

March 5, 2009 – Regular Monthly Meeting

The Louisville Township Board met this date to conduct the regular monthly meeting. The meeting was held at the Scott County Government Center, 200 Fourth Avenue West, Shakopee, Minnesota in the County Board room. Chair John Weckman, Supervisors Susan Moravec and Bob Pieper, Clerk LuAnne Lemke and Treasurer Lolita Driscoll were present. Town Attorney Bob Ruppe and Planner Michael Cronin were in attendance.

Call or Order

Chair Weckman called the meeting to order at 6:00 PM.

Whether to Move from 3 to 5 Governing Board Members

Attorney Bob Ruppe was available to answer questions from residents regarding the ballot question of moving from 3 to 5 member governing board members.

Incident Review Analysis

The incident review analysis report was sent to the Board via email prior to the meeting. Detective Beck was available to answer any questions from the public.

Minutes Review/Approval

Motion moved by Supervisor Moravec and seconded by Supervisor Pieper to approve the minutes as written. Motion carried.

Public Comment

1. Jennifer Eisenbarth, resident of Louisville, asked that the record reflect the following:
“On the night of Thursday, February 12th at the Parks, Trails and Open Spaces Open House, I had two frustrating scenarios occur--neither of which had anything to do in regards to volunteering as a Parks, Trails and Open Spaces Committee Member nor the PTOS Open House:

1. An interchange with a relative of a widow, who I wrote to, and Supervisor Bob Pieper's participation in the issue.
2. An interchange with my neighbor Jeff Hamelink and Supervisor John Weckman.

I strongly believe proper guidelines for the Role of a Township Supervisor were not observed nor practiced, in BOTH of the following instances, and I would like to go on record, in the hopes that other Louisville Residents can avoid similar instances with Board Supervisors in the future:

(FYI: I have written the following with use of full names, as to avoid any unnecessary confusion in context).

1) Regarding the Invitation to the Open House that I wrote and delivered to the widow and her family in Jackson Township...I was aware they were not included in Louisville Township's mailing list and I thought it was a compassionate, neighborly gesture to invite them, despite their address falling outside our Township boundaries.

I wrote the Invitation to the Open House as a private individual and never presented the note as being written on behalf of the committee. This is CLEARLY a private issue between me, and the family to whom I wrote the letter.

Even though that family member later involved Township Supervisor Bob Pieper's, it does not make it appropriate for a township supervisor to respond by becoming actively involved; even more so, by involving a fellow committee member, when Supervisor Bob told Gary Mayer, PTOS Chair, that he must read the invitation aloud at the Open House. Supervisor Bob simply should have let the woman know that it is inappropriate for him, as a Supervisor, to become involved in personal concerns between two private parties.

There are two key concerns that I see, from a governmental perspective:

A. It can feel threatening or intimidating to a citizen, for an elected officer to approach a township committee member about a personal matter that clearly does not involve the township or the committee. Restraint among board members needs to be exercised, protecting citizens from untoward intimidation and protecting the town from any exposure caused by a board member entering into personal matters. Specifically speaking, although it may not have been intentional, I believe my privacy was violated.

B. I have free speech rights under the United States Constitution. I, as an American citizen, am free to speak, and any implication that I do not have free speech rights is wrongful. The most basic component of freedom of expression is the right of freedom of speech. The right to freedom of speech allows individuals to express themselves without interference or constraint by the government.

2) Regarding my exchange with my neighbor Jeff Hamelink:

That same evening, upon reentering the County Board Room, my neighbor Jeff Hamelink, stated to me that Supervisor John Weckman told him that I called and complained about his fence and as a result he wanted to address me personally.

Completely confused by Jeff's comment, I struggled to even remember when I had ever spoken directly to Supervisor Weckman let alone a discussion of a fence or more concisely, HIS fence....I then remembered and explained how Supervisor John Weckman had CALLED ME regarding an issue about the Open House flyer that was made. My number had been provided to him by Kim Busho, who had called me beforehand to ask for my permission to give him my number. Upon the completion of that discussion, I recalled saying to John, "Did you know we are neighbors?" He asked where I live and I indicated I was down the road from Louis' (Bowl) at the top of the hill with the fence...when he didn't know by that description, I added "You know, there are only 2 homes with fences in my neighborhood (August Sky) and we are right next to the big power line." It was then that John asked me how I feel about horses in my neighborhood and I shared how I have always wanted one and when we lived in Victoria we actually had cows right across the street from us and we loved them (even included them in our home sales brochure).

Truthfully, upon relaying the details of my single phone conversation with Supervisor John, I simply assumed Supervisor John had "accidentally" confused me with another person, so I immediately tried to resolve the matter by approaching John with his remarks (with Jeff present), but the Open House had just begun and John's only response was nervously laughing while saying "I didn't even know you have a fence."

I was frustrated that we were unable to finish our conversation, as I believed the truth would easily have presented itself.

I would now like to take a moment, on record, so Supervisor John Weckman can address whether or not he told my neighbor Jeff Hamelink that I called to complain about or discuss his fence and if so, why?

Because Jeff's experience of having been told:

1) I supposedly called John 2) I supposedly called John in regards to Jeff's fence are BOTH BLATANTLY NOT TRUE.

I would like to get closure to this issue and clear my name and reputation.

My name has been drawn into an issue that I have absolutely no part in...

If Supervisor John Weckman misrepresented me to Jeff Hamelink, he clearly has acted to hurt a private citizen in his role as a Board Supervisor.

I have the right, as all of us do, to enjoy living in this township as a private citizen. Both of these odd situations that occurred deny me my rights as a private citizen to speak freely, to live free of intimidation, to pursue happiness and enjoy my rights of privacy."

