

May 7, 2009 – Regular Monthly Meeting

The Louisville Township Board met this date to conduct the regular monthly board 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 Bob Pieper and Kevin Theis, Clerk LuAnne Lemke and Treasurer Lolita Driscoll were present.

Call or Order

Chair Weckman called the meeting to order at 7:00 PM.

Incident Review

Detective Beck provided answers to questions raised at last month's regular board meeting relating to the proposed Social Host Ordinance.

Q: Why is the Social Host Ordinance a Misdemeanor Offense instead of a Petty Misdemeanor?

A: Providing alcohol to a minor is a Gross Misdemeanor, hosting the party is a lesser charge. This violation will require a court date so that the circumstances will be looked at closely compared to a Petty Misdemeanor.

Q: What would be a typical punishment?

A: Every Misdemeanor case is handled on its own merit. There is not a typical punishment. With repeat violators there is a possibility of jail time, this is a public safety issue.

Q: What about a landlord who knows about underage drinking in his rental property?

A: The landlord is not responsible; the landlord did not "host" the party.

Q: What about the Renaissance Festival or similar situations?

A: In situations like this the person or entity that holds the alcohol permit would be held responsible, not the landowner.

Q: Most Deputies would not abuse this, but what about the ones that write tickets for everything?

A: Every Social Host Violation will be screened by the Sheriff and then forwarded to the County Attorney to make sure the spirit of the Ordinance was followed and that this is a good Misdemeanor case. Then it will be personally reviewed by the County Attorney to see if the case was properly investigated before it is assigned to an Assistant Attorney. This review practice will continue for the first year, if not longer, to ensure proper charging!

Minutes Review/Approval

Per Supervisor Pieper's request, the board will table approval of the March 5, 2009 minutes until the next regularly scheduled meeting on June 5.

Motion moved by Supervisor Pieper and seconded by Supervisor Theis to approve the minutes dated April 2 through April 30, 2009. Motion carried.

Public Comment

Dick Wiggin inquired about the money that was used to be in the Park Fund.
Kim Werkmeister requested that Zumbro resurfacing be added to the agenda.

Agenda Review/Approval

Motion moved by Supervisor Pieper and seconded by Supervisor Weckman to approve the agenda with the following additions:

- Old Business – Zumbro Avenue resurfacing
- Treasurer Update – Park fees status
- Motion carried.

Treasurer Update / Board Investment Review

Financials information according to CTAS:

Beginning balance as of	\$6,474,720.25	02/28/2009
Receipts	105,512.83	03/01/2009 – 03/31/2009
Disbursements	<u>(17,270.87)</u>	03/01/2009 – 03/31/2009
Ending Balance	\$6,563,187.21	03/31/2009

Bonds

Treasurer Driscoll notified the board that two bonds were called: (1) for \$200,000 and (1) for \$50,000. The board did not direct any investment action be taken with the called bonds.

Park Fees Status

According to MN Statute 462.358 subd 2b, the standard for cash payments received by the township in lieu of park dedication:

“(g) Cash payments received must be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on the approved park systems plan. Cash payments must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space.”

The funds collected by Scott County at the issuance of a township building permit is put in a County reserve to be used in the future for township parks, trails and open space projects. These funds need to be requested by the township and the project approved by the County before the funds are released.

Suspend the Rules – Agenda Order

Motion to suspend the rules moved by Supervisor Theis and seconded by Supervisor Pieper to move Engelhaven Roads Update and O’Dowd Lake Chain Association up on the agenda to be the next two items. The remainder of the agenda will follow after these topics are discussed.
Motion carried.

Engelhaven Roads Update

Motion moved by Supervisor Theis and seconded by Supervisor Pieper to schedule a board workshop with Attorney Ruppe and Town Engineer Bolton & Menk to discuss the options/costs/process required to consider the reconstruct/repair of the roads in the Engelhaven development. Clerk Lemke will coordinate. Motion carried.

O'Dowd Lake Chain Association

Jay Larson, President of O'Dowd Lake Chain Association, which includes shoreline property owners of Thole Lake, came before the board to request that Louisville Township provide a small amount of funding support in the amount of \$1898 for an herbicide cleanup effort along the south-end bay of O'Dowd Lake. This section of the lake was deemed the most harmed by infestation levels of invasive aquatic plants resulting in very poor water quality, choking out native plants and significantly reducing fishing and recreation.

O'Dowd Lake is a public lake widely used by residents and non-residents. Through a strong sense of stewardship to improve water quality and the ecosystem of the lake, the Association spent countless hours on the preparation and application of a very complex DNR grant application and received notification of the grant award in early April, 2009.

Due to the types of herbicides selected to be used by the DNR, the Association had to secure permit signatures from all 34 property owners along the bay, apply for a special permit and variance from the US Wildlife & Fisheries, secure bids for herbicide applications, contract with applicators and get two professional water quality tests to check for herbicide concentration levels during the first 30 days.

