

TOWN OF SILVER CREEK  
REGULAR MEETING  
September 17, 2013

The regular meeting of the Town Board of the Town of Silver Creek was held on Tuesday September 17, 2013 at the Town Hall. Present were Supervisors – Mike Hoops, Greg Hull and Larry Lampart; Clerk – Frederick R. Whitney; Treasurer – Bobbi Gilbert; Road Foreman – Rick Grupe; Town Attorney – Gerald “Pete” Morris; Constituents – Larry Guentzel, Charles Linden and Jon Norine.

Hoops called the meeting to order at 7:00 p.m.

**CONSTITUENTS CONCERNS:**

Larry Guentzel wanted the “Dead End” sign on the Stewart River Road to be moved closer to Hwy 3 and to have someone maintain the road. He explained that when the County straightened out Hwy 3 at the curve near his property that they created a roadway across his property running back to the original driveway to other properties back in the woods; no easement whatsoever. The new road is some 400 feet. It is not being maintained by the County or the Township and many people are driving across it in search of Silver Creek. Larry wants the Township to maintain his road because the County won’t do anything. The Board advised Larry to contact the County again. Another constituent suggested that he move the sign himself. Morris indicated that he is the Township attorney and therefore cannot provide any legal advice and suggested that he contact his own attorney, but from the information provided, it did appear that the 400 some feet is in fact his driveway and he probably could move the sign.

Charles Linden and Jon Norine wanted confirmation in writing indicating that their properties, while located within the Castle Danger Subordinate Sewer District (CDSSD), their property lines are more than 100 feet from the CDSSD service area and therefore, at this time, they do not need to connect to the CDSSD system. The Clerk indicated that a letter had been drafted, is now approved by the Chairman, and will be placed in the mail tomorrow.

The Clerk informed both Charles and Jon, that if in the future the service area is expanded and their property lines are then within 100 feet of the expanded sewer service area, they will at that time need to connect to the CDSSD system. The Clerk explained that this could happen if the other parcel that Jon and Barbara Norine own to the south is sold and the purchaser than wants the sewer system extended to the north side of that property.

**REVIEW MINUTES:**

Motion by Hull, second Lampart to accept the 08/13/2013 Special meeting - Cross minutes as amended. Motion carried unanimously.

Motion by Lampart, second Hull to accept the 08/20/2013 Regular meeting as amended. Motion carried unanimously.

Motion by Hull, second Hoops to accept the 08/20/2013 Reopened Annual meeting minutes as presented. Motion carried unanimously.

Motion by Lampart, second Hoops to accept the 09/03/2013 Quarterly CDSSD meeting as presented. Motion carried with Hull abstaining; he had not been in attendance.

**TREASURER’S REPORT:**

TTOSC Lake Bank checking: \$49,524.24 and savings: \$552,476.06 for a total of \$602,000.30 – plus a \$.30 sewer batch Bank service fee charge error for a total of \$602,000.60.

Hull inquired as to why there was a Kevin Hudson deposit of \$8,326 for the excavator purchase. The top bid purchaser backed out of his offer; no bid bond was obtained. Kevin Hudson was the second highest bid and agreed to purchase the excavator for the top bid price. The excavator was then sold to Mr. Hudson.

Motion by Hoops, second Lampart to transfer \$30,000 from savings to checking as per the Treasurer's request. Motion carried unanimously.

Motion by Hull, second Lampart to accept the August 2013 Treasurer Report as presented. Motion carried unanimously.

**OLD BUSINESS:**

- The Aspen Road petition was discussed. The Duane Ricard turnaround easement, where he has agreed to the \$750 offer for the easement, was discussed.

Hoops made a motion, second by Hull, to authorize the Town to enter into a permanent road easement from Duane Ricard, for the acquisition of a parcel of property 50 feet by 90 feet, for purposes of a road turn around on Aspen Road and authorizing the expenditure of \$750 to acquire the property. Motion carried unanimously.

- The East Castle Danger Road alteration was discussed. Where the road deviates from the legal description, as identified on the land survey, is where we need to obtain information as to land ownership. The Clerk was directed to investigate this information and forward to the Town attorney in order for him to prepare the road alteration.

The Town attorney will prepare the easement for the McLaughlin sewer installation. The Clerk was directed to obtain Mr. McLaughlin's full name and to update the Town attorney.

Road alterations for Balsam Lane, Press Camp Road, Town Road and Burlington Road were discussed. These roads were once thought to have been updated with road alterations. The Clerk has since found the original road resolution, for all Township Roads, dated October 30, 1984, as well as the road alterations for Balsam Lane and Town Road. The Clerk will continue to search for the road alteration documentation for Press Camp and Burlington Road.

**RECESS:**

Hull moved, second by Lampart to recess the meeting at 8:50 p.m. Motion carried unanimously.

**RECONVENE:**

Hoops called the meeting back into order at 8:55 p.m.

