MMDA)	\$ 722,370.81

Bob noted that there is a healthy balance in P&Z account and asked if some should be transferred to MMDA account to earn a little higher interest? The Board agreed to transfer and

leave only about \$3,000 in this fund. To change fund designation of funds requires unanimous vote that is polled. The vote to transfer the funds was: Mary – aye, Brian – aye, Denny – aye.

Mary moved to accept the Treasurer's report, Brian seconded. The motion carried 3-0.

8 Review and Pay Bills:

Bills were presented to the Board by the Clerk.

Mary moved to pay all bills, Brian seconded. Motion carried 3-0.

There are charges for repairs by Culligan for the water softener amounting to about \$120 which will be automatically billed on November 20th. We believe that the failure was in their hose and attachment and we shouldn't have to pay for their leak issues – Denny will run to Kasson and talk to them.

New Business

9. Bush trimming in Genoa: Ann reported the discussion through emails with the Cross'. They would like to keep some of the bushes to protect their well from snowmobiles cutting across the corner. Mike checked the trees after trimming and they are better, but it would be better to have 4 more bushes trimmed down. Cross' asked if we can raise the sign and we do have about 6" that it can be raised. The decision is that we can raise sign a bit and work together to improve the visibility. Mary requested a letter by sent worded such that we don't have to do repeated reminders for them annually.

10. Fall Road Inspection Items:

Most of the items noted can be worked on as needed as they are mostly signs and trees. The culvert can wait until spring. Mike reported that #10 on the list (110th Ave Plum Creek bridge clearance markers replaced) is complete. Roger at Olmsted isn't able to get signs due to funding so we will use the same company that did trail signs to get some of the signs done. Denny requested that we get a catalog from the sign company. A discussion on #18 (68th Ave dead end) determined that the barricade boards need replacement and the brush needs to be cut. We can reconstruct the end of road barrier as the county left it with reflectors. The question was raised if we need street sign on 68th Ave and 120th St? Roger can do a street sign for us and we can complete the entire area. Dale checked and found that there is currently a dead end sign on 68th Ave. We can move the Dead End sign from Salley St to 95th Ave going up the hill where there isn't one now. There is not a lot on the list that will cost a lot of money. Brian moved to have Mike work the list, Mary seconded – motion passed 3-0.

11. Ag Land Rent Bid Requests:

We took bids 3 years ago and it is time again since this recent rent is up for renewal. Dale provided a bid notice for review as well as a lease agreement. Mary moved that the bid notice be placed – seconded by Brian. Motion passed 3-0. A concern that a patron's driveway was being used rather than use the road that was provided. He requested that this be clear when

the bid is sent out. The lease agreement will be modified to make it clear that access is through the quarry road.

12. Town Meeting to Consider Reducing 2013 Township Levy:

Dale presented a proposal to have a Town Meeting to consider reducing the 2013 levy. December is the last chance to reduce the levy for 2013 and a Town Meeting is required to change the levy. It is estimated the balance will be about \$800,000 at the end of 2012. Last March the levy was set at about \$230,000 for 2013. Dale believes we can reduce the 2013 levy by 1/3rd, or about \$152,000. Dale proposed having a Town Meeting on December 4th, with a notice published at least 10 days prior to the meeting. All Supervisors and the Clerk signed the request for Town Meeting.

12. Hunting in Keller Quarry:

Concern about people hunting on township land – should we know that someone is hunting? – and they are going over property lines onto neighbor's land. It was pointed out that it is the Township residents land. The quarry should be off limits to hunting due to the liability. Neighbors can keep people off his land – township people should be able to hunt on Township land and the Board Chair will be the one to give permission so we know who the people are that are hunting there.

13. Miscellaneous Mail and Etc.:

Pine Island Community Development Team meeting Nov. 14th Dale will attend for the Township.

Election results: 731 voters at the Town Hall and 50 absentee voters, with 71 new registrations, and 50 absentee voters, of 849 registered voters. This resulted in a 92% turnout for the Township. All thought that the election went well, flow was good with few people having to wait in line.

More CapX2020 papers were served upon the Clerk regarding the condemnation. A hearing has been set.

14. Road Report:

Mike Wood has been blading – Stop signs for replacement with stop ahead signs on square posts are still legal. The post requirements are still the same. Ditch cleanout by owner at 110th Ave and Co 14 made mess and the phone line is out of ground. Mike is wondering if this will be buried before mowing next year? Some County action team is looking into this. They are looking at this because the job that he was to do with culvert didn't happen correctly.

Do we want to buy rock like we did last year? We will need to discuss this with Bob Braaten at before next meeting.

Mike has 3 loads for salt rock for sanding so are back at 100yds for sanding roads.

Snow removal policy will be put back on website and door since it's getting to be snow time again.

Will be getting new insurance copy to Dale.

