

## BALDWIN TOWNSHIP REGULAR MEETING

October 3, 2011

**Present** – Supervisors Jay Swanson, Larry Handshoe, Kim Good, Tom Rush and Randy Atwood.

**Call to Order** – The October 3, 2011 special meeting of Baldwin Township was called to order by Chairman Jay Swanson at 7:03 p.m.

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

**Additions/Corrections to Agenda** – Under Park Report in New Business add 'd' "Grant"

**Approval of Regular Meeting Agenda With/Without Additions/Corrections** – Good/Atwood unanimous to approve regular meeting agenda with addition.

**September 2011 Final Treasurer's Report** – The clerk reported receipts of \$9,610.41 and disbursements of \$93,402.04, check numbers 15848 - 15913 and 6 EFT payments leaving a balance of \$452,237.82. The September 2011 final treasurer's report was accepted subject to audit.

**October 2011 Preliminary Treasurer's Report** – The clerk reported receipts of \$10,190.63 and disbursements of \$16,350.25, check numbers 15914 – 15947 and 0 EFT payments leaving a preliminary balance of \$446,148.40

**Sheriff's Report** - Officer Wilson reported 115 calls for service for the month of September.

**Approval of Consent Agenda** – Good/Handshoe unanimous to approve the Town Board Meeting Minutes of September 12 and September 14, 2011.

**Open Forum for Citizens** – Chuck Nagle, 131<sup>st</sup> Street, asked for approval of the town board to allow a resident to pay the clerk overtime wages for requested information. Since the town board is considering eliminating video recording, Nagle said as a resident he would like to pay for the video recording to continue. There were also comments regarding fire department personnel who live outside the township, but works in the call area.

### CONDITIONAL & INTERIM USE PERMITS:

**Annual Review for a Home Automotive Repair Shop** – Handshoe/Good unanimous to approve the annual review for Callen Watson's home automotive repair shop.

### PLATS:

**Nordwall Estates 2<sup>nd</sup> Addition, Approve/Disapprove 2-Year Plat Extension** – A motion was made by Rush and seconded by Atwood to approve a 90-day extension for Nordwall Estates 2<sup>nd</sup> Addition. A piece of property to gain access to the property wasn't deed over to the county properly but has now been taken care of. With voice vote Atwood, Rush, Swanson and Handshoe said aye; Good said opposed. Motion carried.

**Heinen Addition, Approve/Disapprove 2-Year Plat Extension** – Handshoe/Swanson unanimous to approve a 2-year plat extension for Heinen Addition.

#### **OLD BUSINESS:**

**Fire Department Report** – Department Representative Gary Taylor reported that the fire department had 10 calls for the month of September.

**ISO Rating Update** – Taylor said the Northeast Sherburne Fire and Rescue was not able to meet the ISO this year. Contact will be made again in February to set up ISO evaluation.

**Discuss Charging Insurance for Department Time** – There was a question about how many people may not have insurance coverage, and if this were something to look into. Taylor said he would speak with Rademacher and report back at November's meeting.

**Approve/Disapprove Disposing of Engine 2** – Since there is no room to store Engine 2, and because it has been decommissioned, Rush/Handshoe unanimous to approve disposing of the vehicle.

**Approve/Disapprove Destroying Old Fire Hoses & Turning in the Brass** – Handshoe/Good unanimous to approve destroying the old fire hoses and turning in the brass for scrap.

**Schedule Closed Employee Meeting** – Tom Rush requested to schedule a closed employee meeting with a firefighter for his leave of absence discussion. The meeting is scheduled for Tuesday October 25 at 7:00 p.m.

**Approve/Disapprove Probationary & Firefighter Increase in Wages to Minimum Wage (\$7.25)** – Handshoe/Good unanimous to approve probationary and firefighter increase in wages to the minimum wage of \$7.25 per hour.

**Approve/Disapprove Resignation of Firefighter Rick Wagner** – Handshoe/Good unanimous to approve the resignation of firefighter Rick Wagner.

**Approve/Disapprove Firefighter Scott Anderson Coming Off 6-Month Leave of Absence** – Handshoe/Good unanimous to approve firefighter Scott Anderson coming off a 6-month leave of absence.

