

## BALDWIN TOWNSHIP REGULAR MEETING

July 17, 2012

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

**Call to Order** – The July 17, 2012 regular meeting of Baldwin Township was called to order by Chairman Jay Swanson at 7:00 p.m.

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

### **Additions/Corrections to Agenda –**

Add to New Business:

- Approve/Disapprove Establishing Set Hours for Maintenance
- Firefighter Resignation
- Discuss/Approve/Disapprove Goose Lake Property
- Discussion of E3 Pump
- Baldwin Planning Commission
- Princeton Planning Commission
- Approve/Disapprove Rain Garden Sign at Young Park
- As Part of Approving Newsletter, Results of Commission Leonard's Essay Contest
- Approve/Disapprove Resolution 12-11

Add to Old Business:

- Rain Garden
- 284<sup>th</sup> Birch Acres Update

Agenda Item Moved:

- Move Road Tour Results up to "a" of New Business

Remove Agenda Item from New Business:

- Complaint Policy

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

**July 2012 Preliminary Treasurer's Report** – The clerk reported receipts of \$178,381.14 and disbursements of \$131,117.09, check numbers 16616 – 16677 and 6 EFT payments leaving a preliminary unaudited balance of \$669,664.51.

**Approval of Consent Agenda** – Good/Rush unanimous to approve the town board meeting minutes of July 2, 2012 with the following correction: under "Approve/Disapprove Partial Payment to Helmin Construction for 136<sup>th</sup> & 120<sup>th</sup> Street Improvements – Atwood/Rush unanimous to approve partial payment to Helmin Construction for the 136<sup>th</sup> and 120<sup>th</sup> Street improvements 'IN THE AMOUNT OF \$57,442.42'.

**Open Forum for Citizens** – Scott Hausam, East Elk Lake Road, had a question regarding an easement on the south end of his property. He and his neighbors don't know who is responsible for trees along the easement. Swanson stated that generally, along an easement, everything would be on the property owner's behalf. Jon Bogart stated that it depends who the fee owner is for the particular property. Mr. Hausam stated that the easement serves 14 cabins. He purchased the property 18 years ago and never has seen his deed. Swanson stated that the township assumes it is a private road and the township is hands off. Mr. Hausam stated that the road used to be 33 feet wide but the road was moved 35 years ago and now it is only 16-1/2 feet wide. There are dead oaks along the easement. Swanson stated that the trees would be Mr. Hausam's responsibility with Jon Bogart agreeing. Mr. Hausam questioned if the easement could be removed. Swanson replied that the cabins would then be landlocked. The easement has always been maintained by the people who use the easement. Mr. Hausam stated that one of the cabins has been sold twice and now there is an issue with the easement. Swanson stated that it may be a civil matter and suggested that Mr. Hausam talk to his neighbors to get help in cutting the tree down. If Mr. Hausam is having trouble in obtaining information from the county the township can help.

Elaine Philippi, 127<sup>th</sup> Street, questioned how the other chairs can come back to the town hall. Swanson stated that they are still at the fire department. Good stated that the fire department needs the chairs. Rush stated he will talk to the department.

**CONDITIONAL AND INTERIM USE PERMITS:** None.

**PLATS:** None.

**VARIANCES:** None.

**OLD BUSINESS:**

**County Planning & Zoning Report** – Bryan Lawrence reported that there were three items on the agenda but nothing for Baldwin Township. Jon Sevald is re-evaluating the planning and zoning ordinance. It is in the preliminary stages right now but will be brought to the township when the county is ready. They are changing conditional use permits to interim use permits and there has been discussion on in-law homes in conjunction with an existing home.

**Reschedule Workshop** – Rush stated that under New Business is the result of the office staff metric and township/maintenance hours. All of this can be discussed at the workshop. The workshop will include discussion on subordinate service districts. The board scheduled the workshop for July 24, 2012 at 7:00 p.m. The clerk was instructed to invite Bridget Chard.

**Rain Garden, Elk Lake** – Jon Bogart reported that there was a preconstruction conference last Friday. The Shoreland Alteration Permit that was completed last year

will be honored along with the fee paid last year. West Branch Construction has an idea to save money on the project by using regular concrete instead of a cable concrete structure. It would still allow protection that would filter the material before it gets to the rain garden. If the board approves then he will eliminate that portion of the project. Good/Handshoe unanimous to approve Jon's modifications with a savings of \$7,800. Atwood questioned if the modification would affect the grant money from the county. Bogart replied that the county would still be paying 75%. During the preconstruction conference Bill Bronder, SCSW, was there and Bogart did not get a no from him but he will check for sure. Good modifies her motion contingent on Bill Bronder's approval. Handshoe accepts the modified motion. Motion carried.

