

CASCADE
--- TOWNSHIP ---

2025 75TH ST. NE
Rochester, MN 55906
www.cascadetownship.us

CASCADE TOWN BOARD MINUTES

November 3, 2014

Call to order at 6:07 PM at the Cascade Town Hall Meeting Room.

Members present: Supervisors Heathman, Atkinson, and Laures, Clerk/Treasurer Michael Brown

Attendees present: Roger Ihrke & David Meir of TCPA, Messrs. Peters, Minnich, Tomashek, Bauer, Glaser, Schumacher, Atterholt, and Kelly of Mathy/Milestone/RSG, Messrs. Hinderman and Fitzgerald of Wilmar Investments LLC., Mr. Tointon of McGhie & Betts, Mr. Terry Johnson and Mr. Craig Johnson of Farmland LLC., Mr. Peter Grinde representing Farmland LLC., 100+ township residents as noted on the attendance list.

Chairman Laures called for additional agenda items. None were requested.

Township Board Continuing Business.

- A motion by Mr. Heathman to approve the minutes from the October 6, 2014 town board meeting as published and distributed. Second by Mr. Atkinson.
AYE: Atkinson, Heathman, Laures
NAY: None
Motion Approved
- A motion by Mr. Heathman to approve and pay the Joint Powers bill (claim # 1707) of \$17,648.48. Second by Mr. Atkinson
AYE: Atkinson, Heathman, Laures
NAY: None
Motion Approved
- A motion by Mr. Laures to approve and pay the remaining Cascade bills (claim #s 1696 – 1706) of \$30,456.69 Second by Mr. Atkinson.
AYE: Atkinson, Heathman, Laures
NAY: None
Motion Approved

- Clerk/Treasurer Brown reviewed the financial reports.

Total receipts in October 2014 were:

1. Checking interest of \$150.36
2. Possabilities, Town Hall rental \$150.00
3. MMB Market Value Ag payment \$515.15

The Premier Bank account balance as of October 31, 2014 was \$238,133.43

The CTAS balance as of the start of this meeting is \$238,133.43

The total outstanding checks are:

1. Checks written at this meeting - \$49,882.40
2. CK #4293 - \$80.00

Ending CTAS balance on November 3, 2014 is \$188,171.03

- A motion by Mr. Atkinson to approve the financial report. Second by Mr. Heathman.
AYE: Atkinson, Heathman, Laures
NAY: None
Motion Approved
- Sheriff Deputy's Report:
Deputy Chad Miller provided an update on patrol activities. There were a total of 51 calls for service.
- Mail Review
- Meeting Review
Mr. Heathman met with the City of Rochester regarding snow plowing agreements

Township Board New Business

10. Driveway Culvert Request

Mr. Huesman of Oak Meadow Lane appeared before the board to request adding 15ft of culvert to each side of his driveway culvert. The board discussed the culvert costs (approx.. \$280) and the responsibilities for ditch maintenance and drive grading.

- A motion by Mr. Heathman to have the township provide the extensions, clean the ditches, and have Mr. Huesman provide the necessary grading after installation. Second by Mr. Laures.
AYE: Heathman, Laures
NAY: None
Abstain: Mr. Atkinson
Motion Approved

11. Schoeppner CUP

Responding to a neighbor complaint Mr. Schoeppner appeared before the board to discuss the noted issues. Mr. Schoeppner feels he is in compliance with the CUP. The storage buildings are still in construction and the buffer yard will be installed after completion. The boats stored outside are his and will be moved. Mr. Heathman noted the building in violation of the setback is a temporary structure. Mr. Ihrke noted it is technically a violation. The board questioned the method by which the setback was determined/measured. A site inspection will be scheduled to verify the details of the complaint. Mr. Ihrke, the Zoning Administrator, will provide a response to the complainant after reviewing the response with the board chair. No further action was requested of Mr. Schoeppner.

12. Majestic Meadows; Final Plat

Mr. Tointon addressed the board on behalf of Farmland LLC. to provide an update on the final plat actions. Mr. Tointon noted late information from the county surveyor that the River Highlands development to the South was incorrectly surveyed and there is now an approximately 15 foot wide strip of unplatted land, owned by River Highlands, separating River Highlands from Majestic Meadows. The resolution is for the strip to be deeded to Majestic Meadows which would render the Majestic Meadows final plat correct. The board questioned if the final plat is indeed final. The board inquired about the connecting road to River Highlands and the trail within the environmental corridor on the east side of the river. The estimated cost to construct the trail within the environmental corridor is \$35K. Mr. Johnson stated they could provide a river access easement on the west side of the river within the Majestic Meadows property. The board expressed reservations about the final plat and arrangements for the connecting road and river trail. Mr. Johnson asked the board to state what their expectations are.

