

TOWN OF SILVER CREEK
REGULAR MEETING
SEPTEMBER 19, 2023

The Regular Meeting of the Town Board of the Town of Silver Creek was held on Tuesday, September 19, 2023 in the Board Meeting Room at 1924 Town Road for the purpose of discussing all issues before the Board.

Present were Supervisors: Chuck Voss, and Scott Krech; Clerk Alison Oftedah!; Treasurer Jamie Pellman (arrived after Pledge); Town Operations and Facilities Manager Jody Reineccius; and Deputy Clerk Katie Anderson.

Absent: Supervisor Greg Hull

Visitors Present: None

Vice Chairman Voss called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

CONSTITUENTS CONCERNS:

None.

ROAD & SAFETY:

Road Report – Reineccius said that grading is done, and spot gravel was applied to West Castle Danger. He is using a Sentence to Serve individual to brush out road signs tomorrow.

Rental Rate for Mower and Tractor – Motion Voss, second Krech to set rental rate for \$100 per hour plus consumables and operator must be approved by Silver Creek. Carried unanimously,

Cummins Extended Protection Plan – Motion Voss, second Krech to approve purchase of five-year service warranty from Mid-State Truck for new International tandem axle truck at a cost of \$5,320.

Gas Meter – Reineccius presented a quote from Utility Logic for \$1,860. Motion Voss, second Krech to approve this purchase.

Pavilion and Historic Hall Repairs – Pavilion repairs are done. Reineccius reported that he is in the process of fixing the plumbing at the Historic Hall; it should be fixed tomorrow. He felt the cause was the accidental excavation of the line that happened a few weeks ago. Supervisor Krech expressed his concern that the Memorial Service for 100 this weekend had no sewer, and some guests had to clean up overflowing sewage. He was unable to reach Thomspson or Reineccius. He suggested that monetary compensation be provided to those who worked on the issue. Voss tabled it for next month.

SEWER OPERATIONS:

General Sewer Operations – Reineccius said he had the Sentence to Serve individual clean up garbage left by the septage haulers at the sewer ponds. He said that Appelwick will be meeting him tomorrow for work on sampling.

New Installs – Both new installations are underway and are being done so that equipment that must be rented can be rented only once. Two panels and one more pump were ordered.

Operator Contract Approval – Motion Voss, second Krech to approve as presented the contract with Advanced Utility Services and Eric Appelwick for licensed sewer operation and mentoring of Reineccius for \$1800 per month. This contract was signed by Voss in August per the agreement to let him make the final decision on the Operator.

Arndt Fence and Easement – Voss has inspected the fence and will be setting up a meeting with the owners to discuss elevating the alarm so the light can be seen from the road and ensuring some sort of access.

Operator's Report – The Board viewed Appelwick's preliminary report. After viewing, motion Voss, second Krech to accept it as presented. Carried unanimously.

Lift Station 1 Grease – Reineccius and Appelwick are working on this problem and have a plan going forward.

STEWART RIVER SEWER:

Voss has heard nothing new on this project.

REVIEW MINUTES:

Motion Voss, second Krech to accept as presented the 8/15 Regular Meeting minutes. Motion Voss, second Krech to accept 9/12 Committee of the Whole Meeting minutes with correction to the sentence about email from Jeremy Kershaw noted. Both motions carried unanimously.

TREASURER'S REPORT:

The Treasurer's Report was presented by Pellman as follows: TOSC checking: \$66,840.95 and TOSC savings: \$750,086.74 for a total of \$816,927.69. Outstanding checks totaled \$75.00 for a CTAS balance: \$816,852.69. Motion Voss, second Krech to accept the August Treasurer's Report as presented. Motion Voss, second Krech to authorize the requested transfer of \$78,000 from savings to checking. Both motions carried, unanimously.

READING OF THE BILLS:

The current month's bills were read: claims 9887-9920, totaling \$37,946.54, and payrolls through September 22nd. Motion Voss, second Krech, to authorize payment of the bills as presented. Carried unanimously.

