

## **Empire Township Meeting Minutes August 13, 2019**

The Town Board meeting was called to order by Chairman Terry Holmes at 8:00 PM.

**Present were:** Terry Holmes, Ed Gerten, Jamie Elvestad, Charles Seipel, Jeff Hince, Denise Williamson, Brian Hilgardner and Jane Kansier

**Agenda:** Jamie Elvestad made a motion to approve the agenda. Ed Gerten seconded. Motion passed 3-0.

**Meeting Minutes:** Ed Gerten made a motion to approve the minutes of the Town Board meeting of July 23rd, 2019; the Planning Commission meeting of August 6th, 2019; and the Park and Recreation meeting of August 12th, 2019. Jamie Elvestad seconded. Motion passed 3-0.

**Treasurer Report:** The treasurer's report showed a General Fund Account balance of \$29,064.10 plus investments and an Escrow Account balance of \$7,814.65 plus investments. A transfer of \$2,850,000 from checking to savings was made 7/25/19 and a transfer of \$930,000 from savings to checking was made 8/13/2019. The treasurer's report also provided a breakdown of current investments. Jamie Elvestad made a motion to approve the unaudited treasurer's report as read. Ed Gerten seconded. Motion passed 3-0.

The Town Board reviewed a report showing the receipts, disbursement and balances for the 2019 Street Reconstruction project to date. Brian Hilgardner reported that the project is coming in under budget so far. It is anticipated that the project will have an October 5th completion date.

**Visitors:** Farmington Fire Chief Justin Elvestad reported that the Fire Department has recently replaced a fire engine and that the Department has hired Matt Price as the Deputy Fire Chief.

One of the Deputy Fire Chief's duties will be the enforcement of the fire code. Chief Elvestad asked how Empire Township would like to make sure that the fire code is enforced and noted that most code enforcement relates to commercial or business properties. The Town Board recommended that the Deputy Fire Chief serve as fire code enforcer for the Township. The Township may need to look at the possibility of having the Fire Department work with Inspectron to inspect business properties for fire code compliance. The Fire Department should also inspect new development plats to make sure that proposed access and rights of way are compliant.

Chief Elvestad stated that the Fire Department treats calls regarding natural gas smells as regular calls, including the categorization of them as false alarm calls if there is no gas leak. If residents

are calling regarding gas smells from gas company infrastructure, the gas company should be billed for the call. The gas company is supposed to notify residents when there is natural gas in the area. Chief Elvestad would not want to dissuade residents from calling for assistance if they suspect there is a problem.

The Town Board thanked Chief Elvestad for the Fire Department's presence at the Town Celebration.

A Dakota County Sheriff's Deputy reported that there has been a steady amount of calls in the Township lately. The Town Board thanked the Sheriff's Department for their participation in the Town Celebration.

A resident at 19362 Canby Court reported his concerns regarding standing water in the street curb near his home. The Town Board viewed photos of the standing water. Brian Hilgardner and Jeff Hince reported that this could be due to a high spot or the settling of a service line beneath the curb. Brian stated that he will work to get some shots of the site and come back to the next Town Board meeting with an estimate to repair the issue.

Representatives from the Providence Townhome HOA were present to discuss their concerns regarding a development agreement between the Township and Mark Elliot, the developer of the townhomes. The Township has received a request from Mark Elliot for the remaining escrow funds currently held by the Township so that a contractor can be paid to install the final wear course on the street serving the townhomes. Discussion was held on the remaining escrow funds that the Township is holding from the developer. The escrow funds are for landscaping and silt fence. It is the Town Board's understanding that the escrow funds need to be released directly to the developer and cannot be paid to the contractor. The Town Board will check with their attorney on this requirement.

It was reported that cities and townships do not typically hold money for infrastructure improvements on private property, but that the escrow funds were held as a standard for the issuance of the building permit.

Representatives from the Townhome HOA reported concerns regarding the building inspection and items that seemed to have been missed during the inspection. It was reported that the building inspector does not inspect that every item is installed correctly, only that the building meets state code and is safe.

The Townhome HOA requested a letter from the Township stating that the water box on the property is the builder's responsibility.

**Bills to be paid:** Ed Gerten made a motion to approve the attached list of bills in the amount of \$1,064,597.13. Jamie Elvestad seconded. Motion passed 3-0

## **Committee Reports**

### **Maintenance / Sewer and Water / Road and Bridges**

Jeff Hince reported that a valve in the water tower was replaced on Monday morning.

There were some rusty water issues on a cul-de-sac in the Township. The water is safe to drink but it was discovered that a metering pump motor had burned out and was likely contributing to the situation.

### **Park and Rec**

Denise Williamson reported that the Empire Celebration went very well. It is estimated that over 700 people attended the 15th year of this event.

