

TOWN OF SILVER CREEK
REGULAR MEETING
AUGUST 20, 2019

The Regular Meeting of the Town Board of the Town of Silver Creek was held on Tuesday, August 20, 2019 in the Board Meeting Room. Present were Supervisors: Greg Hull, Denny Moen and Chuck Voss; Clerk Alison Oftedah; Deputy Clerk Laura Kleive; Treasurer Jamie Pellman; and Town Operations and Facilities Manager Jody Reineccius, Melissa Carlson, Jane Wick, Tom Opfer, LeRoger Lind, Rachelle Hull, Christine McCarthy.

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

CONSTITUENTS CONCERNS:

None.

FAA VISIT:

Airport site visit is scheduled for Tuesday August 27, 2019 at 6 p.m. Paperwork was included in each board members folder and an attachment has been emailed for them to view in advance of the site visit.

Regular meeting was recessed to reconvene the Annual Meeting.

ROAD & SAFETY:

Road Report – Town Operations and Facilities Manager Reineccius reported that they have been working on graveling the roads. With recent rain, they hope to get out and grade the roads. Roads should all be mowed as of today. Extensive work on Alger Grade will be started once Paul gets back.

Alder Road Survey – The initial reason for this survey was to increase the turnaround. Now a landowner well above the end of the road contacted Hull to inquire about an easement to access his property. Hull is meeting with landowner on Saturday. We requested estimates from two surveyors. We have one estimate in writing from Tofte Land Survey & Mapping, LLC. The other never got back to us in writing. Motion by Hull, second Moen to accept the estimate from Tofte Land Survey & Mapping, LLC in the amount of \$1900-\$2400. Motion carried unanimously.

SEWER OPERATIONS:

All supplies are on hand to make the Vanderbeek connection sometime after Labor Day. Application and check have been submitted to the Clerk.

Motion by Hull, second Voss to accept the August 20, 2019 Wastewater Operator's Report as presented below. Motion carried unanimously.

Wastewater Operator's Report – August 20, 2019

Influent

January 0.4744 million gallons
February 0.4947 million gallons
March 0.6833 million gallons
April 0.6961 million gallons
May 0.7797 million gallons
June 0.8209 million gallons
July 1.0762 million gallons

Flows are up and down across all months compared to last year. A lot of it has to do with the business happening at the commercial accounts.

In addition, the district received approximately 0.3418 million gallons of trucked in wastewater during this same period.

Effluent

May – Discharged 3.000 million gallons of water
June – Discharged 3.059 million gallons of water.
July – Discharged 4.250 million gallons of water
August – to date discharged 1.7 million gallons of water

I'm feeling a lot better with the amount of rainfall we've been receiving the past 6 weeks. Not only does the drier weather allow me to irrigate more, but it is not filling ponds as fast as I pump it out. I have the primary pond drawn down to the 2' mark. It has been several years since I was able to that.

Current Operations

We have had the normal number of pumps go down. 2 are unrepairable due to structural failures. We have a marginal number of pumps on hand at this time, but I'm thinking we can hold off, and see where we are at with inventory when we get into fall inspections.

We have a connection to make in the not too distant future. Ted Vanderbeek plans to have this done. Presently the installation will be the tank and the line, with other components installed after the house is built. Access and application fee to be paid prior to work commencing. Materials and labor to be paid incrementally as the install is done.

All monthly reports and sampling were done and submitted to MPCA in a timely fashion.

Pending Maintenance Items

Continue straightening and repairing fencing at the ponds

Check air relief valves throughout the system

Cut out between pump chambers on duplex stations.

Replace flow control valves

Respectfully submitted,

Mike Hoops, Wastewater Operator

Oliver easement is at currently at the same status. No payment. No progress on the easement recording.

Audit Report issued its standard comment regarding internal separation of duties. Letters were signed and returned.

Supervisors discussed which fund the \$8000.00 access fee should be deposited into. Hoops stated that in the past it has gone into the Replacement fund. History of where the check should be deposited will be researched.

STEWART RIVER:

Voss reported that he and Mike hope to set up a meeting with several individuals.

LAND USE:

Ramona Linden's submitted application for an eve extension which has been approved. She since has changed from a 28' eve extension to wanting to build a 26' x 26' garage. The rules for extensions are the same as for garages, and the culvert meets requirements so the permit will be issued. The approved application from Ted Vanderbeek for a new garage was reviewed. His site inspection was completed by Lake County.

