

Pursuant to the authority in Minnesota State Statute §13D.05, subd. 3(a), the Baldwin Township Supervisors met with the Clerk/Treasurer Cathy Stevens at 6:30 p.m. at a closed session for a yearly performance review.

BALDWIN TOWNSHIP REGULAR MEETING

June 2, 2009

Present – Supervisors Larry Handshoe, Jeff Holm, Bryan Lawrence and Jay Swanson. Supervisor Jim Oliver arrived at 9:15 p.m.

Call to Order – The June 2, 2009 regular meeting of Baldwin Township was called to order by Chairman Jeff Holm at 7:07 p.m.

Pledge of Allegiance – All present recited the Pledge of Allegiance.

Additions/Corrections to Agenda – “Discuss Fire Department Name” to be added to New Business. “Discuss Contract with Blue Hill” to be added to New Business. “Discuss GPS System” to be added to Old Business.

Approval of Regular Meeting Agenda With/Without Additions/Corrections – Lawrence/Swanson unanimous to approve the regular meeting agenda with additions

Open Forum for Citizens – None.

CONDITIONAL USE PERMITS:

Annual Review of a C.U.P. for Contractors Yard – Mark Nutt. No citizen comments were made. Lawrence/Handshoe unanimous to approve subject to annual review.

Annual Review of a C.U.P. Riding Stable & Horse Boarding – Jerry and Tara Perkins. No citizen comments were made. Handshoe/Lawrence unanimous to approve subject to annual review.

Annual Review of a C.U.P. for Equipment Storage Building & Offices – Bruce and Nancy Weaver. No citizen comments were made. The Weavers were not present. Handshoe/Lawrence unanimous to approve subject to annual review.

PLATS:

Approve/Disapprove Renewal of Letter of Credit for Baldwin Estates – Lawrence/Swanson unanimous to approve renewal of Letter of Credit for Baldwin Estates.

Approve/Disapprove 2-Year Extension, Preliminary Plat of Nordwall Estates 2nd Addition – Lawrence/Handshoe unanimous to approve a 2-year extension of the preliminary plat of Nordwall Estates 2nd.

OLD BUSINESS:

Township Attorney Issues:

Right-of-Way Ordinance or Resolution – Other Issues it May Cover – Lawrence/Handshoe unanimous to table until workshop agenda.

Road Report – The road tour is rescheduled for June 23rd at 4:00 p.m.

Results of Road Tour - Not applicable. See above rescheduling of road tour.

County Planning & Zoning Report – Holm reported that the main items have been extension of plats.

Status of 2009 Road Projects Per Capital Improvement Plan – Swanson said he is working with Jon Bogart's plan. He talked to Dan Knapek from the county and it's still a go with piggybacking on the 283rd Avenue project. On June 9th the bids will be let. No paperwork has been signed, and we can pull out from the county with no repercussions.

Joint Committee with City of Princeton Status – There has been no word back from the City of Princeton for scheduling a meeting. The Baldwin Board would like to try to get something going in June. The issue remains on who would be recording the minutes.

Update on Headwall Concerns Throughout Township – Carlile and Swanson are talking about going out and taking pictures of the headwalls.

312th Avenue Easement Issues (Per 5/5/09 Meeting) – Holm stated that this item is on the agenda as initiated by a resident concerned about tree trimming. The resident stated that all the property lines are off. Swanson stated that the township should go out and look at the road. There is no reason to think the township is going to trim any trees or take anything out as it is not a high priority. The board will look at the road during their road tour.

Approve/Disapprove Quote for 111-1/2 Street Culvert (Per 5/5/09 Meeting) – Three quotes were received: Essig Construction: \$2,095.00; West Branch Construction: \$2,350.00; Steve Weissenfluh Excavating: \$2,495.00. Lawrence/Handshoe unanimous to table until July meeting.

Approve/Disapprove Obtaining Quotes for 99-1/2 Street and 104th Avenue (Per Capital Improvement Plan & 5/5/09 Mtg) – The quotes will be sealed and handled by the clerk. Jon Bogart will make up the specification sheet. Swanson/Handshoe unanimous to have Jon Bogart make up the specification sheet for both projects. The

quotes will be opened at the July Monday meeting and awarded at the July Tuesday meeting. Swanson will contact Bogart.

