

# *New Haven Township*

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

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## **Board of Audit Meeting February 10, 2015**

The Town Board met as the Board of Audit to review the financial records for the year 2014 kept by Treasurer Bob Figy and Clerk Dale Thomforde. The Pledge of Allegiance was recited and the Board of Audit meeting of the New Haven Town Board was called to order at about 5:35 PM by Chair Mary Andrist. Quorum requirements were met with Supervisor Denny Beyer and Supervisor Brian Hervey also present. Also in attendance were Treasurer Bob Figy and Clerk Dale Thomforde.

The Board agreed that random disbursements selections of two from each month, would adequately represent the attention to detail and accounting practice for the township. Combined General Fund/Road and Bridge (GRB) and the Planning and Zoning (P&Z) accounts were audited in this manner. Each disbursement was matched to the claim receipt, check number, amount, payee, and month.

<b>MONTH</b>	<b>DISPURSEMENT 1</b>	<b>DISPURSEMENT 2</b>	<b>DISPURSEMENT 3 (OPT)</b>
JANUARY	3383 ✓	20166 ✓	
FEBRUARY	3392 ✓	3389 ✓	
MARCH	3399 ✓	3398 ✓	
APRIL	3404 ✓	20175 ✓	
MAY	3419 ✓	3417 ✓	
JUNE	3434 ✓	3431 ✓	
JULY	3452 ✓	3453 ✓	3443 ✓
AUGUST	620 ✓	3465 ✓	
SEPTEMBER	3482 ✓	3471 ✓	20197 ✓
OCTOBER	3488 ✓	20201 ✓	
NOVEMBER	3508 ✓	3498 ✓	3510 (cleared in Dec) ✓
DECEMBER	648 ✓	3517 ✓	3512 ✓

No anomalies were noted.

Thomforde presented and reviewed a 4-page New Haven Township Financial Summary for the fiscal year 2014. Beyer moved to approve the financial summary, seconded by Hervey. The motion carried 3-0. This summary will be posted on the website and distributed at the March Annual Town meeting.

Chair Andrist adjourned the meeting Board of Audit at about 6:20 PM.

Approved by the Board,

Attest,

Mary Andrist – Chair  
For the New Haven Town Board

Dale J. Thomforde – Clerk  
New Haven Township

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## **Canvassing Board March 10, 2015 – Election Results**

The New Haven Canvassing Board met held at about 8:30 PM on March 10, 2015. Quorum requirements were met with Supervisor/ Chair Mary Andrist, Supervisor/ Election Judge Denny Beyer, and Supervisor/ Election Judge Brian Hervey present. Also in attendance were Election Judge Ginger Carson, Election Judge Ann Fahy-Gust, and Clerk/ Head Election Judge Dale Thomforde.

Chair Andrist called the Canvassing Board to order. The Canvassing Board certified the election results as follows:

### **Office of Town Supervisor**

Mary J. Andrist	70 votes
Write-in – Ron Titus	65 votes

### **Office of Town Treasurer**

Robert L. Figy	129 votes
Write-in – Ron Titus	3 votes
Write-in – Mark Hindermann	1 vote

### **Additional Notes:**

A total of 867 registered voters were on the roster at 5:00 PM.

A total of 132 registered voters signed the roster and cast ballots.

There was 1 new-voter registration casting a ballot.

There were 5 absentee ballots requested with 4 ballots returned and accepted.

There were a total of 137 ballots cast (15.8% of registered voters).

There were 3 spoiled ballots (Automark test ballots).

Approved by the Board,

Attest,

Mary Andrist – Chair  
For the New Haven Town Board

Dale J. Thomforde  
New Haven Township Clerk

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## **Town Board Special/Reorganization Meeting Minutes April 2, 2015**

**1. Call to Order:** The Pledge of Allegiance was recited and a special/reorganization meeting of the New Haven Town Board was called to order at about 7:00 PM by Chair Mary Andrist. 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, Planning and Zoning Administrator Ann Fahy-Gust, and Clerk Dale Thomforde.

**2. Set Meeting Agenda and Order:** Denny Beyer moved to approve the agenda as written, seconded by Brian Hervey. The motion carried 3-0.

**3. Comments from the Chair:** Andrist said that the last 12 months have been extremely fast paced, interesting, and enjoyable, topped off with an outstanding election.

### **4. Consent Agenda:**

March 5th Regular Town Board Meeting written minutes – Beyer moved to approve, seconded by Hervey. The motion carried 3-0. Ann Fahy-Gust gave an update on #12 in the minutes, reporting that the SSTS ordinance has been adopted by the County with an effective date of May 1.

March 10th Annual Town Meeting written minutes – Hervey moved to approve, seconded by Beyer. The motion carried 3-0.

March 10th Canvassing Board written minutes – Beyer moved to approve, seconded by Hervey. The motion carried 3-0.

**5. Set date for Spring Road Inspection:** Agreed to April 11th at 8:00 AM.

### **6. Reorganization:**

*Select new Town Board Chair* – Brian Hervey nominated Denny Beyer for Town Board Chair with the normal rotation. Mary Andrist seconded. The motion carried. Beyer at this point took over as chair of the meeting.

*Select new Town Board Vice Chair* – Beyer nominated Hervey. Andrist seconded. The motion carried. Andrist moved adopting Resolution #2015-004 creating a vice-chair position, seconded by Beyer. The motion carried 3-0.

*Select Rural Fire Board representative* – Beyer nominated Hervey. Andrist seconded. The motion carried.