**READING OF THE BILLS:**

Current month's bills were read. Motion by Hull, second Lampart authorizing payment of the bills and electronic funds. Motion carried unanimously.

**CORRESPONDENCE:**

Minnesota Revenue – PERA Aid notice

MN Rural Water – Membership Certificate

LAKE COUNTY Land Use applications: Dye, Fansler, Arneson, Aurand, and Ness.

LAKE COUNTY Planning and Zoning: Udenberg, Sabo/Hanna and Johnson.

Blue Cross – Health Insurance coverage for 2014.

A discussion regarding the health insurance, as well as the resumes received to date for the Heavy Equipment Operator position, occurred. It was decided that a closed labor meeting was in order.

Hull made a motion, second by Lampart to form a nominating/interview committee – Chairman, Clerk and Road Foreman – for the purposes of interviewing and evaluating the potential candidates for the new Heavy Equipment Operator position. Motion carried unanimously.

The Clerk was directed to scan and forward all operator resumes to the Board for their review in preparation for a future closed labor meeting. Hoops asked that all members rank the resumes in order of preference.

The Clerk was directed to scan the annual Blue Cross health insurance update, as well as to provide the Board with a brief summary for their review.

Hoops made a motion, second by Hull to set a closed meeting for the purposes of labor discussions following the close of the ALCCTO meeting on Wednesday, October 2, 2013 at the Town Hall. Motion carried unanimously.

Hoops made a motion, second by Lampart to set a closed meeting for the purposes of further labor discussions on Monday, October 14, 2013 at 7:00 p.m. at the Town Hall. **This meeting was cancelled due to the fact that October 14 is a holiday that the Board has not approved for meetings.**

#### **ROAD & SAFETY:**

Road Foreman Grupe presented an update for the East Castle Danger Road culvert work. The design is in. The survey is complete. Costs for the culverts – either a 60 ft. 6'x12' concrete box culvert for \$35,000 (without ends), 2 – 78" steel culverts for \$8,000 (without ends), or a 137"x87" arch culvert for \$10,000 (no aprons). These prices do not include any prep work, temporary road construction or actual installation costs. While this work would qualify for the State Bridge fund, the issue is when would this project be placed on the schedule?

Grupe will follow up with the DNR permit which will require a construction plan to be developed. Grupe will prepare a construction plan which will include scheduling – culvert order, temporary road construction, crane rental, as well as any redesign work with LHB.

The culvert solution for the East Alger Grade will be \$7,000 and the Town Road will be \$8,000.

Grupe requested a frost tooth attachment for the new excavator. This will be used for the cemetery, as well as winter road and sewer repair work.

Hoops made a motion, second by Lampart to approve the purchase of a frost tooth attachment, a lower cost "used attachment" if possible, not to exceed \$3,500. Motion carried, with Hull abstaining.

#### **OLD BUSINESS – CONTINUED:**

- The Lake County letter of agreement for the \$50,000.00 financial support of the SRSSD development work was discussed.

Hull made a motion, second by Lampart authorizing the Chairman to sign the Lake County \$50,000 Financial Assistance agreement regarding the Silver Creek Township development work of the Stewart River Subordinate Sewer Service District. Motion carried unanimously.

- In April 2013, per the Board's decision in October 2012 to visit the Clerk's compensation in March 2013, and after reviewing the Clerk's "Hours Tracking" report, the Board increased the Clerk's compensation to \$19.375 per hour based upon an 80 hour month. At that time the Board also agreed to revisit the issue once again after 6 months.

The Clerk presented his "Hours Tracking" report. The report indicates that on average the Clerk has worked 86.55 hours per month for the past year. It was requested that the Clerk continues to track hours worked.

Discussion was held regarding an increase to the Clerk's overall compensation at this time. Discussion reviewed the 6.55 extra hours per month that the Clerk has worked. It was noted that the Cross cartway is running 6.4 hours on average. No decision was made other than to wait until after the Cross cartway proceedings have concluded.

## STEWART RIVER SUBORDINATE SEWER DISTRICT:

- The Wenck memo dated 09-11-13 titled “*Stewart River Wastewater System Update*” was reviewed.

TO: Town of Silver Creek  
 FROM: Eric Blasing, Wenck Associates, Inc.  
 DATE: September 11, 2013  
 SUBJECT: Stewart River Wastewater System Update

### Introduction/Purpose

Wenck Associates, Inc. (Wenck) conducted wetland delineations and soil investigations on the 80-acre Town owned land at the end of Cedar Road August 14 – 16, 2013 (Figure 1). The purpose of our investigation was to determine if this parcel contains sufficient suitable area to site a wastewater treatment system to serve the Stewart River service area. This memorandum details Wenck’s findings, design considerations, and steps to be taken moving forward.

### Investigation Findings/Design Considerations

Work was predominantly completed on the northern 60-acres of the parcel as this area is upland, closest to the existing roadway, and contains suitable soil for siting a land-based soil dispersal system. The attached figure shows area that was investigated, delineated wetlands, and soil borings completed. In general, the area investigated includes sufficient area, suitable soil, and wetlands that can be avoided. Wenck has concluded the site appears suitable for the installation of a wastewater treatment and soil dispersal system to serve the Stewart River service area.