Williamson reported that the Park and Rec Committee have inquired about the status of the ice hockey rink and about the possibility of constructing a ninja park within the Township. Jeff Hince stated that the best spot that he has found so far for the ice hockey rink is next to the Public Works building; however there may be other options. Discussion was held on the best location for a future ninja park. It was reported that the ninja park in Golden Valley draws a lot of people so ample parking would be needed. Discussion was held on how the budget could accommodate a new ice rink. It is likely that more money will need to be saved. Charles Seipel stated that he would like to start planning for a capital improvements plan that prioritizes all anticipated Township capital outlay items, including park equipment, to see how it would fit in with projected future cash flows. The Town Board will review the budget at the next meeting to see how much more can be saved for parks.

### **Bolton & Menk Engineering**

Brian Hilgardner reported that yard sodding related to the street reconstruction project should be completed next week. The Town Board reviewed information regarding landscaping from an old rain garden on 200th Street. It was recommended that the area in front of a rock wall where the rain garden used to be located, be graded gently toward the curb and sod installed according to the plans. Discussion was held regarding a request to construct additional concrete walkways around groups of mailboxes along the street in the project area. The Town Board recommended that concrete around the mailboxes be poured according to the original plans and specifications.

The Town Board reviewed pay request #2 from McNamara Contracting in the amount of \$860,386.26. The report showed an itemized breakdown of quantities and expenses paid to date as well as remaining quantities and expenses.

Jamie Elvestad made a motion to approve MN Roadways as contractor for the final wear course in the Providence Townhome Addition. Ed Gerten seconded. Motion passed 3-0.

Hilgardner reported that he is meeting with the Met Council on September 17th to review the draft letter of understanding regarding drainage at the Met Council site.

It was reported that the appraisal for property located near the future Highway 3 Roundabout is expected to come in tomorrow. Hilgardner recommended that the Town Board accept the

appraisal prior to the next Town Board meeting. The Town Board recommended that the meeting be recessed this evening and reconvene at 4:00 PM tomorrow.

### **Planning**

Jane Kansier presented a memo regarding the proposed amendment to Ordinance No. 505, Emergency Response Services Ordinance. The Town Board recommended the adoption of the ordinance version that incorporates the fees for false alarms that are similar to the City of Farmington's Ordinance. Jamie Elvestad made a motion to adopt Ordinance No. 505-A, An Ordinance Establishing Fees for Emergency Response Services in Empire Township. Ed Gerten seconded. Motion passed 3-0.

Jamie Elvestad made a motion to adopt and publish the summary of Ordinance No. 505-A, An Ordinance Establishing Fees for Emergency Response Services in Empire Township. Ed Gerten seconded. Motion passed 3-0.

Kansier reported that the Planning Commission had recommended that the Town Board discuss how properties in violation of the new nuisance ordinance be addressed. It was recommended that violations of the ordinance should be addressed as they are brought to the attention of the Township, unless Township staff notice a clear violation of the ordinance.

### **New Business**

The Town Board reviewed the property and liability insurance declaration pages and invoice provided by Jon Mocol at MATIT. The declaration included a memo that outlined some of the itemized changes that went into the premium amount. The premium amount for a year of coverage is \$13,838.

The Town Board reviewed a quote from JTN Communications for a new Windows Server, desktop computers, installation, and data transfer, in the amount of \$9,620 plus shipping. Jamie Elvestad made a motion to accept the quote from JTN Communications for a new server and desktop computers. Ed Gerten seconded. Motion passed 3-0.

The Town Board reviewed a quote in the amount of \$19,735 from Banyon Data Systems for new utility billing, fund accounting and payroll software. The quote includes installation and annual support. Charles Seipel reported that he would like to transition to the utility billing software over the next few months and the fund accounting software by the end of the year. Jamie Elvestad made a motion to accept the quote from Banyon Data Systems for utility billing, fund accounting and payroll software. Ed Gerten seconded. Motion passed 3-0.

Terry Holms reported that he and Seipel have been working on a draft personnel policy. It was recommended that Seipel check into how allotted vacation time based on experience for new employees should be incorporated into the policy. The policy should be review by the Town Board in September.

Discussion was held for Charles Seipel's six month review. Terry Holms stated that Seipel was doing a great job. After discussion, Ed Gerten made a motion to increase the rate of pay for the

Clerk-Treasurer by \$2.00 per hour, effective September 1, 2019. Jamie Elvestad seconded.  
Motion passed 3-0.

**FYI:**

The Town Board reviewed information from Couri & Ruppe regarding a notice of legal service rate increases; a notice from Farmington Community Education regarding a meeting coming up on September 26, 2019; a notice regarding the continuation of the Township Annual Meeting on August 27, 2019; and a notice from the Dakota Township Officers Association regarding the Fall Meeting to be held on September 19, 2019.

At 10:25 PM, the Town Board Meeting recessed until Wednesday, August 14th at 4:00 PM.

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Terry Holmes, Chairman Town Board

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Charles Seipel, Clerk - Treasurer