Approve/Disapprove 2009 Township Goals – Lawrence/Handshoe unanimous to table until the workshop.

Schedule Workshop – The workshop is scheduled for June 16th at 5:00 p.m.

Approve/Disapprove Surveying Access on Sandy Lake (Per 6/1/09 Meeting) - Lawrence/Handshoe motion to approve surveying of south access for the purpose of placing the gate with the survey not exceeding \$300.00. Swanson stated that he believes the lake association should pay for the survey as they wanted the gate. Holm stated that he does not have a problem with the township paying for the survey as it would allow piece of mind. Lawrence questioned if the township intends to remove any obstructions when the lot lines are found. Swanson replied 'yes'. Lawrence questioned at whose expense with Swanson replying the homeowner's expense. Lawrence stated that if the township is looking at installing the gate just because someone requested it, then it is for the wrong reason. The board looked at it because it was a safety issue. Voice vote was taken: Handshoe: aye; Holm: aye; Lawrence: aye; Swanson: nay. The motion carried.

Discuss GPS System – Holm informed the board that the company who provides GPS systems has changed their policy not to have automatic billing, and has lowered unit costs. No further action taken.

TABLED ITEMS:

Review/Approve 2009 Line Item Budgets for all Funds – Lawrence/Swanson unanimous to approve the 2009 line item budgets for all funds.

Town Board Comments on Proposed Sherburne County Public Works Ordinance for Management of the Public Right-of-Way – Handshoe/Swanson unanimous to send a letter to Dick Corbin stating that the board has no comment.

NEW BUSINESS:

Review of Cool Spring Acres, 139th Street, Road Vacation Issue – Robert Makowski was present. He stated that the road has been maintained by the residents. There are septic fields which take up only 25 feet of the 60 foot roadway. Lawrence asked where the official action of the township was. Mr. Makowski replied that is the problem as there is no official action. Lawrence stated that if there is no official document that the township vacated the road then there is no proof. Mr. Makowski stated that their lawyer (property owners of parcel number 01-031-1200) have told them that they own it. Lawrence stated that the burden of proof is on them. If they cannot prove that the road was vacated then the easement still goes to their line. Someone needs to verify that the township easement is 66 feet and that it was vacated. How can it be enforced without

documentation? Mr. Makowski stated that the title examiner was preparing for the judge but then the other side of the story was pointed out before it went to the judge. Their attorney said everything was okay. Now the title examiner says there is another problem. What side is right? Something in the process 13 years ago was done wrong by the town board. Lawrence stated that something may have gone right. Document #329183 – the residents title company say it is their property. The plaintiff's attorney says that when the township vacated the road it goes to the abutting property owner. Mr. Makowski stated that their argument with the plaintiff is why you would want property with septic drain fields on it and their answer is that they own it. Holm stated that if they say it is theirs, then they may have to pay to take the drain fields out and the cost of removal would outweigh the benefit of owning. The issue may be the legality of the term, "vacate". Lawrence questioned if there would be any recourse for the township to reestablish an easement. If it is vacated, it is permanent? A resident in the audience asked if the township could condemn property. Could the township sell it back to the individual homeowners? The residents' goal is to try to have the township help. Lawrence stated that township funds cannot be used to have our attorney work on it. Mr. Makowski stated that the township would be liable if they did something incorrect 13 years ago. The board then took steps against the township attorney's recommendation and vacated that portion of the road. The residents are waiting to be served papers and get back with their attorney or title company. Something was done or not done to cause us to be where we are at. They would like the board to understand the issue and get involved. Holm stated that the township chose a path. It was clearly expressed the purpose of it and everything was registered and the residents deeds include it. It points to true intent. The plaintiff is trying to prove, and that would be where the judge says, that the local unit of government made a mistake. That is when the township would decide what to do to correct the mistake. Mr. Makowski stated that the plaintiff cannot get a clear title for their property. The residents in attendance just wanted to make the board aware of the issue.

Approve/Disapprove Quotes for Tree Removal on 112th Street –

Lawrence/Handshoe unanimous to table for discussion at the workshop meeting.