Taylor asked the town board to try to schedule one more workshop to discuss the fire department handbook changes. A workshop is scheduled for October 25<sup>th</sup> at 8:00 p.m. to discuss handbook changes.

Rush said that the fire chief recommends no fires at the October 8<sup>th</sup> Nite to Unite event at Young Park. The Baldwin fire department will be very busy at their Fireman's Dance, although both Zimmerman and Princeton will be available.

Firefighter interviews will be October 11<sup>th</sup>. Currently there are 25 or 26 active firefighters at the department.

### **Road Report:**

**Discuss/Approve/Disapprove Establishing Cartway, 119<sup>th</sup> Street** – Handshoe/Good unanimous to table approval or disapproval of establishing a cartway at 119<sup>th</sup> Street.

**Approve/Disapprove Requesting Princeton Township to Plow 104<sup>th</sup>, 111-1/2 Street and Stone Sheep Crossing** – Handshoe/Good unanimous to disapprove and take off the agenda requesting Princeton Township to plow 104<sup>th</sup>, 111 ½ Street and Stone Sheep Crossing.

**Approve/Disapprove Patching 120<sup>th</sup> Street** – Swanson is suggesting digging out 120<sup>th</sup> Street and replacing it with a cost of \$16,000 estimate. A motion was made by Handshoe and seconded by Good to disapprove patching 120<sup>th</sup> Street. With voice vote Handshoe, Good, Atwood and Rush voted aye; Swanson opposed. Motion carries to disapprove patching.

**Status of 2011 Road Projects Per Capital Improvement Plan** – Handshoe reported that all striping and cracksealing is done, and the second lift for 285<sup>th</sup> is on. Most of the mowing is also finished.

**PAVC Update** – The PAVC is making sure all permits are in place for working on the amphitheatre.

### **Park Committee Report:**

**Approve/Disapprove Payment to KO Masonry for Park Shed Floor Concrete** – A motion was made by Handshoe and seconded by Good to approve payment to KO Masonry for the park shed floor concrete. With voice vote Handshoe, Good, Atwood and Swanson voted aye; Rush opposed. Motion carried to approve.

**Approve/Disapprove Elk Lake Beach Shoreland Permit Application & Fee** – Handshoe/Rush unanimous to table until November. Good will obtain details.

**Approve/Disapprove Electrical for Brown & White Building, 6 Receptacles & 6 Lights, Buy Parts & \$50 Permit with Labor Donated – Handshoe/Good** unanimous to table in order to obtain another bid.

**Approve/Disapprove Independent Contractor to Install Playground Equipment –** Tom Rush reported that Byron Bethke from the City of Champlin would install the equipment with Baldwin Maintenance personnel for a charge of \$500. He is willing to sign a waiver form. He is busy this week but would be available the rest of October. He would be able to put it up in one day. Good/Rush unanimous to approve Byron Bethke installing the playground equipment at a cost not to exceed \$1,000.

**Grant –** There is a large amount of money approved by the federal government for grants and Minnesota will receive a large portion. It may be a good idea to have Bob Bunger to inquire about monies that could be available.

**Regional Park Committee Update –** No report. The next meeting will be October 26<sup>th</sup>.

**HCP Baldwin Volunteer Corps Update –** The Baldwin Volunteer Corps met on September 26<sup>th</sup> with Dan Frank present. Four options for the future of the task force were presented. Cancel the October 8<sup>th</sup> event and dissolve the HCP group, after the October 8<sup>th</sup> event dissolve the HCP group, close out old grant and process of new grant, or reorganize and reenergize the HCP group. A vote was taken with 6 votes to continue; 4 votes of maybe; and 2 votes of no. The next meeting on October 24<sup>th</sup> will be devoted on what the Volunteer Corps wants to do. A poll was taken of the members. The top five options that the board picked are if it continues: focus on recruiting; focus on business development; focus on comprehensive plan; focus on planning commission up and running; and continue to focus on community events. Bonnie Zurek volunteered to write an article for the October newsletter.