Bogart stated that the county has concerns regarding the trees. The county would like the township to plant 6 trees as 2 will be coming down. Bogart asked the county to allow the township to plant the trees by October 31 so they will be dormant. The county was fine with that. The town board agreed.

**Birch Acres Update, 284<sup>th</sup> Avenue** – Good gave an update stating that this road is 20 feet wide and she is still looking to find more information on whether the township maintains.

**Road Tour Results** – Good stated that the road tour occurred on June 11, 2012 and several roads were identified as in poor condition. The road tour included Supervisors Handshoe and Good along with maintenance employee Terry Carlile. 100<sup>th</sup> Street was identified as the worst road from County Road 28 to 297<sup>th</sup> Avenue. 120<sup>th</sup> Street was identified as the second worst road along with 122<sup>nd</sup> Street cul-de-sac in the Highlands, which is breaking up. There are a lot of areas where trees are hanging over the road. Lake Diann needs gravel. 138<sup>th</sup> Street by Elk Lake needs tree removal and trimming along with other areas that need tree trimming. Good suggests writing letters to residents who have trees that are hanging over the road and also consider putting in \$20,000 a year in the budget for trimming. Handshoe suggests adding something in the newsletter as well. A workshop was scheduled for August 13, 2012 at 7:00 p.m. to discuss roads and road projects for 2013.

#### **TABLED ITEMS:**

**Approve/Disapprove Partial Payment to Helmin Construction for Sandy Lake Road Improvements** – Good/Rush unanimous to approve partial payment to Helmin Construction for Sandy Lake road improvements in the amount of \$54,468.82.

**Discuss/Approve/Disapprove 112<sup>th</sup> Street Project** – Swanson stated that representatives from Livonia Township were in the audience, Supervisor Doug Manthei and Supervisor Dave Hewitt. Good stated that she has had discussions with them and they may be willing to do the major portion of 112<sup>th</sup> Street in 2014. Supervisor Manthei stated that if Livonia has a commitment from Baldwin both can save quite a bit of money. Swanson stated that Baldwin has already paid \$6,320 in engineering and an additional \$8,000-\$12,000 would be earmarked for engineering. He would like to run

this project with Livonia as it would result in a 20% savings for each township. Good questioned how constructive it would be to do all the preliminary engineering in 2012 when the project is in 2014. Bogart replied he would prefer it that way and Livonia is at the same stage as Baldwin. Swanson stated that Livonia was actually looking at construction in 2013 and the 2<sup>nd</sup> lift in 2014. He would like to commit to the project as we can only bank on the 2013 levy. Good stated that this project would be the only one the township could do and she feels 112<sup>th</sup> Street is not our worst road. Swanson stated that the township would pay for some engineering in the 2012 season and the bulk of the project would be in 2013 with the 2<sup>nd</sup> lift in 2014. The township has already spent money on preliminary engineering in 2011 and, if we work with the neighboring township, we could save a lot of money. Handshoe stated he would prefer to see 100<sup>th</sup> Street worked on. The estimate for 100<sup>th</sup> Street work is \$350,000. Good proposes to commit to Livonia Township in 2013 or 2014 and that the Baldwin board make the decision at our workshop. Atwood stated that this is an opportunity we may not get again and we already have some money invested. Swanson/Atwood motion to approve moving with Jon Bogart this season to get ready for the 2013 summer construction. Upon voice vote, the motion carried with Handshoe and Good opposed.

**Discuss/Approve/Disapprove Amended Ordinance 301, Addressing Exceptions Within Our Ordinance 300. To Establish Emergency Address Identification –** Swanson/Rush unanimous to table until the August 21, 2012 regular meeting.

**Approve/Disapprove Revised Developer's Agreement –** Rush/Good unanimous to approve Jon Bogart's draft of the Developer's Agreement.

**Approve/Disapprove Letter and Road Agreement to City of Princeton –** Rush/Good unanimous to table until the August 21, 2012 regular meeting.

**Approve/Disapprove Materials for Young Park Boardwalks –** Dave Patten was present with an estimation of materials for the boardwalks. He went with the original plan from Dean Kleinhans which includes three main boardwalks instead of five. Patten's total (for five boardwalks) totaled \$27,585.04. He was told that Marv's True Value will match Menard's prices. At the end of the bid Marv's was 30% lower. There are 96 sections. Poles are not part of the plan and the plan view actually shows 4 x 4's. Rush motioned to approve up to \$26,000 with Dave Patten getting numbers from Marv's True Value. Motion died for lack of a second. Swanson/Good unanimous to approve the final numbers at the August 6, 2012 regular meeting.