The O'Dowd Lake Chain Association was formed back in 1996 and annually provides for aeration on Thole and O'Dowd lakes each winter to eliminate spring fish kill, cleans up the lakes from waste left behind after the ice houses move out and picks up trash around the public boat launch area throughout the year. Electricity to run the aerators costs the association approximately \$400 per month. Additional costs for ongoing repairs and storage of the aerators, inland marine coverage and required safety publications are all absorbed by the Association.

Motion moved by Supervisor Theis and seconded by Supervisor Pieper to approve \$1898 for the treatment of the lake as guided by the DNR grant. Supervisors Weckman, Pieper and Theis voted aye. No nays. Motion carried. Check #9100 was issued made payable to O'Dowd Lake Chain Association in the amount of \$1898.

The board requested that the Association report at next month's meeting if the City Council of Shakopee also participated in the funding.

CONSENT AGENDA - Resolution 2009-04

Motion moved by Supervisor Pieper and seconded by Supervisor Theis to recommend approval of Resolution 2009-04 supporting the granting of a 3.2 on-sale beer license by Scott County to Amanda Evans on behalf of the Shakopee Jaycees. Motion carried.

Road Inspection Report

Motion moved by Supervisor Pieper and seconded by Supervisor Theis to accept the 2009 Annual Road Inspection Report dated April 20, 2009. Motion carried. Supervisor Weckman will get a ballpark price to repair the roads and bring to the board for action at next month's meeting.

Chloride treatment

Supervisor Weckman stated that chloride treatment of Zumbro Avenue should begin around Monday, May 11. A discussion took place regarding reviewing the Cost Benefit Analysis of the amount of road surface lost by not providing chloride treatment across the entire length of the road. Supervisor Weckman stated about 1/8" could potentially be lost. Supervisor Weckman will get a copy of the Cost Benefit Analysis prepared by the county and send a copy to the board.

Drainage Issues at 157th and Zumbro

Kim Werkmeister came before the board to discuss the drainage issues at the sign post at 157th and Zumbro. Mr. Werkmeister's address is 1775 West 157th Street. Pictures were provided to the board. Supervisor Weckman will check on the drainage issues.

Arbor Day Recap

A recap of the 2009 Arbor Day was provided by Kim Busho. The 2009 budget was set for \$2500 and the project came in at \$2427.90, a total of \$72.10 **under budget**.

The recap is as follows:

ITEM	COSTS INCURRED	BUDGET
Trees	\$2148.90	2500.00
Plastic Bags	\$ 44.00	
Wages Paid	\$ 75.00	
Copying/Postage	\$ 260.00	
	\$2527.90	-2527.90
MVEC Donation		+ 100.00
TOTAL		\$2427.90

Supervisor Theis recommended that planning for the proposed 2010 Arbor Day should begin this fall to allow for a bigger discount on trees and a larger variety from which to pick. Clerk Lemke will send a thank you letter from the Township Board to MVEC for their \$100 contribution. Kim Busho will write a letter to the editor thanking Minnesota Valley Garden.

The Board requested that 2010 Arbor Day be added to the continuation of the Annual Town Hall Meeting scheduled during the regular monthly board meeting on August 4, 2009.

Claims Review and Approval

Motion moved by Supervisor Pieper and seconded by Supervisor Theis to approve claims #9083 thru #9099 to be paid in the amount of \$10,729.23 and paid by the Township with checks #9083 thru #9099. Supervisors Weckman, Pieper and Theis voted aye. No nays. Motion carried.

Void Check #9081

Motion moved by Supervisor Pieper and seconded by Supervisor Weckman to void check #9081. Motion carried.

Sand Creek Meeting

The Board has a tentative meeting scheduled with the Sand Creek Board on May 21 @ 8:00 PM to discuss the 160th Street Town Line Road Maintenance Agreement. Clerk Lemke will determine the location and inform the board.

Antler Park

Supervisor Weckman will call Engineer John Swanson with Bolton & Menk to check on the outstanding issues that need to be completed by C&M Land in Antler Park Estates. A punch list was provided by the Engineer to C&M Land and a Notice of Default and Proposed Assessment forwarded by Town Attorney Bob Ruppe.

Scott Proshek

The Board reviewed the open issues brought forward by Scott Proshek and confirmed that all township-related issues have been identified on the punch list. The board will review the outstanding items on the punch list at the regular board meeting scheduled for June 4. If all items are not complete, the Board will direct Attorney Ruppe to pursue next steps of action.

Planner and Engineer Request for Proposals

Clerk Lemke will work with Attorney Ruppe to put together draft proposals and forward to the board for their review and discussion at the board meeting scheduled for June 4.

Adjourn

Motion to adjourn moved by Supervisor Theis and seconded by Supervisor Pieper at 10:45 PM. Motion carried.

Electronically signed by:
LuAnne Lemke, Louisville Township Clerk
June 4, 2009

Electronically signed by:
John Weckman, Louisville Township Chair
June 4, 2009

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