15. Planning & Zoning Report:

CAPX update – access permit through Township ROW. Ann will make it clear to them that access on private land must be through the land owner. They also want to get a Heavy Truck Permit. Ann will send them a copy of the road ordinance, and will ask them for a transport map/plan.

Verizon Tower – the noise problem is better. Ann is going to let it be unless there are more complaints. By state law, the Township cannot enforce noise limits, since that is the responsibility of the MPCA (MN Pollution Control Agency).

Permits – 5 Variances and 1 CUP (Conditional Use Permit) coming next week with a special meeting. Ann noted there are 7 houses being constructed this year compared to 1 last year which was a rebuild after fire – New Haven is booming.

Notary Stamp – Ann to retain notary status and send information to state to renew. Ann needs to be a notary as a back-up to the clerk.

16. Adjournment: Chair Denny Beyer adjourned the meeting at about 8:46 PM.

Approved by the Board,

Attest,

Brian Hervey – Vice-Chair
For the New Haven Town Board

Dale J. Thomforde – Clerk
New Haven Township

New Haven Township

OLMSTED COUNTY, MINNESOTA – ORGANIZED IN 1858
PHONE: 507.356.8330 EMAIL: NHTOWNSHIP@PITEL.NET
9024 COUNTY RD 3 NW, ORONOCO, MN 55960

Regular Monthly Town Board Meeting Minutes December 11, 2012

1. Call to Order: The Pledge of Allegiance was recited and a regular-monthly meeting of the New Haven Town Board was called to order at about 7:00 PM by Vice-Chair Brian Hervey. Quorum requirements were met with Supervisor Mary Andrist also present. Denny Beyer was absent, with notice. Also in attendance were Treasurer Bob Figy, Planning and Zoning Administrator Ann Fahy-Gust, Road Maintenance Contractor Mike Wood, and Clerk Dale Thomforde.

2. Set Meeting Agenda and Order: Mary Andrist made a motion to approve the agenda with the modification to move the bid opening and review to the top; seconded by Brian Hervey. The motion carried 2-0.

3. Opening of Sealed Bids for Ag Land 3-year Lease: Opening of sealed bids – five bids were received and they were as follows:

- Dennis Moyer – \$230 year 1, \$233 year 2, \$235 year 3 (all bids per acre)
- Reed Clementson – \$200 year 1, \$205 year 2, \$210 year 3 (all bids per acre)
- Jeremy McNamara – \$11,410/ year all 3 years – this works out to \$326 per acre
- Grady Stehr – \$202.02 per acre all 3 years and if over 140 bushels there is a \$1.50 per bushel bonus
- Mike and Jude Brogan - \$195 per acre all 3 years

Hervey moved to accept the high bid from Jeremy McNamara, 50464 195th Ave, Pine Island, MN; second by Andrist. The motion carried 2-0. The clerk will contact him to get the contract signed.

Dennis Moyer, the second highest bidder, was present and asked to be put on record that he would like his bid to be accepted should there be a default in the highest bid.

4. Public Comments: Joel Friedrich (12314 85th Ave NW, Pine Island) was present to voice concern for a dangerous dog which has killed and mutilated some of his show goats. He has currently had about \$5000-\$6000 in animal damages plus vet bills. He agreed that it might be more than one dog, however, he has seen his neighbor's dog in the goat area. He does have pictures of the dog in the yard at 2:15 in the morning, but has called the sheriff who stated that unless there is evidence that it's this particular dog, he can't do anything. The sheriff indicated that the legal authority lies in the township. Hervey stated that unless it's clear that it is this dog, the township doesn't want to get in between people and their pets. There are state ordinances that require people to keep their pets on their own land and not let them roam. Ann summarized the Dog Ordinance MN Statute 347.50-347.565. Friedrich indicated that he would continue to

be watchful, but there is less of an issue in the winter when the goats are inside. Joel said he might be back in the spring if the dog(s) return to doing damage.

5. Review Minutes for Approval:

November 11th, 2012, Town Board Meeting minutes – Hervey questioned #12 on the Keller Quarry – it should read the “Board Chair will be the one to give permission so we know who the people are that are hunting there”, and #14 should state the “County action team is looking into this.” With corrections Andrist moved for approval, seconded by Hervey. The motion carried 2-0.

November 20th, 2012, Conditional Use Permit (CUP) minutes – Hervey moved approval, seconded by Andrist. The motion carried 2-0.

December 4th, 2012, Special Town Meeting minutes – minutes review tabled until Beyer returns because Hervey was absent. Andrist moved to table approval until Denny returns, seconded by Hervey. The motion carried 2-0.

Old Business

6. 125th Corridor Preservation Study: Dale reported there will be a meeting on 125th St corridor preservation study at the Pine Island City Hall at 9:30 AM on December 12th. The purpose is to review the November 14th open house public input and consider a preferred alternative and implications for mitigation of impact. Jurisdictional consideration of alternatives will be the next step.