Land Use Administration Transition to Lake County – Hearing was held on Saturday August 17, 2019. Public comment was taken. Moen feels that vacating the Ordinance in order. It is not a detriment to anybody. It is a lateral move since all the rules are so close together. He doesn't see it as infringing on anyone far as property rights at this point. Voss is on the same wavelength as Moen. He would like to make it clear to the County Board, as per Sve's request at the hearing, which way the Township Board would like to go as far as zoning. Voss feels we should go with the one that represents what is closest to our current zoning. Not the map that would revert back to the 1999 Lake County zoning. Moen stated that map that is most equal to ours reflects the effort that has been put into the Land Use zoning over the years. A constituent requested a brief explanation of the maps, since he was not able to be at the hearing. Hull asked Christine McCarthy to briefly explain the difference between the two maps. The constituent voiced his continued concern with changes that would affect the Land Use Ordinance and his concerns regarding short term rentals. McCarthy noted that regardless of which map is chosen, vacation rentals will be an allowed use in either. Hull put forth that the

only issue before this Board is whether or not to vacate the ordinance. Lake County will then hold hearings and the like to make the decision of which zoning to use. McCarthy would recommend that the Township Board states what zoning they prefer to see Lake County use.

It was noted that one of the dates on the Resolution was incorrect. The Board was asked to change the date on their copy of the resolution 2019-4 to reflect 2020 effective date. It will be amended on the copy to sign. Motion by Hull to adopt resolution 2019 Repealing the Castle Danger Subordinate Service District Phase I Lane Use Ordinance.

Resolution 2019-4 to Repeal the Castle Danger Subordinate Service District Phase I Lane Use Ordinance was adopted unanimously upon roll call vote as follows: Voss– yea; Moen – yea; Hull – yea.

RESOLUTION 2019-4
TOWN OF SILVER CREEK
LAKE COUNTY, MN
Repealing the
Castle Danger Subordinate Service District Phase I
Land Use Ordinance

WHEREAS, the Town of Silver Creek Board of Supervisors adopted the Castle Danger Subordinate Service District Phase I Land Use Ordinance (hereinafter “the Ordinance”) in or about January 1999 on the basis of the Board of Supervisor’s determination that there was a need to guide future development of land in the district; to insure a safer, more pleasant, and more economical environment for residential and public activities; to preserve open lands; and to promote the public health, safety, and general welfare;

WHEREAS, the Ordinance was amended on August 1, 2000, February 5, 2002, and February 2, 2010 for reasons consistent with the Board of Supervisor’s initial adoption of the Ordinance and to address specific land use needs existing in the Castle Danger Subordinate Service District;

WHEREAS, the Board of Supervisors also created the Silver Creek Planning Commission to serve as an advisory body to the Town Board of Supervisors in relation to administration and enforcement of the land use rules and restrictions contained in the Ordinance and all amendments thereto, in accord with Minn. Stat. § 462.351;

WHEREAS, at the time of its initial adoption and subsequent amendment, the land use rules and restrictions in the Ordinance differed from Lake County’s land use rules and restrictions in ways that supported and justified the need for the Town to have its own land use Ordinance for the Castle Danger Subordinate Service District Phase I;

WHEREAS, since the initial adoption of the Ordinance and the amendments thereto, Lake County has amended its land use rules and restrictions in a manner that renders many, if not most, of the rules and restrictions the same as those contained in the Ordinance;

WHEREAS, all areas within the Town of Silver Creek, but outside of the Castle Danger Subordinate Service District Phase I, have continuously been subject to land use rules and restrictions administered and enforced by Lake County;

WHEREAS, the training in wetland identification, and other technical training necessary for administrating zoning in the state of Minnesota is challenging for an elected Clerk and must be repeated each time a new clerk is elected;

WHEREAS, the Castle Danger Subordinate Service District Phase I Land Use Ordinance is a supplement to Lake County's Land Use Ordinance #12, current administration requires knowledge and training on two sets of zoning regulations;

WHEREAS, the Board of Supervisors has determined that the burden to the Town, including both financial costs and time required in the administration and enforcement of the restrictions contained in the Ordinance exceeds the amount of money received from fees arising from land use applications;

