

TOWN OF SILVER CREEK  
REGULAR MEETING  
JANUARY 18, 2022

The Regular Meeting of the Town Board of the Town of Silver Creek was held on Tuesday, January 18, 2022, in the Board Meeting Room. Present were Supervisors: Chuck Voss, Greg Hull, and Chris Jaeger; Clerk Alison Oftedahl; Deputy Clerk Katie Anderson (by phone), Treasurer Jamie Pellman; Town Operations and Facilities Manager Jody Reineccius.

Chairman Voss called the meeting to order at 6:35 p.m. and led the Pledge of Allegiance.

**CONSTITUENTS CONCERNS:**

None.

**ROAD & SAFETY:**

Road Report – Reineccius reported that other than being out sick, he'd spent most of his time on snow management. He reported that the plow hitch on the Dodge had broken, been repaired, and then broke off again. The Sewer Truck was used instead for the plowing. The new dump and plow truck is still scheduled for April. The price and payment method was discussed with directions to Reineccius and Oftedahl to bring pricing information to the upcoming Budget/Levy meeting. Replacing the Dodge truck was discussed, and Jaeger suggested a vendor who has inventory on hand. Reineccius reported that he is working on a new On-Call policy, but still making changes.

**SEWER OPERATIONS:**

Motion Hull, second Voss to accept the Wastewater Operator's Report (included below). Carried unanimously.

---

**Wastewater Operator's Report – January 11, 2022**

<b>Influent</b>	<b>2020</b>	<b>2021</b>
January	0.4923 million gallons	0.4689 million gallons
February	0.4705 million gallons	0.4855 million gallons
March	0.6453 million gallons	0.7586 million gallons
April	0.3522 million gallons	0.6806 million gallons
May	0.4592 million gallons	0.6131 million gallons
June	0.7075 million gallons	0.8192 million gallons
July	1.0050 million gallons	1.1059 million gallons
August	1.0035 million gallons	0.9969 million gallons
September	0.7865 million gallons	0.8284 million gallons
October	0.7007 million gallons	0.7134 million gallons
November	0.4779 million gallons	0.5272 million gallons
December	0.4190 million gallons	0.4614 million gallons
<u>Total</u>	<u>7.5880 million gallons</u>	<u>8.1410 million gallons</u>

Trucked in wastewater numbers for the month of December have not been received.

**Effluent 2021**

May – Discharged 2.859 million gallons of water  
June – Discharged 3.19 million gallons of water  
July – Discharged 3.246 million gallons of water  
August – Discharged 2.743 million gallons of water  
September – Discharged 0.923 million gallons of water  
Total for year – 12.961 million gallons

**Current Operations**

Very little to report this month.

No pump replacements.

No letters committing to building new homes/connections have been received to date.

Sampling has been done as required and all reports submitted to MPCA.

**Pending Maintenance Items**

Cut out between pump chambers on duplex stations

Respectfully submitted,  
Mike Hoops, Wastewater Operator

---

Christensen Easement – The recorded document was passed around.

Septage Past Due Account – Voss reported on his meeting with Dave Roeder. Payment to the town was requested by the end of the month. Voss said that the treatment ponds would need to be closed to Roeder if payment was not received. He also said that a new agreement for next year must be negotiated. The Town is owed just over \$10,000.

**STEWART RIVER SEWER:**

Voss reported that he has not heard from Bollig. He reviewed the application to the DNR and found it acceptable and will authorize Bollig to go ahead.

**REVIEW MINUTES:**

Motion Voss, second Hull to accept as presented the 12/21 Regular Meeting minutes. Motion Hull, second Jaeger to accept as presented the 1/11 Committee of the Whole Meeting minutes. All motions carried unanimously.

**TREASURER'S REPORT:**

The Treasurer's Report was presented by Pellman as follows: TOSC checking: \$11,707.00 and TOSC savings: \$788,940.06 for a total of \$800,647.06. Outstanding checks totaled \$6,559.04 for a CTAS balance: \$794,088.02. Motion Voss, second Hull to accept the December Treasurer's Report as presented. Motion Hull, second Jaeger to authorize the requested transfer of \$30,000 from savings to checking. Both motions carried unanimously.

Treasurer's laptop – After discussing the problems with Pellman's old laptop, motion Hull, second Voss to authorize Clerk and Treasurer to work together to replace it with total cost not to exceed \$1,200.

**READING OF THE BILLS:**

The current month's bills were read: claims 9216-9241, totaling \$19,743.40, and payrolls through January 21st. Questions were raised in regard to the dues invoice from Lake County Association of Townships. After discussion, the Clerk was directed to ask about the association's use of the dues. Motion Hull, second Voss, to authorize payment of all bills except for claim 9229 as presented. Carried unanimously.