2. Richard Wiggin presented signed petitions to the board regarding opposition for a trail system and bicycle paths.

Agenda Review/Approval

Motion moved by Supervisor Pieper and seconded by Supervisor Moravec to approve the agenda as typed. Motion carried.

Treasurer Update / Board Investment Review

Financial information according to CTAS:

Beginning balance as of	\$6,669,004.81	12/31/2009
Receipts	27,568.94	01/01/2009 – 01/31/2009
Disbursements	(159,516.55)	01/01/2009 – 01/31/2009
Ending Balance of:	\$6,537,057.20	01/31/2009

Budget Update

The Board received a budget update from Treasurer Driscoll.

Motion moved by Supervisor Moravec and seconded by Supervisor Weckman to approve the Treasurer's Report. Supervisors Weckman, Moravec and Pieper vote aye. No nays. Motion carried.

Outstanding Fire Services Fees

Attorney Ruppe reviewed the letter that was received from Albert Swintek, Center Point Energy, dated March 2, 2009 requesting that the Township Board reconsider and waive the charge outlined in Invoice No. 2008145.

The Board directed Attorney Ruppe to send a response to Center Point informing them that the Town Board did consider Center Point Energy's concerns relating to the invoice, but determined that it was in

the best interest of the community that Center Point Energy pay Invoice 2008145 in the amount of \$560.

OLD BUSINESS

Parks, Trails and Open Space Committee

The PTOS Committee presented a motion:

“Extend the work of the preset Parks, Trails & Open Space Committee until the second Tuesday in March 2010 to allow the Committee to

1. Provide additional investigation and a recommendation on at least but not limited to:
 - a. Securing permission from private landowners to voluntarily provide easements to allow non-roadside links within the roadside trail system.
 - b. Work with the DNR on permission to provide the Townline Road trail in the lakes segment as an elevated trail using piers as illustrated in trail study section 5/figure5 of the Comprehensive Trails Plan rather than by expansion of the roadway.
 - c. The opportunity for working with Jackson Township to make investments outside the Township to improve their park for use by Louisville residents and extending the roadside trails to reach it.
 - d. Supervise a professional to design and conduct a credible survey of the Town residents’ opinion for parks and trails
2. Prepare a Final Report/Town Park Plan to:
 - a. Provide a guide for present landowners, future developers and public agencies on the intentions of the Town for parks and trails.
 - b. Provide the basis for future Supervisors and Committees to implement a Town park and trail system.
 - c. Provide a foundation to assess park dedication fees at the time of platting to assist in implementing the Town park and trail system.

Motion moved by Supervisor Pieper and seconded by Supervisor Weckman to extend the work of the present Parks, Trails and Open Space Committee until the second Tuesday in March 2010 and to table the remaining portion of the recommended motion to the next month’s agenda. Motion carried.

Open Meeting Law for Informal Citizen’s Commission or Task Force

In response to a previous concern about whether or not the open meeting law applied to informal committees, such as the Parks, Trails and Open Space Committee, Clerk Lemke presented the information from MN Statute 13D.01, subd. 1 & 2, along with supporting case law as provided by Town Attorney Ruppe. It was noted that ‘it is not uncommon for a governing body, such as a township, to request citizen volunteers to investigate an issue, and ask the unofficial volunteer committee to report back its findings and recommendations. Various decisions have held that where the advisory committee is not made up of persons from the governing board, and where the committee has the power only to recommend, not decide, the committee is not subject to the Open Meeting Law. Minnesota Daily v. University of Minnesota, 432 N.W.2d 189 (Minn.Ct.App. 1988)

“The difference appears to be whether the gathered group is capable of exercising decision making powers of the governing body.” Sovereign v. Dunn 498 N.W.2d 62 (Minn.Ct.App. 1993)

This documentation will be kept on file in the Clerk’s Office under Open Meeting Law.

Election Judges

Motion moved by Supervisor Weckman and seconded by Supervisor Pieper to approve the following Election Judges for the March 10, 2009 general election:

Pat Pass, Head Judge
David Menter, Judge
Carole Estabrooks, Judge
Quoc Khanh Nguyen, Judge

Motion carried.

Off-Site Storage

Motion moved by Supervisor Moravec and seconded by Supervisor Pieper to approve the use of Business Data Record Services for offsite storage of the township's records in the amount of \$75.00 per month. Clerk Lemke will contact the other township clerks in Scott County to see if they would like to share the space and costs.

Payroll and Tax Services

Supervisor Pieper will obtain professional payroll services quotes to outsource processing payroll for 6 individuals, including completing and filling all federal/state form filings, PERA contribution calculations and W-2 preparation. Clerk Lemke will bring the quotes she has already received to the next meeting on April 2.

Domain Renewal

Supervisor Moravec requested that the domain renewal be officially transferred from her name as the established user to the township name.

Park Mowing

Motion moved by Supervisor Moravec and seconded by Supervisor Pieper to approve Nathan Merkes for mowing Highland Park township land and Ann Hennen for mowing Green Acres township land in the amount of \$1500 per person for the 2009 mowing season. Supervisors Weckman, Moravec and Pieper voted aye. Motion carried.

Claims Review and Approval

Motion moved by Supervisor Pieper and seconded by Supervisor Moravec to approve claims 9035 through #9049 in the total amount of \$17,270.87 and paid by the Township with check numbers #9035 through #9049. Supervisors Weckman, Moravec and Pieper voted aye. Motion carried.

Electronically signed by:
LuAnne Lemke, Louisville Township Clerk

Electronically signed by:
John Weckman, Louisville Township Chair

For informational purpose only!
Original Record of Proceedings is kept on file in the Office of the Township Clerk.