WHEREAS, the Board of Supervisors has determined that the cost of administering and enforcing the Ordinance now outweighs the benefits to Town residents from the Ordinance's land use rules and restrictions, particularly due to the limited and decreasing differences between the rules and restrictions in the Ordinance and those enforced by Lake County;

WHEREAS, the Board of Supervisors conducted a properly noticed public hearing to address the question of the future of the Ordinance;

NOW THEREFORE, BE IT RESOLVED, that, based on the findings and determinations stated above, the Board of Supervisors of the Town of Silver Creek, pursuant to its powers under Minn. Stat. § 462.357, does hereby repeal the Castle Danger Subordinate Service District Phase I Land Use Ordinance, including any and all amendments thereto, in its entirety, effective January 1, 2020.

The Board of Supervisors further abolishes the Silver Creek Planning Commission as of the effective date stated above.

As a consequence of the repeal of the Ordinance, including all amendments thereto, and elimination of the Planning Commission, all lands in the Castle Danger Subordinate Service District Phase I will be subject to Lake County land use controls and zoning upon the effective date stated above.

Adopted this 20th day of August 2019.

Greg Hull, Board Chair

Denny Moen, Supervisor

Chuck Voss, Supervisor

ATTEST:

Alison Oftedahl, Town Clerk

McCarthy reiterated what Commissioner Sve stated at the hearing, that the Lake County Commissioners want to carry out what the Township would like to see happen.

Motion by Moen, second Voss, that we adopt the latest map that is most similar to what we have been operating on, as opposed to the 1999 original map and proceed from there. Motion carried unanimously. Clerk, or her designate, is directed to write a letter to that effect, addressed to the Lake County Board so they have it in writing.

REVIEW MINUTES:

Motion by Hull, second Voss to accept, as presented, the July 16, 2019 Regular Meeting minutes. Motion carried unanimously.

Motion by Hull, second Voss to accept, as amended by Deputy Clerk, the August 13, 2019 Committee of the Whole Meeting minutes. Motion carried unanimously.

TREASURER'S REPORT:

The Treasurer's Report was presented by Pellman as follows: TOSC checking: \$50,588.13 and TOSC savings: \$475,366.75 for a total of \$525,954.88. Outstanding Checks totaled \$0.00 for a CTAS balance: \$525,954.88. Motion by Hull, second Moen to authorize the requested transfer of \$64,000 from savings to checking. Passed unanimously. Motion by Voss, second Moen to accept the July Treasurer's Report as presented. Motion carried unanimously.

READING OF THE BILLS:

Questions to the need for continued membership in the MRWA were directed to Hoops. He explained the ongoing needs and benefits received from the membership.

The current month's bills were read: claims 8380-8402 totaling \$19,536.76 and payrolls through 8/23/2019. Motion by Hull, second Moen, to authorize payment of the bills as presented. Motion carried unanimously.

CORRESPONDENCE:

The Board reviewed the following:

- Rights of Internment
- Thank you letter from Kim Garber for support of the Ukulele Carnival
- The Heck of the North bicycle race Saturday, September 28, 2019
- MN Dept of Revenue 2020 Town Aid Notice
- State PILT Payments
- Lake County Land Use Applications

OLD BUSINESS:

None.

NEW BUSINESS:

None

PENDING BUSINESS:

Cemetery Resolutions – Four changes are being made to the Cemetery Resolutions. The first is to allow a nonresident to purchase a lot for a deceased resident who lived in the Township. The second is the prices are being removed from the resolutions and being converted to a document that can be modified yearly without having to change the resolution. The third is the Veteran marker exclusion to allow for an extra stone. The fourth change was to remove the perpetual maintenance fee charged for monuments. It will now be funded with the lot price change from \$100.00 to \$250.000. A portion of each lot sale will go toward perpetual maintenance.

Resolution 2019-6 Establishing Rules, Regulations, and Charges for Silver Creek Town Cemetery was adopted unanimously upon roll call vote as follows: Voss– yea; Moen – yea; Hull – yea.