- *Consider appointing Chief Weed Inspector for the next year* – By statute, the supervisors are all weed inspectors. Andrist made a motion to not appoint a weed inspector because the

requirements can be set by the state commissioner and the County doesn't have anybody appointed. Beyer seconded. The motion not to appoint a weed inspector carried 3-0.

*Adopt regular meeting schedule and alternate dates* – Beyer checked the calendar and there are no conflicts with the second Tuesday this year. Andrist asked about possibly changing the meeting time. Andrist made motion that the regular Town Board monthly meeting dates continue to be the second Tuesday of the month at a new time of 6:30 PM, with the backup date being the third Tuesday if there is a conflict. Hervey seconded. The motion carried.

*Consider recommendations from Annual Town Meeting* – The electors made recommendations on the following at the Annual Town Meeting on March 10, 2015:

- Cemetery contributions for 2015 – Motion by Andrist to keep at \$2,500 each (\$7500 total), as recommended by at the Annual Town Meeting, seconded by Hervey. Motion carried.
- 4-H project and contribution for 2015 – Motion by Andrist to allocate \$500 for the 4-H project (cemetery cleanup), seconded by Hervey. Motion carried.
- Gopher bounties – Motion by Hervey to keep gopher bounties at \$2.50 pocket gophers and \$1 streakies, seconded by Beyer. Motion carried.
- Designate an official newspaper – Motion by Hervey to designate Post Bulletin and Zumbrota News Record the for legal publications, seconded by Andrist. Motion carried.
- Designate notice posting locations – Motion by Hervey to continue posting on town hall door and township website, seconded by Andrist. Motion carried.
- Designate official bank as the town depository – Motion by Andrist to keep Pine Island Bank, seconded by Hervey. Motion carried.
- Chloride cost sharing for 2015 – Motion by Hervey to continue 50/50 cost sharing for chloride dust-suppression for first 300 ft – 600 ft for corner properties, seconded by Andrist. Motion carried.
- Fire permit fee for 2015 – Motion by Hervey keep at \$5 and free at meetings, seconded by Andrist. Motion carried.

*Set Township Officer compensation for the next year* – Beyer said he would like to do what Ginger Carson suggested at the Annual Meeting and set up a committee to do a study and make recommendations. It was agreed it would be easier to just leave the same. Hervey made a motion continue the Township Officer compensation at the same rates (as set forth in Resolution 2012-15, with the current rates for mileage at \$0.575 per mile, \$65 per meeting, \$20 per hour, \$1000 annual stipend for supervisors, \$2000 annual stipend for treasurer, and \$3000 annual stipend for clerk). Andrist seconded. The motion carried. Andrist would like to see the names of the elected officials attached to the wages in annual financial report. There was no disagreement.

*Set Planning and Zoning Administrator compensation for the next year* – Ann Fahy-Gust commented she is fine with the current hourly rate. Her goal is to be of service to the township and residents. She had done a study and found that if the township went to TCPA or the County, the township residents would pay almost double for their building permits. Art Gust (12851 Co Rd 5 NW) made a comment that 1/3+ of Ann’s time doesn’t get put down on her time sheet and she handles calls late at night and while on vacation. Andrist made a motion to raise the P&Z Administrator wages to \$22.50 per hour. Beyer seconded. The motion carried.

*Set Election Judge compensation for the next year* – Andrist made a motion to raise the Election Judge compensation to \$15 per hour. Beyer seconded. The motion carried.

*Set Board of Adjustment Compensation for the next year* – Beyer made a motion to leave the Board of Adjustment compensation at \$40 per meeting. Andrist seconded. The motion carried.

*Set Planning Advisory Commission Compensation for the next year* – Beyer made a motion to leave the Board of Adjustment compensation at \$40 per meeting. Beyer seconded. The motion carried.

*Designate supervisor to fill duties/positions created by the Town Board* – Beyer made a motion that the Chair to be the emergency road authority and building maintenance authority to handle issues coming up between meetings, and handle hunting requests on township property. Andrist seconded. The motion carried 3-0.

*Other miscellaneous reorganization items* – Beyer reported that he talked to Culligan and got the delivery confusion settled. They have had several new drivers. They won’t be charging the township for the month they didn’t deliver a replacement softener tank. He also asked them to check if we could get on a tank replacement schedule of every two or three months to save some money, since the town hall water usage is quite low. Culligan is checking into this.

**7. Adjournment:** With no further business on the agenda, Chair Beyer adjourned the meeting at about 7:31 PM.

Approved by the Board,

Attest,

Denny Beyer – Chair  
For the New Haven Town Board

Dale J. Thomforde  
New Haven Township Clerk

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## Road Inspection Town Board Meeting Minutes April 11, 2015

**Call to Order:** The Pledge of Allegiance was recited and a special meeting of the New Haven Town Board was called to order at about 8:03 AM 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, Road Maintenance Contractor Mike Wood, Planning and Zoning Administrator Ann Fahy-Gust, and Clerk Dale Thomforde.