**Approve/Disapprove Change to June 4, 2012 Approved Meeting Minutes –** Good/Handshoe unanimous to change the June 4, 2012 approved meeting minutes to reflect the following: under "Approve/Disapprove Partial Payment to Astech Corporation for Cracksealing – Handshoe/Good unanimous to approve a partial payment to Astech Corporation for \$30,106.45.

**NEW BUSINESS:**

**Result of Office Staff Metric** – The result of the office staff metric will be recapped at the July 24<sup>th</sup> workshop.

**Approve/Disapprove Town Hall Hours** – Rush/Good unanimous to table until August 6, 2012.

**Discuss/Approve/Disapprove Complaint Policy** – Taken off the agenda.

**Discuss/Approve/Disapprove Attorney Draft Letter for Indemnification of Headwalls** – Swanson stated that he feels that the township would be opening up a can of worms with such a letter and the dollars are not in the budget to pursue. Good stated with what was learned at the legal seminar she feels we are closing a can of worms with this letter. Rush stated that there were headwalls that were originally missed and the township spent about \$3,500 with meetings, postage, etc. Good stated that she feels the issue has not been put to rest. Swanson replied that the township has done our due diligence. Atwood stated that he learned from the seminar that it is more of the bigger problems that should be addressed and would support going after the bigger problems. Rush stated that he could see letters going out with headwalls that would interfere with our snowplowing with Swanson agreeing. Swanson/Good unanimous to approve and to check with Couri & Ruppe to see if they have a form letter that could be used.

**Road Tour Results** – See above.

**Approve/Disapprove Completion of City of Princeton Park Board Survey** – Good/Handshoe unanimous to have Supervisor Rush complete the survey.

**Approve/Disapprove Newsletter** – Swanson would like to have the essay contest winner to the newsletter along with the essay. Bryan Lawrence, Jess Hall and Jay Swanson met to critique the essays the winner is Tyler Rohweder, 2<sup>nd</sup> place: Bailey Stottrup, and 3<sup>rd</sup> place: Dakota Knox. In the newsletter also add congratulations to the second and third place winners along with thanking Bryan Lawrence and Jess Hall. The clerk was instructed to add all six essays received on the township website.

Also added to the newsletter will be a thank you to Sherburne County Soil & Water, specifically Bill Bronder, under the rain garden portion of the newsletter. Also thanking Gina Hugo and Jesse Ewert. Supervisor Good will obtain a complete thank you list for the rain garden. Rush/Good unanimous to approve all changes with a friendly amendment made by Good to include the complete thank you list for the rain garden,

**Approve/Disapprove Establishing Maintenance Hours** – Handshoe stated that, at this point, he is supervising the maintenance department. He would like to see core maintenance hours from 7:00 a.m.-3:00 p.m. or 7:30 p.m.-3:30 p.m. The employees will still be on call. The clerk will change the employee handbook to reflect the change and bring it back for final town board approval. Good/Rush unanimous to approve the core hours for the maintenance department employees.

**Firefighter Resignation** – Firefighter Travis Roehl submitted his resignation July 11, 2012. Handshoe/Swanson unanimous to approve Travis Roehl's resignation.

**Goose Lake Property** – Rush stated that Nancy Riddle is asking for a written request from the township for the land. Good/Handshoe unanimous to write a letter to the county requesting that the land be given to Baldwin Township.

**Discuss Engine 3** – Rush stated that the pump is not functioning. Swanson stated that it is actually Engine 1, not Engine 3. The first estimate received was \$7,000-\$10,000 but they will get another estimate. It is not bad enough to take it out of service at this time.

**Baldwin Planning Commission** – Atwood reviewed the following memorandum from Bridget Chard:

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*MEMORANDUM*

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*TO: BALDWIN TOWNSHIP BOARD OF SUPERVISORS*

*FROM: BALDWIN TOWNSHIP PLANNING COMMISSION - PLANNER*

*SUBJECT: COMMUNICATIONS – CLARIFICATIONS / NOTES*

*DATE: 7/23/2012*

*CC: DEPUTY CLERK / CHERYL DOBSON*

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*Mr. Chairman and Board Members,*  
*The Planning Commission met on the 12<sup>th</sup> of July for their regular Planning Commission meeting.*