**RESOLUTION 2019-6
ESTABLISHING RULES, REGULATIONS, AND CHARGES FOR
SILVER CREEK TOWN CEMETERY**

AS AMENDED AND ADOPTED ON August 20, 2019

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOWN OF SILVER CREEK, that the following rules, regulations, and charges are established for the Silver Creek Cemetery:

SECTION 1: INTERMENTS. All interments shall be done by the Town of Silver Creek. At least twenty-four hour notice shall be given and the outside dimensions of the case to be used and the location shall be specified. No interment shall be made in the cemetery unless all laws, ordinance, rules and regulations regarding interments have been complied with and until the purchase price of the lot to be used has been paid. Interments may be postponed due to weather and soil conditions at the discretion of the Town Chairman and Town Foreman. Winter burials are discouraged. The cemetery allows one standard burial, one standard burial and one cremated remains, or two cremated remains to be placed on one gravesite. Due to vault requirements, stacking of standard interments is not allowed. Standard burial practice: the deceased's head lies at the west end and the feet at the east end of the grave.

SECTION 2: DISINTERMENT. Written permission of the lot owner and the next of kin shall be filed with the Town Clerk, and the required fees paid before any grave may be opened for any purpose. This provision does not apply when disinterment is ordered by duly authorized public authority.

SECTION 3: CONDITIONS OF LOT PURCHASE. All lots shall be sold subject to these rules and regulations or those hereafter adopted. The purchaser shall expressly agree that his rights are subject to such reasonable rules and regulations as the Board may adopt. No lot shall be used for any purpose other than the burial of human remains and the placing of appropriate memorials. MN Statute 365.27 Subd. 3 states: "If a lot is sold but not used, ownership reverts to the town 40 years after the sale or 40 years after the most recent recording with the county recorder of a notice of the kind described in section 541.023 or another document that relates to the ownership, whichever is latest. The town may take legal action in the same way as any other person to clarify the ownership or assure the marketability of the lot."

SECTION 4: PURCHASE OF LOTS. Pursuant to Minnesota Statutes, Section 365.27, lots in the cemetery of the Town of Silver Creek shall be sold only to a person who is a resident of, or landowner within, the Town of Silver Creek, at the time of purchase. A resident or landowner may purchase one lot for a family member, including minors or non-residents, or either four or eight lots as a family plot for his family including minors or non-residents. A non-resident may purchase for a deceased resident. Each lot shall be utilized by a family member. Should the family no longer want the lot(s), ownership of the lot(s) shall revert to the Town of Silver Creek. The original purchase price of that lot will be refunded to the named person's estate. It shall be the duty of the lot owner or purchaser to notify the Town Clerk of any change in post office address. Notice sent to the person's last address on file with the Town Clerk shall be considered sufficient and proper legal notice. Upon payment of the purchase price of a lot, the Clerk will issue a Right of Interment, executed by the Chairman and Clerk, conveying the lot, which shall be recorded in the records. Before a burial is permitted, full payment of the purchase price must be paid.

SECTION 5: TRANSFER OF LOTS. No cemetery lot or fractional lot may be resold or otherwise disposed of without the approval of the Board of Supervisors. The Town of Silver Creek retains the first option to repurchase the cemetery lot or fractional lot at the original sale price. No lot will be permitted to be resold, disposed of, or otherwise used until the purchase price and all unpaid charges including charges for permanent or special care have been paid in full. Lot owners may not allow interments to be made on their lots for remuneration. Lots, or fractional lots, may not be subdivided without consent of the Board of Supervisors.

SECTION 6: MARKERS AND MONUMENTS. The term marker refers to stones located at the foot of a lot. The term monument refers to an above ground stone located at the head of a family plot of four or eight lots. Only one marker shall be installed on any one lot; even when two cremains are interred in the same lot. The only exception is for Veteran's markers. A lot with two cremains in which one was a Veteran may have both a Veteran's marker and a second marker for the family member. Only one monument shall be installed on any four or eight lot family plot. Every marker and monument shall be placed in the location shown on the cemetery plat or as directed by the caretaker. The Board of Supervisors reserves the right to charge a fee for the marking and supervision of the installation of any marker or monument. No marker or monument shall be placed unless the caretaker has approved the location and the full purchase price of the lot has been paid. No

marker or monument shall be placed until the price of the space used for burial and all burial fees have been paid. No marker or monument shall be constructed of limestone, sandstone, wood or other material, which will not assure relative permanency. All markers are limited to a height restriction of 16 inches. Single markers shall be not less than eight inches wide nor more than twenty-four inches in length. Double markers shall not be less than eight inches wide nor more than forty-four inches in length and shall not exceed the size of the lot or lots including concrete apron. These dimensional restrictions shall not apply to markers provided by the federal government. Monuments shall be no wider than 16 inches, no longer than 48 inches, and shall not exceed 30 inches in height. All monuments and above ground markers shall be pinned, grouted, or cast into the base and concrete apron. All measurements do not include the 6-inch concrete apron or border that shall be placed around a monument. All foundations for monuments must be of sufficient depth and stability to support the proposed structure.