### The following items were observed:

1. On 69<sup>th</sup> Ave by Kittleson's – *Township Road Ends Here* sign has been installed.
2. On east 85<sup>th</sup> Street near Postier's – large stump in ROW (Right-of-Way) has been flagged with delineators.
3. On 60<sup>th</sup> Avenue – the following were noted:
  - a. Trees are overhanging road on east side of the south end of the New Haven half of the road;
  - b. Large cottonwood trees in ROW at the top of the hill need to be removed – need to talk to Oronoco Township about removal per agreement;
  - c. Stump in ROW north of cottonwoods on east side needs to be removed by Oronoco Township or flagged with delineator;
  - d. Rebuilt portion of road looks good.
4. On New Haven Road – the following were noted:
  - a. Rock is proposed as part of 3-year rotation;
  - b. Some soft spots on Dunkle's hill but holding up well after drain tiling;
  - c. Gas pipeline installed in middle of ditch instead of outside edge, will be moved;
  - d. Bridge R0069 (concrete culverts) has some trees in outlet and silting on inlet and outlet, as noted on County bridge inspection report. Material removed can be used to fill in both ends of the smaller steel culvert north of bridge to bring shoulder out to width of the rest of the road.
5. On 125<sup>th</sup> Street (school access road) – the following were noted:
  - a. Soft-muddy sections have been filled in with road rock;

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- b. Due for additional rock this year. Need to work with school if current budget allotment will not cover road rock costs.
  6. 115<sup>th</sup> Street – the following were noted:
    - a. Ditch near old Boyum driveway has been cleaned out and looks good;
    - b. Cut trees in ditch by Mark Berg’s needs to be cleaned up;
    - c. Spot rock needed.
  7. 120<sup>th</sup> Street – the following were noted:
    - a. Rock is proposed as part of 3-year rotation;
    - b. Street sign and *Yield* sign have been installed on corner with 68<sup>th</sup> Avenue.
  8. On County Road 31 (being considered to be turned over to the township) – the following were noted:
    - a. Concern about possible township liability if take over bridge over Zumbro;
    - b. Road is quite wide on some sections.
    - c. Some ditches need to be cleaned out with road built up and new culverts needed in low flood-prone areas;
    - d. Ditches have steep drop off north of Riverheights Drive;
    - e. Trees in ROW need to be removed.
  9. On Riverheights Drive – the following were noted:
    - a. Some additional materials left over from logging still on the road and ROW.
  10. Crow’s Nest Road – rock is proposed on township portion.
  11. Plum Creek Road – some silting in ditches causing water over road.
  12. On 110<sup>th</sup> Avenue – the following were noted:
    - a. Ditches south of bridge in Devil’s Kitchen need some cleanout work on both sides of the road;
    - b. Steep shoulder drop off NE of bridge need fill and moving drainage further from road. We will need to work with landowner (Paul Axelson);
    - c. Letter needed to Trevor Scrabek about removing fallen dead tree-top branches overhanging road ROW.



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13. 85<sup>th</sup> Street near 110<sup>th</sup> Avenue intersection – letter needed to Mike Brogan about removing standing dead tree overhanging road.
  14. 85<sup>th</sup> Street east of County Rd 105 intersection – some filled-in ditches on south side need work.
  15. Genoa – need to repair/patch pot hole on Exchange Avenue.
  16. 75<sup>th</sup> Ave – stumps in ditch from trees removed for power line have been marked with delineators. Need to contact Xcel Energy needs to remove stumps.

**Adjournment:** Beyer adjourned the meeting at about 10:30 AM. A total of about 45 miles were covered during this road inspection.

Approved by the Board,

Attest,

Denny Beyer – Chair  
For the New Haven Town Board

Dale J. Thomforde  
New Haven Township Clerk

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## **Local Board of Appeal and Equalization for New Haven Township Meeting Minutes – April 22, 2015**

**1. Call to Order:** The Pledge of Allegiance was recited and the Local Board of Appeal and Equalization for New Haven Township was called to order at about 10:00 AM by Chair Denny Beyer. Quorum requirements were met with Supervisors Mary Andrist and Brian Hervey also present. Certification requirements were met with Andrist and Hervey training certified. In attendance from Olmsted County Assessor's Office were Julie Hackman – Assistant Director, and Ryan Kraft – County Assessor. Clerk Dale Thomforde took a record of the minutes. The purpose of this meeting was to address appeals of 2015 assessment valuations for taxes payable in 2016.

**2. Appeals:**

None.

**3. Adjournment:** Chair Beyer adjourned the meeting at about 10:30 AM.

Approved by the Board,

Attest,

Denny Beyer – Chair  
For the New Haven Township Board

Dale J. Thomforde – Clerk  
New Haven Township

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## **Special New Haven Town Board Meeting Minutes – April 22, 2015**

**1. Call to Order:** The Pledge of Allegiance was recited and a special meeting of the New Haven Town Board was called to order at about 10:32 AM by Chair Denny Beyer. Quorum requirements were met with Supervisors Mary Andrist and Brian Hervey also present. Clerk Dale Thomforde took a record of the minutes.

**2. Purpose:** The purpose of the meeting was to consider an animal complaint of a possible dangerous dog or potentially dangerous dog in the area of 8529 75th Avenue NW, Oronoco, MN 55960.

### **3. Minutes:**

The New Haven Town Board received an Animal Complaint Event Report Case 2015-00904972, by Deputy Baron #1655 of the Olmsted County Sheriff's Office, dated March 19, 2015, mailed to the New Haven Township Board of Supervisors, postmarked April 7, 2015.

Mary Andrist attempted to contact Stephen A. Riess, the dog owner, and left a phone message inviting him the special meeting.