CORRESPONDENCE:

The Board considered the following:

- Wix website analytics showing 211 site sessions in August.
- Email from Wix showing a \$72 discount if the Town renews for 2 years instead of only one.
- 2 Hearing notices from Lake County.
- 2 Interim Use Applications from Lake County.
- 1 Notice of Decision on a variance Hearing from Lake County.

OLD BUSINESS:

Insurance – Oftedahl reporting sending information to John Acheson of Hamilton Monroe per Hull's request last meeting.

NEW BUSINESS:

Cemetery Pipe Caps – Anderson reported they are working on getting an estimate.

Cemetery Regulations Upgrade – Motion Voss, second Krech to adopt **Resolution 2023-8 Establishing Rules and Regulations for the Cemetery** (full text included below) with correction to the adoption date noted. Resolution passed upon roll-call vote as follows: Voss: Yea; Krech: Yea; Hull (absent).

RESOLUTION 2023-8 ESTABLISHING RULES, REGULATIONS, AND CHARGES FOR SILVER CREEK TOWN CEMETERY AS AMENDED AND ADOPTED ON SEPTEMBER 19, 2023

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: CONDITIONS FOR PURCHASE OF RIGHT OF INTERMENT IN DESIGNATED PLOT:

Pursuant to Minnesota Statutes, Section 365.27, the right to be buried in a designated plot of 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. Upon payment, the Clerk will issue a Right of Interment document indicating the plot and space number, executed by the Board of Supervisors, which shall be retained in the records.

A resident or landowner may purchase the Right of Interment(s) for up to 8 family members, including non-residents. Names for each reserved space must be provided at the time of purchase.

A non-resident may purchase a Right of Interment only for burial of a deceased Township resident.

The designated plot on the Right of Interment shall specify one person when casket burial is planned or two people when cremation is planned.

The Right of Interment applies to burial of human remains only. The Town retains ownership of the cemetery plot and the land upon which it lies. The Silver Creek Cemetery exists for interment of remains and does not permit marking of empty graves.

SECTION 2 INTERMENTS (BURIALS). Prior to opening a grave, the Town requires the following:

- 2 business days' notice
- Prepayment of grave opening fees
- The date and time of the service
- The size of the casket or urn to be buried

- And if interring one urn in a grave shared by two, direction as to burial in the east or west end must be provided.

No burial shall be made in the cemetery unless all laws, ordinance, rules and regulations regarding interments have been complied with and all associated fees have been paid.

Silver Creek Cemetery does not allow any type of burial other than casket or cremation.

Notes for Funeral Home: A concrete grave liner (cemetery vault) shall be required for all casket interments. The Town reserves the right to postpone a burial due to weather or soil conditions if necessary. Winter burials are discouraged.

Grave opening and closing shall be done by Town employees only.

SECTION 3: MARKERS AND MONUMENTS. Graves may only be marked after a burial has taken place and fees for the designated plot and grave opening have been paid in full. 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 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 4: 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 5: PERMANENT CARE. All cemetery repairs, mowing, and maintenance will be under the direction of the Board of Supervisors.

SECTION 6: 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 7: 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 8: LOT PRICES AND INTERMENT RATES. The Town Board will review cemetery rates on an annual basis and establish them for the upcoming year.

SECTION 9: 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 10: TRANSFER OF DESIGNATED LOTS: No reselling of a Rights of Interment or of deeded plots is allowed. Cemetery deeds (plots purchased prior to year 1989) may be inherited down or transferred as any other property.

SECTION 11 UNUSED OR UNWANTED PLOTS: Should the family no longer want a plot sold in the past as deeded property may bring the deed in to request a refund. No refund will be provided for unused Rights of Interment. 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 12: 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 19th Day of September, 2023.