**CORRESPONDENCE:**

The Board considered the following:

- Affidavit of Posting of 2022 Board Meeting Dates.
- CDSSD authorization letter from Clerk for Don Peacock for his land use application.
- CDSSD authorization letter from Clerk for Brenda Ringold for conditional use application.
- Printout of CTAS annual fund transfer of \$1,000 from Sewer fund into Road and Bridge for Sewer's use of truck.
- Resignation notice from Allen Anderson.
- 2 Lake County notices of public hearings for land use issues.
- 1 approved Lake County land use application.

**OLD BUSINESS:** None

**NEW BUSINESS:**

Cemetery Hardship/Veteran Burial – Motion Hull, second Voss to adopt the following new version of the Cemetery Regulations in Resolution 2022-1. The resolution (included below) was adopted upon unanimous roll-call vote Voss: yea; Jaeger: yea; Hull: yea.

**RESOLUTION 2022 -1  
ESTABLISHING RULES, REGULATIONS, AND CHARGES FOR  
SILVER CREEK TOWN CEMETERY  
AS AMENDED AND ADOPTED ON JANUARY 18, 2022**

**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. Lot price shall be waived for resident Veterans of the Armed Services with proof of honorable discharge. Families of deceased residents facing financial hardship may appeal to the Board of Supervisors for waiver of lot price.

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. Lots may not be resold to others; and lot owners may not allow interments to be made on their lots for remuneration. Pursuant to Minnesota Statute 365.27, cemetery plots that are not used 40 years after purchase will revert to Township ownership.

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. All charges related to plot purchase and interment (grave opening and closing) must be paid in advance before burial will be permitted.

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 18<sup>th</sup> day of January 2022.

\_\_\_\_\_  
Charles Voss, Board Chair

\_\_\_\_\_  
Gregory Hull, Supervisor

\_\_\_\_\_  
Christopher Jaeger, Supervisor

Employee COLA increases – Referring to the CPI rate for 2021, motion Hull, second Voss to provide all employees except Anderson (Hoops, Reineccius and Thompson) with a 7% wage increase and make it retroactive to January 1st. Anderson received an increase last month. Carried unanimously.

Annual Cemetery Rates – Motion Voss, second Hull to adopt Resolution 2022-2 setting cemetery rates to the same level as last year. The resolution (included below) was adopted upon unanimous roll-call vote Voss: yea; Jaeger: yea; Hull: yea.

---

**RESOLUTION 2022 – 2**  
**2022 Silver Creek Cemetery Rates**

**Purchase of Cemetery Lots**

\$250.00 per lot

**Interment Rates**

Weekday Interment (Monday – Thursday):

Grave Opening and closing for Casket: \$750.00

Grave Opening and closing for Cremains: \$350.00

Weekend or Holiday Interment (Friday – Sunday):

Grave Opening for Casket: \$800.00

Grave Opening for Cremains: \$500.00

These rates effective for the year 2022.

\_\_\_\_\_  
Charles Voss

\_\_\_\_\_  
Gregory Hull

\_\_\_\_\_  
Christopher Jaeger

ATTEST: \_\_\_\_\_  
Alison Oftedahl, Clerk

---

Annual Hall Rental Rates – The Board declined to raise rental rates on Town facilities. Two small wording changes were made for clarity. Motion Jaeger, second Voss to adopt the 2022 version of the rental agreement included on the next page. Carried unanimously.

### TOWN HALL, PAVILION, OR BOARD MEETING ROOM USE AGREEMENT

In consideration for the use of \_\_\_ Historic Town Hall \_\_\_ Historic Town Hall & Pavilion \_\_\_ Board Meeting Room

For the purpose of: Event \_\_\_\_\_ or Recurring Class \_\_\_\_\_

on the following date(s): \_\_\_\_\_ Start Time: \_\_\_\_\_ Expected Duration: \_\_\_\_\_

**Exclusions & Notes:** Board Meeting Room unavailable Tuesdays. Pavilion available May-Sept only and must be rented with Historic Hall. Recurring events (classes) limited to Mondays-Thursdays. Reservations will not be taken more than 180 days ahead of an event.