The Town Board received an email from Jeff Lee (8125 75th Avenue NW), dated April 19, 2015, stating in part: "Over the last few years I've had several (at least 5) close and terrifying encounters with Mr. Reese's dogs, when they have run out into the road and charged at myself and my companions. Mr. Reese's dogs have been routinely menacing pedestrians and bicyclists along 75th Avenue for at least the past 5 years, to the point where some of us have either given up walking or bicycling past that address, or now carry sticks to ward off the dogs when they do attack. I want to stress that the dogs charge at people who are in the middle of the roadway, not just along the shoulder."

Wendell Zwart (8383 75th Avenue NW) stated the incident report to the Deputy certainly is not the first time a problem has occurred. Mr. Zwart has talked to Stephen Riess as neighbor to neighbor, but the problems have continued.

Ray Salvo (8745 75th Avenue NW) stated he has talked to Stephen Riess neighbor to neighbor, but the problems have continued many years. He has promised Mr. Salvo he will do something about it. He has gotten rid of one dog and gotten another. These dogs are the worst ones he has had. Mr. Salvo stated they went after him and attacked him when he went out his front door. That's when he called the sheriff again.

Judith Zwart (8383 75th Avenue NW) stated one time Wendell was picking up trees in their hay field and dog grabbed onto Wendell’s glove when he turned around. He went and talked to Stephen Riess and his comment was “What did you do to my dog?” Mrs. Zwart also reported the dogs are running deer and attacking their dogs while on a leash when Wendell was bringing a garbage container down their driveway.

Andrist noted the Deputy cited other incidents in April and October 2014, but with no further details provided by the Sheriff’s office.

Thomforde reviewed sections in Minnesota Statutes 347.50 defining the criteria for a dangerous dog and a potentially dangerous dog.

Andrist made a motion on finding that the dog described as a light-brown, mixed-breed pit-bull, owned by Stephen A. Riess, 8529 75th Avenue NW, Oronoco, MN 55960, is a “potentially dangerous dog” based on:

1. The Deputy report;
2. The reports of those in attendance at the special meeting;
3. The email report from Jeff Lee.

The motion was seconded by Hervey. Motion carried 3-0.

Thomforde read a proposed letter notifying the owner of a potentially dangerous dog, also giving the owner the right to appeal the designation of a potentially dangerous dog.

Andrist stated that she hoped anytime there is a dog incident in the future that it is reported to the Sheriff’s office.

Hervey made motion to send the letter as outlined by Thomforde. The motion was seconded by Beyer. Andrist suggested having the Township attorney review the letter before sending. The motion carried with Hervey and Beyer voting aye, and Andrist opposing.

**4. Adjournment:** Chair Beyer adjourned the meeting at about 11:23 AM.

Approved by the Board,

Attest,

Denny Beyer – Chair  
For the New Haven Township Board

Dale J. Thomforde – Clerk  
New Haven Township

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## **Special Town Board Meeting Minutes September 1, 2015**

**1. Call to Order:** The purpose of this special meeting was to address concerns that the current access points to the new elementary school do not meet the minimum requirements for sight distances given their location and the position of the crest of the hill that currently exists on 125th Street NW. The Pledge of Allegiance was recited and the special meeting of the New Haven Town Board was called to order at about 6:30 PM by Chair Denny Beyer. Quorum requirements were met with Supervisors Mary Andrist and Brian Hervey also present. Also in attendance were Treasurer Bob Figy, Clerk Dale Thomforde, and Road Maintenance Contractor Mike Wood. Planning and Zoning Administrator Ann Fahy-Gust was absent with notice.

**2. Handout:** A printed handout was provided at the meeting including the following:

- A copy of the special Town Board meeting notice (page A1);
- A copy of the letter from Olmsted County to the new school architects with access approval and conditions for the driveways dated March 19, 2015 (pages A2-A8);
- A copy of the letter from the New Haven Township Attorney to Mayor Rod Steele, City of Pine Island, regarding access permits for the new school (page A9);
- A copy of an email from Wendell and Judy Zwart regarding school access (page A10);
- A draft for consideration of a resolution for temporarily closing the intersection of 125th Street and 85th Avenue (page A11).

**3. Introductions:** Chair Denny Beyer started the meeting by having people introduce themselves. (In order of introduction:)

- Denny Beyer – New Haven Town Board Chair
- Brian Hervey – New Haven Town Board Supervisor
- Dale Thomforde – New Haven Township Clerk
- Bob Figy – New Haven Township Treasurer
- Mike Wood – Road Maintenance Contractor
- Bob Ruppe – New Haven Township Attorney
- Kerry Hayden – Pine Island Public Schools School Board
- John Champa – Pine Island Public Schools School Board Chair
- Tammy Berg-Beniak – Pine Island Public Schools Superintendent
- Rod Steele – Pine Island City Mayor
- David Todd – Pine Island City Administrator
- Jerry Vettel – Pine Island City Council
- Todd Robertson – Pine Island City Public Works Director
- Wes Archer – member of public
- Mary Andrist – New Haven Township Supervisor
- Mike Sheehan – Olmsted County Public Works (arrived later)

#### 4. Discussion:

Chair Beyer said that at the last Town Board meeting there was a discussion about possibly closing off 85th Avenue NW from 125th Street NW. Chair Beyer said this is probably the cleanest and easiest option available to solve the new school driveway sight-line problems. At that time it sounded like the School Board was in favor of it. The engineering firm that built the school was in favor of it. Since that meeting, the City of Pine Island has raised some issues with closing that intersection and emergency access routes to the new school. Chair Beyer then opened the floor up for discussion.