Design wastewater flow impacts permitting of the wastewater system. For average daily flows greater than 10,000 gallons per day, the system is classified as a Large Subsurface Wastewater Treatment System (LSTS) and permitting is completed through a Minnesota Pollution Control Agency State Disposal System (SDS) Permit. Due to the uncertainty of the actual design wastewater flow, a table was created that includes a range of flows and area requirements to meet LSTS requirements.

The following table displays a range of design flows and infiltration areas required. There are several categories of areas; required infiltrative area, reserve area, required constructed area, and estimated constructed footprint. The estimated constructed footprint is the final area required including the expansion/reserve area, component spacing, cell/zone spacing, tanks, required setbacks, pretreatment components, and pipe routing. In other words, the total estimated footprint required for the entire wastewater treatment and dispersal system.

Stewart River Wastewater System - Estimated Land Area Requirement Town of Silver Creek, Minnesota							
Design WW Flow (gpd)	MN Rules Loading Rate (gpd/ft <sup>2</sup> )	Required Infiltrative Area (ft <sup>2</sup> )	Required 150% Constructed Area (ft <sup>2</sup> )	Resultant Loading Rate (gpd/ft <sup>2</sup> )	Reserve Area (ft <sup>2</sup> )	Total Required Area (acre)	Total Estimated Footprint (acre)
45,000	0.6	75,000	112,500	0.40	37,500	3.4	4.6
50,000	0.6	83,333	125,000	0.40	41,667	3.8	5.1
55,000	0.6	91,667	137,500	0.40	45,833	4.2	5.6
60,000	0.6	100,000	150,000	0.40	50,000	4.6	6.1
65,000	0.6	108,333	162,500	0.40	54,167	5.0	6.6
70,000	0.6	116,667	175,000	0.40	58,333	5.4	7.1

Figure 2 displays the desired location of the system and estimated area available. The area enclosed within the yellow perimeter equals 11.8 acres; the green equals 7.7 acres, and delineated wetland within totals 0.7 acres. The total footprint of the system is estimated to range from 4.6 to 7.1 acres. The red shaded area shows a favorable location for wastewater treatment system components as this is closest to Cedar Road. Also, this location is >300 feet from any nearby potable well (MN Rule for LSTS). Access would be off Cedar Road and soil dispersal zones would be sited to the south of this red shaded area.

### Next Steps

Moving forward with the report phase will require the Town Board to finalize/change the service area as desired. Changes may include excluding Burlington Road and Rocky Point Road to limit cost, determining the service area extent up County Hwy 3, and if expansion to other areas is desired. If expansion is anticipated, septic systems in these areas will need to be assessed and inventoried. Service area changes will impact wastewater flow and loadings, force main routing and length, components, and system cost. Also, discussion with the private property owner where easement will be required for the force main to access the treatment site should commence. It is likely Rural Development will require verification of easement prior to approving the PER. Therefore, to move forward with the reports, these items will need to be addressed.

Also, an onsite meeting with Lake County, BWSR, and the Army Corp of Engineers will need to be completed to verify delineated wetlands. Wenck is currently scheduling this meeting for fall 2013.

In addition, Rural Development indicated within their December 19, 2011, State Office Engineer’s Comments on Preliminary Engineering Report letter, that a Phase 1a archeological assessment be conducted during the PER phase of the project. This investigation would be conducted on the 80-acre parcel and along highway force main routes. This investigation could be completed this fall or early spring 2014. A decision of when to move forward with scheduling this fieldwork should be made.

Hoops indicated that the follow up meeting will be held either Oct 4<sup>th</sup> or 11<sup>th</sup> and he will attend. Hoops indicated that our site looks like it will work and that the plant will be located at the end of Cedar Point Road.

**NEW BUSINESS:**

- The THUGS have requested to use the ice rink area adjacent to the Town Hall to park some of the participant's campers during their annual concert in August. They wouldn't utilize any electricity, but would run small generators perhaps. The Board indicated that while it would be nice, they were worried about the noise and the future growth in the number of campers. Hull agreed to speak with Dale Moe and relay the Board's concerns and to indicate that it would be OK, but only a year at a time and only for a few campers.
- The snow plow policy was reviewed. This is the same policy that was approved last year.

Hoops made a motion, second by Hull to approve the snow plow policy as presented, however Hull protested the "road plowing order" as he has done in previous years.

Lampart made a motion, second by Hull to approve the plow rates as presented. Motion carried unanimously.

There being no further business, meeting adjourned at 10:50 p.m. upon motion by Hull, second Lampart. Motion carried unanimously. The next regular meeting of the Town Board will be held on Tuesday October 8, 2013 at 7:00 p.m. at the Town Hall.

Respectfully submitted,  
Frederick R. Whitney, Clerk