Discuss Moving Township Engineer Issues to Monday Board Meetings – Bogart has a scheduling conflict with Tuesdays. There was discussion that he only attend as needed on Mondays.

Discuss Selling Private Citizens' Book – Swanson/Lawrence unanimous to table until the July agenda.

Discuss Fire Department Name – There was a motion at the annual meeting to rename the Sherburne Fire & Rescue department to Baldwin Township fire department. Holm wants the board to think about it since it would be good for Baldwin's identity.

Discuss Contracting Services to Blue Hill Township – Blue Hill Supervisor Bill Andresen had contacted Holm informing him that Blue Hill is interested in ditch mowing and snowplowing services contracted for Baldwin to perform. They have 24 miles of

road. Andresen will talk to his board this month and report back to Baldwin with more information.

ANNOUNCEMENTS:

Sherburne County Public Works Open House for Input on Proposed Ordinance for Management of the Public Right-of-Way, Tuesday, June 23, 2009, 3:30 – 5:30 pm, Sherburne County Board Room

Santiago Public Safety Building Grand Opening, Wednesday, June 24, 2009, 4-8:00 pm

Holm announced that the township was notified that an order granting summary judgment was made and Vollkommer's lawsuit has been dismissed.

ANY OTHER BUSINESS:

Elk Lake Landing – Lawrence stated that he had talked to a Sherburne County deputy Edwards. The county has filed a citation with the attorney. He did say that if the township wants to pursue compensation the cost of the replacement of the signs could be included in the restitution in the court system. Lawrence will check into this further and include it on another agenda.

Approve/Disapprove Check Numbers 13880 – 13891 & 2 EFT Payments Totaling \$11,220.06 – Swanson/Handshoe unanimous to approve check numbers 13880 through 13891 and 2 EFT payments totaling \$11,220.06.

Adjournment – Lawrence/Handshoe unanimous to approve adjournment at 9:37 p.m.



Submitted By: (s/) Cathy Stevens
Clerk/Treasurer
Baldwin Township



Approved By: (s/) Jeffrey Holm
Chairman, Board of Supervisors
Baldwin Township

Attendees: Lindsey Arrowood, Rick Waldon, Jerry Perkins, Tara Perkins, Jesse Ewert, Dawn Othoudt, Lester Kriesel, Bob Makowski, Lloyd Campbell, Melinda Campbell, Yvonne Makowski, LeRoy Jepp

JUNE 2009

PRELIMINARY

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CHECK	TO WHOM	FOR WHAT	AMOUNT	GEN	R & B	ENG.	PARK	CAPITAL	CEM	FIRE
13822	Connexus Energy	electric utilities	\$280.03	\$280.03						
13823	Connexus Energy	electric utilities	\$146.31							\$146.31
13824	AT&T	fire cell phones	\$132.04							\$132.04
13825	Kennedy & Graven	legal services	\$581.25	\$581.25						
13826	Bogart Pederson	engineering	\$375.00			\$375.00				
13827	IKON Office	copy machine maintenance	\$1,097.92	\$1,097.92						
13828	Central Appliance	clean up day	\$3,551.00	\$3,551.00						
13829	Jims Mille Lacs Disp	clean up day	\$4,246.83	\$4,246.83						
13830	West Branch Const	sweep parking lot	\$191.25		\$191.25					
13831	Great Glacier	water & cooler rental	\$48.44	\$48.44						
13832	Lonny Loeschke	mac tools	\$85.19		\$85.19					
13833	D&M Oil, LLC	bulk oil	\$884.75		\$884.75					
13834	Zep Sales & Service	town hall supplies	\$179.74	\$179.74						
13835	Grainger	tools	\$56.82		\$56.82					
13836	Crysteel Truck Eq	supplies	\$16.07		\$16.07					
13837	Plaisted Co.	class 5 gravel	\$134.10		\$134.10					
13838	Tad Kamolz	gopher (46 pair)	\$69.00	\$69.00						
13839	Richard Weissenfluh	gopher (42 pair)	\$63.00	\$63.00						
13840	Minnesota UI	unemployment	\$250.00	\$250.00						
13841	U.S. Bank	941 tax deposit - may	\$1,966.27	\$921.30	\$1,044.97					
13842	Cheryl Goetz	wages	\$41.73	\$41.73						
13843	Lester W. Kriesel	cemetary care (april)	\$50.00					\$50.00		
13844	BlueCrossBlueShield	health insurance-june	\$791.00		\$791.00					
13845	SherburneCoAuditor	2009 property taxes	\$275.00	\$275.00						
13846	SherburneCoAuditor	2009 appraisals	\$18,143.00	\$18,143.00						
13847	ECM Publishers	notices, newsletter inserts	\$256.75	\$256.75						
13848	Cathy Stevens	mileage	\$4.40	\$4.40						
13849	M-R Sign Co.	road signs & posts	\$1,493.18		\$1,493.18					
13850	Jesse Ewert	emergency tree clearing	\$455.29		\$455.29					
13851	Rum River Contract	road patching	\$9,582.72		\$9,582.72					
13852	Princeton Township	road grading	\$125.00		\$125.00					
13853	Ancom	communications	\$1,050.70						\$1,050.70	
13854	O'Reilly Automotive	parts	\$5.13						\$5.13	
13855	Office Depot	office supplies	\$263.56	\$263.56						
13856	Wells Fargo	fire trucks & equipment	\$19,937.96							\$19,937.96
13857	Wells Fargo	fire station	\$13,397.32					\$13,397.32		