New Haven Township Attorney Bob Ruppe said that the Town Board is the road authority for all township roads. The Town Board has the authority under Minnesota State law to close 85th Avenue in order to direct traffic and protect the travelling public with a resolution and barricades. This would be a temporary road closure and it would be open to all emergency vehicles; ambulance, police, and sheriff. He said the two property owners living on 85th Avenue would have access out through 85th Avenue and New Haven Road. Dave O'Brien (12702 Co Rd 3 NW) interjected that Morris Andrist is not a property owner. He is a leaser. Mr. O'Brien said Morris Andrist doesn't want to say anything and that he has no comment on the road closing and to talk to the real land owners. Mr. Ruppe further said he is hearing from the Town Board that the School District is in favor of the option of closing the intersection of 125th Street and 85th Avenue. If the City of Pine Island or there is anybody that has a specific problem with the closing of the intersection, we would like to hear about it now before any action is taken so that the either the resolution can be modified or take other options. His concern is that 85th Avenue is a very narrow gravel road with limited traffic and may not meet the needs for access to the new school. It has been used primarily for the two residences on the road. Jerry Vettel asked how the road could be blocked for regular traffic and still have it open for emergency traffic? Mr. Ruppe said there would be a barricade, and if someone disregarded the barricade and went around the barricade, it would be a misdemeanor criminal act. If it is found people are violating the barricades, the Town Board can alert the Sheriff. There will be a barrier with signs that an emergency vehicle can easily move or get around. Mayor Steele asked about snow removal around the barrier? Mr. Ruppe responded that the Town Board would have to work something out to keep the road open for residents and emergency vehicles access to the new school. This would be a temporary closing until the County replaces 125th Street and the Town Board does not have plans to upgrade 85th Avenue.

Mayor Steele asked if the traffic could be slowed down in front of the new school? Mr. Ruppe said he had talked to Robert Vose, the Pine Island City Attorney, and Mr. Vose said that needs to be done. Somebody had looked at the statutes and we wouldn't meet the requirements for a school zone. He said they would have to look at the statutes to see if there is any way to lower the speed limit in front of the school. Otherwise, there is a way to go to MNDOT to request a speed study. In this case we would send them the information from the County and ask them to put in a lower speed limit or school zone.

John Champa pointed out that everybody's top priority is safety. The school has always felt the safest approach is to reduce speeds in front of the school. Common sense says that. To bring the hill down to make that a 55 MPH zone through that stretch may be legal from a line-of-sight position, but from a safety position, it is not the best solution. When Chair Beyer brought up the closure of 85th Avenue as an option to consider, the issue then was the liability responsibility in front of the school, which is something the School District said they have no ownership on or control on maintenance, and it is something they just wouldn't be able to do.

Mr. Ruppe said the portion of 125th Street that is in front of the school property is a shared road and that we would put up whatever signs we are legally allowed to do, and if we are not legally allowed to reduce the speeds, we would go to MNDOT jointly and ask for permission to deviate.

Superintendent Berg-Beniak added, from the school's perspective, they were just looking for alternatives. The study was that the driveways met 45 MPH requirements. The intention is to move the east driveway when the County replacement for 125th Street is in place. So whatever is done is a temporary solution.

Mr. Ruppe said removing the crest of the hill is an expensive solution. He has talked Robert Vose, Pine Island City Attorney, about removing the crest as one of the conditions for the access permit. Possibly controlling traffic directions to one-way in or one-way out would help the problem, which would go along with closing the traffic from 85th Avenue. He asked Mr. Vose the other day to possibly have the City Engineer look at the situation for other ideas to make this a safer avenue for the children. Mr. Vose seemed to be open to having the City Engineer look into what could be done that is simple and inexpensive to put into place.

Mayor Steele said he would like to get into a debate with anyone that would say it is not a good idea to bring the speed down on that stretch in front of a grade school. Mr. Ruppe agreed and said if the City and the Township do not have the legal authority to lower the speed limit, they would jointly make the application to MNDOT to officially give us permission to do so.

Mayor Steele said they are willing to make provisions on the timely basis. We have school opening in a week and we cannot wait for MNDOT to sit on an application for a year. We need to take action now. The easiest action is to slow it down to the point where that hill becomes a moot point.

Mr. Champa said to support a 55 MPH speed limit, the hill would have to come down 8 feet, which would cost our taxpayers hundreds of thousands of dollars. That road may not be there in two years, since it is on the schedule to be a blacktop county road in 2017. He thinks the responsible thing to do is to attack this through the state and MNDOT to post that road at the current design specification.

Mr. Champa said if the speed limit is reduced, the way it is engineered is correct. Mr. Ruppe said the Township disagrees and feels that both components are needed, a reduced speed

limit and directional traffic. Mr. Champa said that at the last meeting we discussed making the east driveway and entrance only, and no traffic could to come out to go over the hill. Chair Beyer said that would work out perfect with barricading 85th Avenue from 125th Street since no traffic would be coming from the east over the hill.

Mayor Steele asked, assuming the speed and directional traffic remedies are implemented, why would the intersection of 85th Avenue and 125th Street be closed to non-emergency traffic? Chair Beyer said the closing is to eliminate traffic from coming west on 125th Street from 85th Avenue. Mr. Ruppe added that 85th Avenue is not being improved and is not sufficient to handle additional traffic. Mayor Steele asked if the Town Board can close a road with no public hearing? Mr. Ruppe answered saying they can and that the City Council can also. Mayor Steele said he would have a public hearing. Mr. Ruppe added that 125th Street in front of the school is a shared road and could not be closed on that section without agreement between the City and the Township. When questioned by Mayor Steele, Mr. Ruppe said he would go on the record recommending closing for safety the intersection of 85th Avenue and 125th Street to all but emergency vehicles.