Greg Hull, Board Chair

Chuck Voss, Supervisor

Scott Krech, Supervisor

ATTEST:

Alison Oftedahl, Clerk

Picnic Table Donation – Motion Voss, second Krech to adopt ***Resolution 2023-9 Resolution to Accept Donation*** (included below). Resolution passed upon roll-call vote as follows: Voss: Yea; Krech: Yea; Hull (absent).

**RESOLUTION 2023-9
TOWN OF SILVER CREEK
LAKE COUNTY MINNESOTA**

**RESOLUTION TO
ACCEPT DONATION**

WHEREAS the Town of Silver Creek is authorized to accept and maintain donation of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens; and

WHEREAS the following person has offered to contribute the donation set forth below to the township:

Kyle Soderberg has offered to donate two picnic tables at \$150 each for a total of \$300.

WHEREAS there are no terms, conditions or restrictions placed upon the donation; and

WHEREAS this donation can benefit the residents of the Town; and

WHEREAS the Town Board finds that it is appropriate to accept the donation offered; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF SILVER CREEK, LAKE COUNTY, MINNESOTA, AS FOLLOWS:

1. The donations described above are accepted and shall be used as allowed by law.
2. The Town Clerk is hereby directed to acknowledge to each donor the Town's acceptance of the donation.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOWN:

Motion by Supervisor _____

Adopted on September 19th, 2023.

Gregory Hull

Charles Voss

Scott Krech

ATTEST: _____
Katie Anderson, Deputy Clerk

Wix Website Software 2-year Renewal – Motion Voss, second Krech to authorize a two year renewal of Wix website management software for a savings of \$72.

PENDING BUSINESS:

Seasonal Storage Contract and Rates – After discussion regarding damage and whether only Silver Creek residents should have a chance at the storage, motion Voss, second Krech to accept as presented the 2023-2024 Seasonal Storage Agreement contract with the same prices and same text as last year.

OTHER:

Gordon Variance/ US Bank Signatories – Motion Voss, second Krech to remove Dennis Moen as signatory, and to replace him with Clerk Alison Oftedah. Motion carried unanimously. Motion Voss, second Krech to adopt **Resolution 2023-10 Authorizing Signers for US Bank CD** (full text below). Carried unanimously. Resolution passed upon roll-call vote as follows: Voss: Yea; Krech: Yea; Hull (absent).

**RESOLUTION 2023-10
TOWN OF SILVER CREEK
LAKE COUNTY MINNESOTA**

**RESOLUTION AUTHORIZING
SIGNERS
FOR U.S. BANK SAVINGS CERTIFICATE
(GORDON VARIANCE ACCOUNT)**

WHEREAS, funds are being held for Town of Silver Creek **Board of Adjustment Resolution No. SCBAR-03-01 and Variance Order** – recorded with Lake County as document number 151062,

WHEREAS, these funds are held with U.S. Bank in Savings Certificate Account Number 3-731-0332-8713;

WHEREAS, the Town cannot enforce the terms of the Variance Order without authorized signers on the account;

WHEREAS, one of the current signers (Dennis Moen) has left the Board of Supervisors and is no longer working for the Town of Silver Creek;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Silver Creek hereby names the following authorized signers on Savings Certificate Account Number 3-731-0332-8713 to have authority to discuss the account, receive statements and withdraw funds.

Authorized Signers:

Primary Signer: Jamie Pellman, Treasurer

Secondary Signer: Alison Oftedahl, Clerk

Motion by Chuck Voss

Adopted on September 19, 2023

Chairman, Gregory Hull

Supervisor, Charles Voss

Supervisor, Scott Krech

ATTEST: _____
Alison Oftedahl, Clerk

There being no further business, motion Voss, second Krech to adjourn the meeting at 8:12 p.m. Motion carried unanimously. The next regular meeting of the Board will be held on Tuesday October 24, 2023, at 6:30 p.m. in the Board Meeting Room.

Respectfully submitted,
Alison Oftedahl, Clerk