JUNE 2009

PRELIMINARY

CHECK	TO WHOM	FOR WHAT	AMOUNT	GEN	R & B	ENG.	PARK	CAPITAL	CEM	FIRE
13858	Larry Handshoe	wages	\$407.11	\$407.11						
13859	Petty Cash	postage	\$84.00	\$84.00						
13860	MN Child Support	payment	\$8.30		\$8.30					
13861	Neft Auto Supply	supplies	\$195.88							\$195.88
13862	Terry Carlile	wages	\$740.53		\$740.53					
13863	void	void								
13864	Cathy Stevens	wages	\$1,043.74	\$1,043.74						
13865	Brian Torborg	wages (3 months)	\$517.16							\$517.16
13866	Zachary Good	wages	\$757.22		\$757.22					
13867	Bryan Lawrence	wages	\$418.63	\$418.63						
13868	Bryan Lawrence	mileage	\$19.80	\$19.80						
13869	Jim Hazeman	access permit refund	\$50.00		\$50.00					
13870	Donald Larsen	janitorial service (may)	\$120.00							\$120.00
13871	Northstar Alternator	repair starter	\$191.92							\$191.92
13872	Metro Fire	boots	\$667.75							\$667.75
13873	Clarey's Safety Eq	equipment (fema grant)	\$59,671.00							\$59,671.00
13874	Brian Torborg	reimbursement	\$259.33							\$259.33
13875	Princeton Vet Clinic	animal impounding	\$339.00	\$339.00						
Auto	PERA	employee contribution	\$474.68	\$182.09	\$292.59					
13876	Essig Construction	road blading	\$1,500.00		\$1,500.00					
13877	James Oliver	wages	\$252.58	\$252.58						
13878	Jay Swanson	wages	\$256.27	\$256.27						
Auto	MN Dept of Revenue	may withholding tax	\$345.01	\$160.22	\$184.79					
13879	void	void								
13880	Jeff Holm	wages	\$280.65	\$280.65						
13881	U.S. Bank	credit card charges	\$950.29		\$172.90					\$777.39
13882	Marvs True Value	supplies	\$261.56		\$246.52					\$15.04
13883	Qwest	phone & internet	\$173.67	\$173.67						
13884	Qwest	phone & internet	\$197.64							\$197.64
13885	AT&T Mobility	r&b cell phone	\$46.00		\$46.00					
13886	CenterPoint Energy	gas utilities	\$18.35							\$18.35
13887	CenterPoint Energy	gas utilities	\$53.93	\$53.93						
13888	East Central Sanitation	garbage service	\$45.64	\$22.62						\$22.62
13889	Midwest Fire & Rescue	grant purchases	\$8,740.84							\$8,740.84
13890	Commercial Asphalt	hot mix	\$260.45		\$260.45					
13891	Brand Mfg	acetylene	\$44.28		\$44.28					
Auto	PERA	town board contribution	\$116.76	\$116.76						
Auto	PERA	town board contribution	\$30.00	\$30.00						