Mike Sheehan, from Olmsted County Public Works, arrived and said we have to work together to accomplish this mission since we have a school opening. The County has in their Capital Improvement Program (CIP) replacing 125th Street with a new County road in 2017 and 2018. That is their goal. There will be a meeting sometime this fall, probably at the school, to review plans. He said nobody likes to close a road, but this situation is different. He said they have never been able to get a 30 MPH speed limit sign up on a gravel road in Olmsted County since he has been here. The County was asked by the Township to look at the school accesses as far a safety, and they all pretty much agreed the hill needed to be cut down 8 feet. They also realize that if the road is going to be redone in 2 years, you hate to spend that kind of money no matter who's money it may be. He said you might be able to put an advisory speed limit up (yellow signs), but you give people a false sense of security when he doesn't think it is the right thing to do. He doesn't think they will get the speed limit lowered there by the Commissioner of Transportation on a gravel road. Mr. Sheehan said he feels the safest situation is to temporarily close the road and when the new road is built, tie 85th Avenue back in. He said we have to do everything we can during the next two years to make it safe. Even during construction of the new road, it is going to be difficult.

Mayor Steele asked Mike Wood, New Haven Township Road Maintenance Contractor, what would he do with the barricades when plowing? Mr. Wood said his preference would be to keep the road open and that the School meet the conditions set in the driveway permit by the County last March (Handout pages A2-A8). If the township wants him to get off and move the barricades, he will move them but it is going to add to his time for the township.

Superintendent Berg-Beniak said that the school has been caught in the cross hairs between the Township, the City, and the County a week before the school opens. The driveway



plans have not moved since October 2014. They know what needs to be done for permanent driveways. The question is how they get from A to B? Mr. Wood replied that when he had the discussion with Dan from Krause Anderson last October, he told him the only driveway access would be the one on top of the hill and to make everything work with that. He told him that the site-plan driveways would not be allowed because of the sight-distance problems. The letter from the Chad Schulman at the County last March (Handout pages A2-A8) said the hill needs to be cut down. Mr. Champa said he was under the understanding those driveways were approved through the City of Pine Island. Mr. Ruppe said he wrote the letter (Handout page A9) asking the City Attorney to reconsider the granting of these accesses as currently configured. He said Robert Vose replied that the City and Township have an agreement ceding authority to the County on this road. Mr. Ruppe told him that there was no such agreement. The County issued a permit that they had no legal right to issue since the driveway accesses are actually within the City boundary. The road in front of the school is a shared road, and the City would issue access permits for the north side of the road in front of the school. The agreement ceding authority to the County was never signed or agreed to. The City has the authority to allow the driveways. The City Attorney told Mr. Ruppe that he was going to discuss these matters with the City Engineer and try to figure out what needed to be done to fix the problem. Mr. Ruppe said there are a couple of things everyone can get onboard with; try to reduce the speed, and try to do some sort of traffic flow configuration to reduce the chances for accidents. Lowering the crest of the hill is an expensive option. The City could demand lowering the crest of the hill but that wouldn't make a lot of economic sense for a 2-year solution. The question really is to identify viable and realistic conditions for the City to issue the access permit. At this point, there are no valid permits for the two school driveways. The City has the jurisdiction to issue the permits on the shared road by the school. Clerk Thomforde said the Township has issued only one access permit and that is the temporary construction permit at the top of the hill.

Mr. Champa asked where the Township was considering barricading the road? Chair Beyer replied it would be up near the Andrist mailbox. Clerk Thomforde said the Township could not put up a barricade on the shared-road part of 125th Street without the City's permission. There are about 200 feet at the east end of 125th Street that isn't shared road.

Supervisor Brian Hervey said there will be 16-year olds also driving out there. He doesn't understand the real concern about closing the intersection with 85th Avenue. Mayor Steele said he has always been on the side of the school and is having trouble getting his arms around closing a public access to an elementary school. Mr. Ruppe pointed out that access via 85th Avenue would still be open for emergency responders.

Mike Sheehan said the County has been working with the City and Township on the Official Map for the replacement road for 125th Street. The intent of the letter from the County (Handout pages A2-A8) was to address the future of 125th Street. They have met with the school and the township several times regarding driveway accesses and the new road that is in the CIP for 2017-2018.

Mr. Champa said the aerial diagram he presented at the last Town Board meeting was for discussion. Nothing has changed since last October. Superintendent Berg-Beniak said the school has been trying to do what they need to do and it is a little frustrating to have all this a week before school starts.

Mayor Steele said school is starting in a week and the speed limit signs are going up. Todd Robertson said they are putting in yellow (advisory) school zone speed limit signs. Judges may or may not uphold speeding tickets for speeding in advisory speed zones.

## **5. Open Discussion:**

Ken Markham (9912 Co Rd 5 NW) said that every school he has come up on has a 20 MPH speed limit. He asked if anyone has checked into that. Mayor Steele responded saying they could only reduce the speed by up to 25 MPH under the 55 MPH speed limit. Mr. Markham said a 4-way stop at New Haven Road and 125th Street would help a lot. Chair Beyer said he agrees and the Town Board will consider that.

Grant Friese (13002 New Haven Rd NW) said he agrees with putting up a 4-way stop at New Haven Road and 125th Street.