**Approve/Disapprove Grant Application to Initiative Foundation for Nite to Unite Event –** Good/Rush unanimous to approve the grant application to the Initiative Foundation for the Nite to Unite event.

**Approve/Disapprove Removal of Resident from HCP Involvement –** As read to the public and included in the minutes Is Resolution No 11-10, A Resolution Removing a Member of the Healthy Community Partnership Taskforce:

**BALDWIN TOWNSHIP  
SHERBURNE COUNTY  
MINNESOTA**

**RESOLUTION NO. 11-10**

**A RESOLUTION REMOVING A MEMBER OF THE HEALTHY  
COMMUNITY PARTNERSHIP TASKFORCE**

**Whereas, the Initiative Foundation has provided funding to Baldwin Township for the purpose of furthering community planning and community development; and**

**Whereas, Baldwin Township has established a Healthy Community Partnership Taskforce/Baldwin Volunteer Corps (collectively, "HCPT") for the purpose of exploring ideas that benefit the Township population as a whole and making recommendations to the Town Board regarding the implementation of such programs; and**

**Whereas, the HCPT has met numerous times over the past year and has made only two recommendations the Town Board to date; and**

**Whereas, the HCPT is still working on: 1) establishing a budget commission to identify strategic long term budget issues; 2) establishing a administration research committee to discover the types of services Baldwin Township residents need; 3) reviewing current maintenance inventory and costs; 4) researching other Sherburne County Township plans; 5) identifying funding alternatives; and 6) developing a Township comprehensive plan.**

**Whereas, the Town Board believes that the HCPT would make better progress if its current membership were changed; and**

**Whereas, the Town Board believes that the removal of Chuck Nagle from the HCPT will increase the efficiency of the HCPT.**

**NOW, THEREFORE, the Baldwin Town Board hereby resolves:**

1. Chuck Nagle is hereby removed as a member of the HCPT.

Dated: October 3, 2011

Jay Swanson, Board Chairman  
Baldwin Township

ATTEST:

Cathy Stevens, Clerk/Treasurer  
Baldwin Township

Handshoe/Good unanimous to approve Resolution No. 11-10, A Resolution Removing a Member of the Healthy Community Partnership Task Force.

**County Planning & Zoning Report** – Bryan Lawrence said he would like to continue on as Baldwin Township’s county planning and zoning representative. Swanson will volunteer to be the back-up to the liaison. Lawrence reported on the September items: Buck Acres, Nordwall Estates 2<sup>nd</sup> Addition and Rum River Bluffs.

**Approve/Disapprove Planning & Zoning Liaison Change** – See above.

**Joint Committee with City of Princeton Status** – A joint committee meeting with the City of Princeton is scheduled for October 19<sup>th</sup> at 7:00 p.m. The clerk will send an orderly annexation agreement draft to the city prior to the meeting.

**City of Princeton Planning Commission Report** – Atwood attended the City of Princeton Planning Commission meeting where they discussed vacating of a street for a landowner by Pioneer Park; and working on a temporary sign ordinance.

**Status of Water Rescue Equipment Auction** – Atwood reported that a \$7,983.28 check was received. Deducted were \$250 set up and 10% commission. Two items were not sold. Atwood will check on the items and report back at the next meeting.

**Approve/Disapprove Ordinance No. 400, Animal Control Ordinance** – Handshoe/Rush unanimous to table.

**Approve/Disapprove Resolution 11-08, Resolution Amending the Town’s Administrative Policy** – Handshoe/Rush unanimous to table.

**Approve/Disapprove Resolution 11-09, Resolution Amending an Ordinance Regulating Town Rights-of Way** – Handshoe/Rush unanimous to table.

#### **TABLED ITEMS:**

**Schedule Employee Handbook Workshop** – A workshop for the Employee Handbook is scheduled for October 18 at 7:30 p.m.

**Approve/Disapprove Town Board Member Attending MAT Meeting in Alexandria** – Handshoe/Rush unanimous to table until November.

#### **NEW BUSINESS:**

**Approve/Disapprove Baldwin Township Requiring Variances to Be Heard by the Town Board** – Atwood/Handshoe unanimous to approve Baldwin Township requiring variances to be heard by the town board.