SECTION 7: INSTALLATION OF MARKERS AND MONUMENTS. Persons engaged in placing markers and monuments shall provide adequate planking to protect turf and shall remove materials, equipment, and refuse immediately upon completion of the work. Ropes and cables may be attached to trees or other objects only on approval of the Town Foreman. The lot owner or his estate is responsible for any failure to abide by this regulation and shall pay for any resulting charges or damages.

SECTION 8: VAULTS. A concrete grave liner or a cemetery vault shall be required for all interments except those of cremated remains.

SECTION 9: PERMANENT CARE. All cemetery repairs, mowing, and maintenance will be under the direction of the Board of Supervisors.

SECTION 10: IMPROVEMENTS. Plants, shrubs, and flowers may be placed on cemetery lots in removable containers only and shall be removed by September fifteenth of each year. No trees or vines may be planted, plastic flowers used, nor may fences be erected. The Board of Supervisors reserves the right to authorize removal of any tree, shrub, vine, plant, or flower which may become unsightly, dangerous, or not in keeping with the landscape design or the rules and regulations of the cemetery.

SECTION 11: DUTIES OF ACTUARY. The Town Clerk shall be the actuary of the cemetery and shall in addition to other records and duties imposed upon the Clerk in relation to the cemetery, keep a register of all interment and disinterment.

SECTION 12: LOT PRICES AND INTERMENT RATES. The Town Board will review cemetery rates on an annual basis and establish them for the upcoming year.

SECTION 13: GENERAL. The Board of Supervisors reserves the right to amend these rules, regulations, and charges in order to promote the general objectives and best interests of the cemetery and is not required to give notice of such intended action. The Board of Supervisors also reserves the right to remove all monuments, markers, flowers, plants, trees, decorations, or other similar things without liability to the Township whenever any of these objects become unsafe or unsightly.

These preceding conditions shall not be construed to limit the Board of Supervisors from considering unique or special circumstances and permitting the burial or interment of individuals they deem fit within the general intent and purpose of the Town of Silver Creek Cemetery.

Adopted this 20th day of August 2019.

Greg Hull, Board Chair

Denny Moen, Supervisor

Chuck Voss, Supervisor

ATTEST:

Alison Oftedahl, Clerk

The current cemetery rates will be in place for the remainder of the year. In January of 2020 new rates will be put in place that more currently reflect what it costs to provide this service. A portion of the need to increase prices is that we no longer have a mini excavator within close proximity to use to perform the grave openings.

Resolution 2019-7 2019 Silver Creek Cemetery Rates Purchase of Cemetery Lots was adopted unanimously upon roll call vote as follows: Voss– yea; Moen – yea; Hull – yea.

RESOLUTION 2019 – 7
2019 Silver Creek Cemetery Rates
Purchase of Cemetery Lots

\$100.00 per lot

Interment Rates

Weekday Interment (Monday – Thursday):
Grave Opening and closing for Casket: \$500.00
Grave Opening and closing for Cremains: \$200.00

Weekend or Holiday Interment (Friday – Sunday):
Grave Opening for Casket: \$600.00
Grave Opening for Cremains: \$300.00

These rates effective for the year 2019.

Adopted this 20 day of August, 2019

Greg Hull

Dennis Moen

Charles Voss

ATTEST:

Alison Oftedahl, Clerk

Lastly, there was a donation made by Kathy Thompson of flags to color code the quadrants of the cemetery so that they coincide with the quadrants on the cemetery directory.

Resolution 2019-5 Town of Silver Creek Lake County Minnesota Resolution Accepting Donations was adopted unanimously upon roll call vote as follows: Voss– yea; Moen – yea; Hull – yea.

RESOLUTION # 2019-5
TOWN OF SILVER CREEK
LAKE COUNTY MINNESOTA
RESOLUTION ACCEPTING DONATIONS

WHEREAS, the Town of Silver Creek is authorized to accept and maintain donation of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens; and