Joel Friedrich (12314 85th Ave NW) said they are residents on 85th Avenue. He said over the years he has had to pull people out the ditch that were going too fast to make the corner. Speed is an issue out there. Not everyone follows the speed limits. They are in favor of closing the road at the intersection of 85th Avenue and 125th Street for safety by the school and safety on 85th Avenue. He feels that if MNDOT approves a speed limit change, it does not solve the problem of speeders. By closing the road, if anything does happen, you have done everything possible.

Mayor Rod Steele said that he has two cops on the City Council and they were concerned about closing access through 85th Avenue to the school for emergency vehicles. It is a different scenario if it is kept open and plowed 365 days a year for emergency vehicles.

Jan McNallan (12246 Co Rd 113 NW) is excited about the school starting in 1 week. She said she was actively involved with the promotion of the school. She worried about speed limits and safety should have been considered a long time ago. Her wish is that the Township, the school, the County, and the City all get on the same page and support the school. Supervisor Andrist replied that is the reason we are all at this meeting.

Dave O'Brien (12702 Co Rd 3 NW) asked for a clarification on if he goes to do farm work on the Andrist property, how does he get to his driveway? The barricades will be on 125th Street and not on 85th Avenue. He said he thought it would make more sense to leave 125th Street open to the Andrist residence and barricade 85th Avenue. Chair Beyer said the barricades on 125th Street will added 1 mile in travel distance (from the corner of New Haven Rd and 125th Street). Mr. O'Brien said will add 3 miles to his round-trip distance. Clerk Thomforde clarified it would add 1 mile each direction, or 2 miles round-trip. Mr. O'Brien said the Town Clerk told

Mr. Andrist that he would have to move his mailbox far away. Clerk Thomforde clarified that if Mr. Andrist wanted to maintain access on 125th Street, the Postmaster said that he would probably have to move his mailbox down to New Haven Road. If Mr. Andrist stays on 85th Avenue, which is his current address, his mailbox can stay right where it is. Clerk Thomforde talked to Mr. Andrist last night and he wanted to stay on 85th Avenue and his mailbox to stay right where it is now. We are checking into the possibility of moving his mailbox up by his house for him. If he stays on 85th Avenue, moving the box up by his door is a possibility; if he is on 125th Street, the Post Office says the mailbox will have to be moved to New Haven Road.

Bill McNallan (12246 Co Rd 113 NW) asked Mike Sheehan what will the speed limit be by the school when the new road replaces 125th Street? Mr. Sheehan said it will probably be 55 MPH, which is what is being designed for. Sometimes they can get it lowered in front of a school, but they will have to see. He thought it was lower down to 45 MPH by Century High School.

Ron Peterson-Ruker (11930 Co Rd 113 NW) asked for a clarification on reducing speed limits in school zones. Speed limits in school zones can be reduced up to 25 MPH, or down to 30 MPH in this case. He asked if the school zone speed limit signs are going up? Mayor Steele said they don't know if they can legally reduce the speed limit. Mr. Ruppe said that if the City Attorney cannot find a state statute that allows them to reduce the speed limit, the only option they will have to go MNDOT and ask for permission to reduce the speed limit. He thought that given the discussion, they would be hard pressed to deny the request. Superintendent Berg-Beniak said that the road authority can post the speed limit. They cannot post it as a typical school zone because there is no crosswalk, so there are some issues there. Mayor Steele said the speed limit signs are going up.

Mr. Champa said we have established that the barricade decision is with the Township at the end of 125th Street. He asked Mayor Steele if the City would object to adding a barricade just past the east entrance to the school? Mayor Steele said the City Council passed a motion two weeks ago that said they were against a closure of any public access to the school. They did not understand that there would be movable barriers and it would be plowed around them. He would have to have the City Attorney look into it to see where their liabilities would be.

Supervisor Andrist said she had phone call from Kermit Christenson (11812 New Haven Rd NW), who could not be at the meeting. He said he wanted to go on record that he is against closing the road.

Wes Archer (Rochester MN) said his aunt and uncle are Betty and Morris Andrist (12501 85th Ave NW). He said Betty Andrist expressed to him tonight that she also did not want the road closed.

Grant Friese questioned if 85th Avenue is so narrow, how is that going to work to snow plow and have a barricade? Chair Beyer said the barricade will be on 125th Street near the Andrist mailbox and there is a natural cul-de-sac at that point. Mr. Friese also asked about the

barricade near the east access of the school. Chair Beyer said that is something that would have to be worked out with the City and the school. Mr. Friese said it makes more sense to him to close the intersection south of the Andrist driveway. Mr. Wood pointed out that the Andrist address is on 85th Avenue.

Clerk Thomforde pointed out that in the packet there is a copy of an email from Wendell Zwart (Handout page A10) requesting the Town Board work with the City and school. Working together is one of the reasons for this meeting. The Town Board met previously with the school at the last Town Board meeting to discuss the options.

Mr. Champa said, to summarize his understanding, after this meeting the City will install speed limit signs and pursue with MNDOT if needed, the school will work with their engineers and the City on the traffic flow at the entrances, and the closing the road and barricading is what the Township will consider. Clerk Thomforde added that the school needs to get driveway permits from the City and the Township would like a copy once the permits are issued.