**Approve/Disapprove Rescinding Previous Motion Regarding Yearly Review of CUP's** – Good motioned to modify the town board reviewing only the Conditional Use Permits that we have received complaints. Lawrence reminded the board that they have more authority than they think in regards to Conditional Use Permits. Good motion to approve rescinding the previous motion. Atwood stated that the board can instigate reviews if necessary. Good agreed stating she would like to discontinue yearly reviews short of having complaints. Atwood seconded Goods motion. Upon voice vote, the motion carried.

**Approve/Disapprove Payment of Animal Control Invoices** – After discussion of comparing the veterinarian impounds to the invoices, Handshoe/Good unanimous to disapprove payment of the animal control invoices. A letter will be sent asking Rod Thompson to come before the town board.

**Approve/Disapprove Credit Account at Tractor Supply Company** – Handshoe/Good unanimous to approve having Christen and Carlile and establishing a credit account at the Tractor Supply Company.

**Approve/Disapprove Bi-Monthly Meetings** – Good/Handshoe unanimous to approve bi-monthly meetings beginning in January 2012 of the first Monday and third Tuesday of every month.

**Approve/Disapprove Township Engineer Pursuing Sewer Project Grant Dollars** – Rush/Good unanimous to table approving/disapproving the township engineer to pursue the sewer project grant dollars until November.

**Discuss October Newsletter** – The town board wants to be able to review the October newsletter by October 15<sup>th</sup>, and have it mailed before November 1<sup>st</sup>. There was discussion about the bi-monthly newsletter with specific dates for it to be completed and approved by the town board.

**Approve/Disapprove Podcast of Regular Meetings and Eliminate Video Recording** Good stated that the podcast can be made available on the township web site. The clerk will try both podcasting and videotaping on the website and report back to the board. Rush/Handshoe unanimous to table until November.

**Review/Approve/Disapprove Couri & Ruppe Sending Letter to Resident** – As read to the public and included in the minutes is a draft letter dated September 21, 2011 from Couri & Ruppe, P.L.L.P. to Chuck Nagle:

**COURI & RUPPE, P.L.L.P**

Michael C. Couri\*  
Robert T. Ruppe\*\*

\*Attorney at Law  
\*\*Notary Public

Attorneys at Law  
703 Central Avenue East  
PO Box 369  
St. Michael, MN 55376-0369  
(763) 497-1910  
(763) 497-2599 (FAX)  
www.couriruppe.com

Sarah E. Schurzhoff

September 21, 2011

**DRAFT**

Chuck Nagle  
29530 131<sup>st</sup> Street  
Princeton, MN 55371

**RE: Baldwin Township; Contact with Township Staff**

Dear Mr. Nagle:

This office represents Baldwin Township. In the Town Board's opinion your contact with and ongoing behavior towards Township Staff has become harassing and must stop.

This letter is to instruct you that any future contact with Township and Fire Department staff must be through U.S. mail. Township Staff will no longer take your phone calls or read your emails. If you feel the need to contact Township staff in person you must first send a letter to the Township requesting an appointment stating both the person you wish to meet and the reason for the meeting. Township staff will then contact you only to discuss a mutually convenient appointment time. Should you visit the Town Hall without an appointment you will be asked to leave. Please note that you may still attend public meetings of the Town Board at the Town Hall without an appointment.

With regard to data requests, the Town Board has also asked me to inform you that they respectfully decline to produce any additional requested documents as the Minnesota Data Practices Act does not apply to Baldwin Township. The Minnesota Data Practices Act applies to "government entities." Minn. Stat. §13.01. A government entity is defined as "a state agency, statewide system, or political subdivision." Minn. Stat. §13.02 subd. 7a. Political subdivision is defined as "any county, statutory or home rule charter city, school district, special district, any town exercising powers under chapter 368 and located in the metropolitan area, as defined in section 473.121, subdivision 2, and any board, commission, district, or authority created pursuant to law, local ordinance or charter provision." Minn. Stat. §13.02 subd. 11. As such, under the plain language of

Chuck Nagle  
 September 21, 2011  
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the statute, the government data practices act does not apply to towns unless those towns are in the metropolitan area and exercise urban town powers under chapter 368.