Treasurer’s report

7. Treasurer’s report: Bob Figy presented a written treasurer’s report detailing all receipts and debits. Figy reported the following account balances for the month ending November 2012:

Planning and Zoning	\$ 1,311.49
General Road and Bridge Account	\$ 5,334.16
Money Market Deposit Account (MMDA)	\$ 730,759.06

Figy noted that the county has sent the second half of the property taxes due the township in the amount of \$103,717, which will be included in next months report for December. The current MMDA balance is \$834,476.14. Andrist moved to approve the Treasurer’s report, seconded by Hervey. The motion carried 2-0.

8 Review and Pay Bills:

Bills were presented to the Board by the Clerk.

We did get an adjustment from Culligan on last month’s bill for repairs after Denny talked to them. Andrist moved to pay all bills, Hervey seconded. Motion carried 2-0.

New Business

9. Year end bill paying meeting: It was determined no year-end bill paying meeting was needed since there are no major outstanding bills, and last year many of the checks weren't cashed until the new year.

10. Long range road improvement study: Long range study discussed at the December 4, 2012, public meeting will not be done at this time.

11. Keller Quarry black dirt removal: Keller Quarry has had black dirt removed without permission from the Chair. Bob Braaten has apologized to Denny. This is a violation of the terms of the lease. A letter will be sent to Braaten inviting him to next meeting to discuss the situation.

12. Road sign update: Thomforde would like to update all signs to meet reflectivity standards with the goal of doing most of them in 2013. There are about 200 signs. Hervey recommended staggering the update so that down the road, the next board won't have a huge cash outlay if times are tough. The estimate is something under \$20,000 for complete replacement. The clerk was instructed to start getting bids for the signs. Thomforde asked for permission to work with the County to review the sign survey and make recommendations. He was told to go ahead as routine business.

13. Report of the November OCAT meeting: We learned the fairgrounds have had a lot of activity with a lot of politicians at the OCAT meeting and some talk about the signage requirements discussed above. An outside company has done a survey and will order signs for several township, and Olmsted county will put in signs for those townships.

14. March Township Election: this will be the second Tuesday in March, the 12th – the first candidacy notices need to be published by December 18 – not a problem for the Post Bulletin but the News Record will be one day late due to it's publication timing. Filing notice draft was reviewed. There is one supervisor and the treasurer up for election. Filing period is Jan 2-15. Clerk will publish and post the notices. The January meeting will name the absentee ballot board which requires 2 people to review returned ballot envelopes for validity.

15. Cemetery Board reports: Fahy-Gust to contact cemetery boards to get their reports by February 1 for February 12th Board meeting.

16. Bids for Summer/Winter road maintenance: The contract for road maintenance is up for review next year. We need to advertise for quotes for all of the separate activities done for road maintenance such as blading, ditch work, tree trimming, mowing, weed control, brush cutting and plowing. We have a requirement for a scarifier. The website can carry all the particulars. Clerk will publish and post a notice for quotes before the February 8th Board meeting since Mike Wood's contract ends April 15. Andrist moved to advertise for quotes, second by Hervey. Motion carried 2-0.

17. Miscellaneous Mail and Etc.:

Thomforde reported the Pine Island Community Planning Team is reviewing the school bonds and what to do about the school seems the primary agenda for this team. Thomforde has been attending the meetings representing the Township and shared the agenda with the Board for input for the next meeting on December 12th.

18. Road Report:

Wood has been cutting trees and brush on 125th St and New Haven Rd – he started at the old Randall place and worked down, the bottom is done but the upper area still to complete. Trees in Genoa cleaned up and on 85th St. Some blading done to prepare for winter plowing – the first plowing of winter had some soft shoulders and Wood tried not to damage them. Wood was approved to continue working down the Fall road inspection list. Wood passed info on signs from a Kalmer order to Thomforde for reference.

19. Planning & Zoning Report:

Toys for Tots from Pine Island High School requested a fee waiver which was moved for approval by Hervey and seconded by Andrist. Motion carried 2-0.

The Town Board Appreciation pot-luck dinner was set for Saturday January 26th.

A clean-up day at the town hall was suggested and Fahy-Gust will get some dates and see what happens with this.

Permits – 4 building, 1 conditional use, 1 split and 0 variances.

Fahy-Gust also completed the census review for the Dept. of Commerce. There were no boundary changes in 2012.

Fahy-Gust reviewed the county’s amendment to the chicken ordinance which removes the requirement for RA zoned homes to comply with the other residential requirements (R1, RSD) with regards to chicken ownership. Ann also reviewed the road hauling ordinance which supports our recent ordinance done at the Township level.

20. Adjournment: Vice-Chair Brian Hervey adjourned the meeting at about 9:15 PM.

Approved by the Board,

Attest,

Denny Beyer – Chair
For the New Haven Town Board

Dale J. Thomforde – Clerk
New Haven Township