Due to late information and unresolved concerns the board suggested a special meeting before the November 20 60 day deadline. The clerk will post the required notice for 11/10 at 12:00 PM. Mr. Johnson asked for a list of concerns.

Mr. Grenz representing the River Highlands HOA addressed the board to state the HOA unanimous opposition to the connecting roadway.

13. Milestone/Mathy Rezone Request

Mr. Lares provided background regarding the pending request and the various unclear issues and challenges. Mr. Heathman offered a reminder the application is only for a zone change. In response to citizen concerns, Messrs. Heathman and Lares stated the application is not being rushed through the process. Mr. Ihrke noted the DNR has stated no further review is required. Mr. Ihrke stated if a CUP process is followed the township can impose conditions whereas if the request is resolved via litigation the township might lose the option of imposing conditions.

Mr. Peters, representing the applicant, addressed the location of the aggregate resource and its proximity to the asphalt plant.

Mr. Fitzgerald of Wilmar Investments LLC noted the monitoring wells at the South location have not indicated matters of concern.

An individual noted the monitoring wells referenced by Mr. Fitzgerald are upstream of the proposed mining. In response to a citizen question Mr. Tomashek stated many aspects of the water permit are not yet complete and any mining would be above the water table until that time.

Multiple individuals addressed the board noting the following summarized comment topics:

- Zoning regulations are to protect all property owners and their investments in property.
- Challenged the board's perspectives regarding legal challenges, costs, and aversion to litigation.
- Challenged the assertion of contiguous operations and continuity of operations within the North parcel(s).
- Multiple examples of deleterious impacts from former and current operations of RSG were noted.
- Identified concerns with the magnitude of the proposed de-watering.
- Reclamation plans were requested.
- The proposed mining is not timely as the area has already been developed.
- Traffic impacts are unaddressed.
- How will Cascade Township benefit?
- Multiple concerns regarding well protection.
- Challenged the statement no EIS is required.
- What will be the impact to the river?
- Request for greater detail from the applicant regarding proposed operations.
- How is MPCA involved?
- Disputed the assertion of a board member regarding the potential for feed lot operations.

Mr. Lares stated he wants more time to deliberate this matter and requested board approval to contact the township attorney for a consultation with the board and a discussion of options and risks.

- A motion by Mr. Lares to table the rezone application request until the December 1, 2014 meeting and arrange a meeting between the board and the township attorney. Second by Mr. Heathman.

AYE: Atkinson, Heathman, Lares

NAY: None

Abstain: None
Motion Approved

TCPA will send the applicant a letter stating the township will take an additional 60 days to consider the application.

In response to questions from the audience, the board noted that the meeting with the attorney would be a closed meeting.

14. Audio/Video Recording of Township Meetings

Mr. Laures stated that the public is allowed to record any public meeting. The official township record of any meeting is the approved minutes.

15. Janitorial Service Quotes

- A motion by Mr. Heathman to approve the janitorial contract with Possabilities and authorize the chair to sign same. Second by Mr. Laures.
AYE: Atkinson, Heathman, Laures
NAY: None
Motion Approved

16. Majestic Meadows Engineering and Attorney Billings.

The board authorized the clerk to invoice Farmland LLC for the engineering and legal fees incurred to date.

17. Boardman Valley Town Hall Rental Request.

The board approved the subject request and waived the rental fee as the use is for a neighborhood association meeting.

Township Board Discussion Items

18. Road Maintenance

Mr. Laures updated the board on the annual road mileage certification to the county.

- A motion by Mr. Laures to approve the updated road mileage report and forward same to Olmsted County. Second by Mr. Heathman.
AYE: Atkinson, Heathman, Laures

NAY: None
Motion Approved

22. Town Hall Building Concerns

Mr. Heathman will continue to pursue KBS seeking resolution of the building panel expansion/contraction issue.

Additional Notes

Mr. Lares requested the clerk to post a notice for an inspection of the Schoeppner property for CUP compliance for November 10, 2014 after 2PM.


Motion by Mr. Heathman to adjourn. Second by Mr. Lares.

AYE: Atkinson, Heathman, Lares

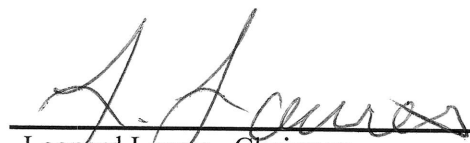
NAY: None

Motion Approved. Meeting adjourned at 9:13 PM

Submitted: Michael Brown, Clerk/Treasurer



Michael Brown, Clerk/Treasurer



Leonard Lares, Chairman