The metropolitan area is defined as "the area over which the Metropolitan Council has jurisdiction, including only the counties of Anoka; Carver; Dakota excluding the city of Northfield; Hennepin excluding the cities of Hanover and Rockford; Ramsey; Scott excluding the city of New Prague; and Washington." Baldwin Township, located in Sherburne County, is not in the Metropolitan area and therefore is not governed by the Data Practices Act.

Over the past several months, the Township has literally produced boxes of data pursuant to your data requests. These requests have been so many in number, so broad in scope and have consumed so much staff time that Township staff has had to delay completion of its regular work to respond to your requests. These requests have placed an undue burden on Township staff to the detriment of the remainder of the residents of Baldwin Township.

If you have any questions regarding this matter or would like further information please feel free to call me at 763-497-1930.

Sincerely,

Robert T. Ruppe  
 COURI & RUPPE, PLLP

cc: Baldwin Township

Handshoe/Atwood unanimous to approve sending the letter to Chuck Nagle.

**Announcements:**

- Town Office Closed Monday, October 10 for Columbus Day

**Any Other Business:** None.

**Motion to Approve Bills for Payment** – Handshoe/Rush unanimous to approve check numbers 15914 through 15947 totaling \$16,350.25 for payment.

**Adjourn** – Handshoe/Atwood unanimous to adjourn at 9:27 p.m.



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



Approved By: (s/) Jay Swanson  
Chairman, Board of Supervisors  
Baldwin Township

Attendees: Corey Wemple, Lester Kriesel, Gary Taylor, George Marko, Debbie Marko, Randy Heinen, Joan Heinen, Robert Week, Cal Watson, Gene Nitz, Elaine Byker, John Wadsworth, Bryan Lawrence, Elaine Philippi, Nancy Erbst, Rich Harris, Carol Swanson, Scott Case, Brad Schumacher, Jeff Hage, Chuck Nagle

TR ~~1585~~ PA 1A JS

SEPTEMBER 2011

FINAL

CHECK	TO WHOM	FOR WHAT	AMOUNT	GEN	R & B	ENG.	PARKS	CAPITAL	CEM	FIRE
15848	Terry Carlile	wages	\$279.73		\$279.73					
15849	Louis Christen	wages	\$479.46		\$479.46					
15850	Cheryl Dobson	wages	\$261.56	\$261.56						
15851	Zachary Good	wages	\$75.93		\$75.93					
15852	Cathy Stevens	wages	\$1,350.74	\$1,350.74						
EFT	PERA	employee contribution	\$466.73	\$307.04	\$159.69					
15853	Randy Atwood	wages	\$415.81	\$415.81						
15854	Kimberly Good	wages	\$233.87	\$233.87						
15855	Larry Handshoe	wages	\$275.60	\$275.60						
15856	Jay Swanson	wages	\$396.27	\$396.27						\$122.65
15857	Michael Rademacher	wages	\$122.65							
15858	Thomas Rush	wages	\$338.55	\$338.55						\$150.96
15859	Larry Boeke	wages	\$150.96							
15860	Ancom Communicat	radio supplies	\$125.58		\$125.58					
15861	AT&T Mobility	cell phones & ipads	\$232.65	\$116.11	\$37.68					\$78.86
15862	AT&T Capital	ipad lease	\$173.84	\$173.84						
15863	Banyon Data	training	\$400.00	\$400.00						
15864	Billings Service	supplies	\$92.98		\$92.98					
15865	Bogart Pederson	engineering	\$10,742.50			\$10,742.50				
15866	Bogart Pederson	engineering	\$3,815.00			\$3,815.00				
15867	CenterPoint Energy	gas utilities	\$21.01	\$21.01						\$19.24
15868	CenterPoint Energy	gas utilities	\$19.24							\$138.35
15869	CenturyLink	phone and internet	\$415.04	\$276.69						\$30.01
15870	Circle 9	fuel	\$169.55				\$37.22			
15871	Commercial Asphalt	road repair	\$196.25		\$196.25					
15872	Connexus Energy	electric utilities	\$227.65	\$227.65						
15873	Connexus Energy	electric utilities	\$263.54							\$263.54
15874	Connexus Energy	electric utilities	\$27.38				\$27.38			
15875	Craig Hilburn	animal control	\$87.77	\$87.77						
15876	Da-Ran, Inc.	vehicle repair	\$1,181.88		\$1,181.88					
15877	Donald Larsen	janitorial service	\$120.00							\$120.00
15878	EastCentralSanitation	garbage service	\$45.64	\$22.82						\$22.82
15879	ECM Publishers	legal notice	\$64.40	\$64.40						
15880	Eggen's Bulk Service	fuel	\$1,168.08		\$1,168.08					
15881	Elite Lock & Key	lock repair	\$139.67	\$139.67						
15882	Essig Construction	road grading & class 5	\$2,545.00		\$2,545.00					
15883	Jay Swanson	mileage	\$32.19	\$32.19						