**2022 Rates**

- \_\_\_\_\_ \$250 Refundable \$250 Damage Deposit – required for all events.
- \_\_\_\_\_ Refundable additional \$250 Damage Deposit if alcohol will be served at event (rules below)
- \_\_\_\_\_ \$100 Additional Winter Fee for Historic Hall from November 1 to April 1

**Silver Creek Residents – To receive the lower Resident rate, the resident must sign the contract and pay the fee.**

- \_\_\_\_\_ One Day Event: \$75 for Historic Hall; or \$150 for Hall & Pavilion (seasonal only); or \$75 for Board Meeting Room
- \_\_\_\_\_ Weekend Event: \$150 for Historic Hall; or \$225 for Hall & Pavilion (seasonal only)
- \_\_\_\_\_ Recurring (Classes): 4 sessions in same month \$100; Hall & Pavilion (seasonal only)

**Non-Residents**

- \_\_\_\_\_ One Day Event: \$100 for Historic Hall; or \$250 for Hall & Pavilion; or \$100 for Board Meeting Room
- \_\_\_\_\_ Weekend Event: \$200 for Historic Hall; or \$375 for Hall & Pavilion
- \_\_\_\_\_ Recurring (Classes): 4 sessions in same month \$125

The undersigned agrees as follows:

1. To deposit with the Town Clerk, on the date of this agreement, the sum of \$250 as and for the reimbursement to the Town of Silver Creek for any expense or damage incurred or suffered by the Town of Silver Creek. If all terms and conditions are fully complied with, and the Town Hall/Pavilion found to be in a good state and condition, the security deposit shall be returned.
2. To clean the Town Hall/Pavilion, kitchen area, bathrooms and adjacent premises after use and leave in good condition and repair.
3. Return any and all keys to the Town Clerk.
4. To pay for the replacement or repair of damage to the Town Hall/Pavilion or any of its contents caused during the use of the Town Hall/Pavilion.
5. To conform to and obey all governmental rules and regulations, as may be established by the Silver Creek Town Board respecting the use of the Town Hall and Pavilion.
6. No smoking or drugs in any buildings.
7. Alcohol use associated with a rental will be permitted in the Pavilion with the following conditions:
  - Additional damage deposit of \$250 will be required
  - An off-duty police officer must be present for the entire time alcohol is served – please attach copy of Post License
  - Quiet hours begin at 10:00 p.m.
  - Renter to provide liability insurance (event insurance) in the amount of \$1.5 million– please attach proof of coverage
  - Sale of alcohol is not allowed
8. **Damage deposits will be forfeited upon violation of these rules**
9. No overnight use permitted within the facilities.
10. No amplified music allowed outdoors.
11. Cancellations occurring less than 30 days prior to event date will result in forfeiture of rental fees.

I, \_\_\_\_\_, representing \_\_\_\_\_

Agree to defend, indemnify, and hold harmless the Town, its officers and employees against any and all liability, loss, costs, damages, and expenses, which the Town, its officers and employees may hereafter sustain, incur, or be required to pay arising out of this contract. I understand that my group and I will abide by all the rules set forth above and agree we are monetarily responsible for any damage to the premises over and above normal wear and tear for our use of the premises on the date stated above.

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Full Mailing Address: \_\_\_\_\_ Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Annual Rates for New Driveway Access – Motion Hull, second Voss to adopt Resolution 2022-3 setting rates at the same level as last year. The resolution (included below) was adopted upon unanimous roll-call vote Voss: yea; Jaeger: yea; Hull: yea.

---

**RESOLUTION 2022-3  
TOWN OF SILVER CREEK  
LAKE COUNTY MINNESOTA**

**NEW DRIVEWAY ACCESS**

**2022 FEE RATES**

---

**WHEREAS** Silver Creek's Policy for New Driveway Access to Township Roads set forth in Resolution 2020-7 requires applicants to pay an application fee and a refundable deposit,

**THEREFORE BE IT RESOLVED** that the Board of Supervisors of Town of Silver Creek does hereby establish the following rates for the fee and deposit effective today and remaining in effect until a new set of rates is established next year.

**2022 Rates**

New Driveway Access **Application Fee:** \$125

New Driveway Access **Refundable Deposit Fee;** \$500

New Driveway Access **After the Fact Fee:** \$500 + actual costs of bringing driveway access up to standards

**To purchase Culvert (optional):** Cost + 10% handling

Motion by Supervisor \_\_\_\_\_.

Adopted on Jan 18, 2022

\_\_\_\_\_  
Gregory Hull

\_\_\_\_\_  
Charles Voss

\_\_\_\_\_  
Christopher Jaeger

ATTEST: \_\_\_\_\_  
Alison Oftedahl, Clerk

---

**PENDING BUSINESS:**

Mileage Reimbursement Rate – Motion Voss, second Hull to set the 2022 mileage reimbursement rate to \$0.58 per mile. Carried unanimously.

There being no further business, motion Voss, second Jaeger to adjourn the meeting at 8:45 p.m. Motion carried unanimously. The next regular meeting of the Board will be held on Tuesday February 15, 2022 at 6:30 p.m. in the Board Meeting Room.

Respectfully submitted,  
Alison Oftedahl, Clerk