Jerry Vettel asked how we are going to make sure 125th Street is open in the wintertime in time for school? Chair Beyer said the Township has a winter snow removal policy ([www.newhaventownship.org/uploads/2014\\_Snow\\_Removal\\_Policy\\_Approved.pdf](http://www.newhaventownship.org/uploads/2014_Snow_Removal_Policy_Approved.pdf)) that is regularly reviewed. He said Mike Wood is out there before the County roads are plowed so it should not be a problem. It will need to be addressed with the shared maintenance agreement. Dave O'Brien said the Township does have a shared maintenance agreement for 8th Street SW. Jerry Vettel said there is also a shared maintenance agreement for 8th Street SW.

Mr. Ruppe asked if there were any current maintenance issues with 125th Street that they are aware of that should be addressed before school starts? No issues were identified except maybe adding stop signs on New Haven Road and 125th Street. The Town Board takes their role seriously maintaining all roads, including the roads to the new school.

Mr. Ruppe said that any road closing is not permanent and can be changed. Mayor Steele said the next City Council meeting is September 15th, and they will discuss the new information on the closing options at that time. Chair Beyer said the Town Board is trying to work with the school to make it safer while not making it difficult for anybody.

**6. Adjournment:** Chair Beyer adjourned the meeting at about 8:05 PM.

Approved by the Board,

Attest,

Denny Beyer – Chair  
For the New Haven Town Board

Dale J. Thomforde  
New Haven Township Clerk

# *New Haven Township*

OLMSTED COUNTY, MINNESOTA – ORGANIZED IN 1858  
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9024 COUNTY ROAD 3 NW, ORONOCO, MN 55960

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## **Road Inspection Town Board Meeting Minutes October 20, 2015**

**Call to Order:** The Pledge of Allegiance was recited and a special meeting of the New Haven Town Board was called to order at about 8:00 AM 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, Road Maintenance Contractor Mike Wood, and Clerk Dale Thomforde. Planning and Zoning Administrator Ann Fahy-Gust was absent with notice. Denny Beyer drove and provided the van for this road inspection.

### **The following items were observed (in order of inspection):**

1. 91<sup>st</sup> Street – no issues.
2. 69<sup>th</sup> Avenue – no issues.
3. East 85<sup>th</sup> Street – tree in ROW near 6222 85<sup>th</sup> St NW should be considered for removal before it grows much larger.
4. 60<sup>th</sup> Avenue – the following were noted:
  - a. Trees are overhanging road on east side of the south end of the New Haven half of the road; check to see if New Haven responsibility to trim;
  - b. Large cottonwood trees in ROW at the top of the hill need to be removed – need to send letter to Oronoco Township about removal per agreement;
  - c. Stump in ROW north of cottonwoods on east side needs to be removed by Oronoco Township or flagged with marker;
  - d. Rebuilt portion of road looks good and is holding up well.
5. 85<sup>th</sup> Avenue and 125<sup>th</sup> Street – the following were noted:
  - a. Some drive-arounds have left a path south of the temporary road-closing barrier, but the recently installed posts should reduce the problem;
  - b. The temporary road-closing barrier will be replaced with two 10' wide swinging gates to allow winter road maintenance and emergency vehicle access;
6. New Haven Road – the following were noted:
  - a. The four-way stop has been installed at 125<sup>th</sup> St;

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- b. Bridge R0069 (concrete culverts) looks good after cleaning. It had some trees in the outlet and silting on inlet and outlet, as noted on the 2014 County bridge inspection report. Material removed was used to fill in both ends of the smaller steel culvert north of bridge to bring shoulder out to width of the rest of the road;
    - c. Farm machinery warning signs have been installed by the Berg farm.
  7. 8<sup>th</sup> Street SW (shared road with Pine Island) – the following were noted:
    - a. Two township residents use the road for access;
    - b. The City has partially blacktopped the two road sections where they had removed the blacktop.
  8. 105<sup>th</sup> Street – no issues.
  9. 110<sup>th</sup> Avenue – all work in Devil’s Kitchen completed and looks good.
  10. West 85<sup>th</sup> Street –the following were noted:
    - a. The new markers for bridge over Plum Creek look good;
    - b. Repaired soft spot west of Plum Creek bridge looks good.
    - c. Trees under turn signs near 8753 85<sup>th</sup> St NW need to be trimmed or removed.
  11. Genoa – need to send letter to 8437 Main St Genoa NW to trim back bushes that are again growing into Pearl Street and blocking the *Stop* sign visibility. If not trimmed back, township will remove the bushes.
  12. Douglas – large pile of demolition materials noted near 7522 Salley St NW should be removed and not burned.
  13. Riverheights Court –the following were noted:
    - a. The fill near culvert looks good;
    - b. Some trees and brush in ROW need trimming.
  14. 117<sup>th</sup> Street – the following were noted:
    - a. Extended culvert on corner west of 6535 117th St NW now has markers showing the inside edge of the road;
    - b. Corner east of 6535 117th Street has small pothole developing on inside corner.
  15. West Center Street – no issues.
  16. 120<sup>th</sup> Street – Zumbrota Telephone boring under culverts to install fiber optic cable.

17. 115<sup>th</sup> Street – clearing back trees and brush to improve visibility at corner with New Haven Road has been completed and looks good.

18. 88<sup>th</sup> Avenue –the following were noted:

- a. The new markers for culvert on Plum Creek look good;
- b. Pile of dirt noted near 9303 88th Ave NW in ROW – assume homeowner will be removing.

**Adjournment:** Beyer adjourned the meeting at about 10:30 AM. A total of about 53 miles were covered during this road inspection.

Approved by the Board,

Attest,

Denny Beyer – Chair  
For the New Haven Town Board

Dale J. Thomforde  
New Haven Township Clerk