OCTOBER 2011

PRELIMINARY

BR TR LH RA JS

CHECK	TO WHOM	FOR WHAT	AMOUNT	GEN	R & B	ENG.	PARKS	CAPITAL	CEM	FIRE
15914	Abra Autobody & Glass	2 windshields	\$866.32		\$866.32					
15915	Ancom Communicat	radio supplies & pagers	\$583.56		\$32.97					\$550.59
15916	Anderson Inc.	tractor repair	\$255.00		\$255.00					
15917	AT&T Mobility	cell phones & ipads	\$272.52	\$131.25	\$59.65					\$81.62
15918	Avenet LLC	web site hosting	\$450.00	\$450.00						
15919	Banyon Data	annual software support	\$1,758.88	\$1,758.88						
15920	Central Fleet	supplies	\$33.36		\$33.36					
15921	Connexus Energy	electric utilities	\$198.01							\$198.01
15922	Connexus Energy	electric utilities	\$30.18				\$30.18			
15923	Connexus Energy	electric utilities	\$228.28	\$228.28						
15924	Couri & Ruppe	attorney fees	\$1,080.00	\$1,080.00						
15925	Da-Ran, Inc.	vehicle repair	\$248.12		\$248.12					
15926	Internal Revenue Ser	941 payment	\$24.41	\$24.41						
15927	KO Masonry	park bldg cement	\$2,721.00			\$2,721.00				
15928	Lester W. Kriesel	cemetery caretaker	\$50.00					\$50.00		
15929	Petty Cash	postage & water testing	\$27.92	\$7.92		\$20.00				
15930	St.CloudFireEg	fire extinguisher service	\$200.00	\$63.00						\$137.00
15931	Robin Fischer	wages	\$28.30							\$28.30
15932	Michael Rademacher	wages	\$256.99							\$256.99
15933	Cheryl Dobson	wages	\$232.59	\$232.59						
15934	Terry Carlile	wages	\$301.40		\$301.40					
15935	Louis Christen	wages	\$916.57		\$916.57					
15936	Cathy Stevens	wages	\$1,350.12	\$1,350.12						
15937	Louis Christen	wages (vacation days)	\$514.36		\$514.36					
15938	Kimberly Good	wages	\$561.30	\$561.30						
15939	Lawrence Handshoe	wages	\$528.30	\$528.30						
15940	Thomas Rush	wages	\$329.20	\$329.20						
15941	Jay Swanson	wages	\$330.22	\$330.22						
15942	Century Link	telephone & internet	\$414.74	\$276.69						\$138.05
15943	Essig Construction	road grading	\$680.00		\$680.00					
15944	Kimberly Good	mileage	\$57.17	\$57.17						
15945	Lawrence Handshoe	mileage	\$34.97	\$34.97						
15946	BlueCrossBlueShield	health - november	\$654.50		\$654.50					
15947	U.S. Bank	credit card charges	\$131.96	\$86.01		\$45.95				
		<b>totals</b>	<b>\$16,350.25</b>	<b>\$7,530.31</b>	<b>\$4,562.25</b>	<b>\$0.00</b>	<b>\$2,817.13</b>	<b>\$0.00</b>	<b>\$50.00</b>	<b>\$1,390.56</b>