*Below are a number of items, some of which need clarification from the Board.*

- 1. New Chair for the Planning Commission: Ms. Peggy Patton  
 Vice Chair for the Planning Commission: Mr. Scott Case*
- 2. Clarification – Has the Township set up a budget for the Planning Commission? If not, then does the Township wish to have the Planning Commission submit a proposed budget for consideration for year 2013?*
- 3. Freheit Addition – On a motion and second, the Planning Commission deferred back to the Town Board on this matter. Some of the reasons are as follows:*
  - a. Incomplete information on the whole picture, therefore the request is premature*
  - b. Township's Ordinance No. 100, Section 1.08 Approaches and Headwalls, no. 1(a)5 & 6 states that there should be only one driveway per roadway permitted for each residential lot and that there be a minimum spacing of 150 feet between approaches connecting to a collector roadway. Since this may be converted to a commercial property in the future, there is not enough information to address this request at this point.*

- c. *There is no pending application for rezoning at this time from the applicant at Sherburne County.*
  - d. *It is not known where the road approach will access the Township's transportation system specifically or if it will have an effect on safety and sight issues where it is located.*
  - e. *Concerns that should applicant be in front of Planning Commission in future for this work and that it would show premature bias on the Commissions part without fair and impartiality.*
4. *Ordinance Creating the Planning Commission No. 200– there are a number of concerns with this Ordinance. The Planning Commission has been struggling with the language regarding seven “ 7 voting members” . At the June meeting, the P.C. worked on the Bylaws which govern the Planning Commission. At that time, they requested clarification on the language regarding who is allowed to become a Planning Commissioner. The reply was a “landowner who is a resident”. A voting member would have to be a resident of the Township; however, they may or may not be a landowner. This still creates a problem with understanding who may or may not be a Planning Commissioner.*

*I have attached a draft Ordinance for your consideration. It is more specific and may meet your needs. If that is the case, you only need to pass it and publish it once to go into effect. You do not need to repeal the prior Ordinance. Please let the Planning Commission know of your final decision. Please let the Planning Commission know of your final decision.*

*It appears that the Planning Commission may be missing some added Ordinances and relevant resolutions. We will strive to obtain these in the near future in order to understand the Township's present status with relation to their rules and regulations.*

Swanson stated that, with Bridget Chard's help, the Planning Commission should propose a budget to the town board.

Good/Handshoe unanimous to have the clerk change to resident property owner of voting age and bring it back to the August meeting.

**Princeton Planning Commission** – Atwood stated that the meeting consisted of discussing a chicken ordinance.

**Approve/Disapprove Rain Garden Sign at the Park** – Good stated that our regular sign provider cannot make the image clear enough. Gina Hugo, SCSW, has a sign maker that can make an 18x12 sign for \$33.00. Good/Rush unanimous to spend \$33.00.

**Resolution 12-11** - Swanson read the following resolution:

**BALDWIN TOWNSHIP  
SHERBURNE COUNTY  
RESOLUTION NO. 12-11**

**A RESOLUTION CONTROLLING ACCESS TO BALDWIN TOWNSHIP'S INFORMATION, SUPERVISORS AND STAFF FROM ONE CHARLES W. NAGLE**

*Whereas*, Baldwin township does not desire to limit or stop the public's access to information.

*Whereas*, Baldwin Township has established and supports Couri & Ruppe, P.L.L.P.'s letter to Mr. Nagle dated September 21, 2011 describing the procedures for Mr. Nagle's contact with Baldwin Township's Government office, supervisors and staff.

*Whereas*, Mr. Nagle has violated these procedures by emailing Board Supervisors.

*Whereas*, Mr. Nagle has deviated from this procedure by arriving an hour prior to a meeting.

*Whereas*, Mr. Nagle's early arrival to meetings creates a hostile working environment for Baldwin Township's clerk.

*Whereas*, It is mandatory that Baldwin Township's clerk sets up prior to and attends all meetings.

*Whereas*, Mr. Nagle uses his pre-meeting presence to disassemble, scan and re-collate the provided information packet.

*Whereas*, it would take a complete and lengthy inspection by the clerk to assure all information in the reassembled packet remains and is in order.

*Whereas*, there is limited time to do an inspection of the packet prior to meetings and after it has been disassembled by Mr. Nagle.

*Whereas*, Mr. Nagle has created a website that he uses for reporting information about Baldwin Township meetings.

*Whereas*, the informational packets, agendas and minutes are not official until officially approved by the Baldwin Town Board.

*Whereas*, Mr. Nagle's website reports have alleged that the Baldwin Town Board met at a Planning Commission meeting without first posting such meeting as required by the Minnesota Open Meeting Law.

*Whereas*, contrary to Mr. Nagle's assertions, a notice of the Planning Commission meeting in question stating that a quorum of the Township Board may be present for the meeting was posted in conformance with the Open Meeting Law.

*Whereas*, Mr. Nagle has put a picture of the town clerk's car on his website and has urged the public to attempt to conduct business at the town hall whenever the clerk's car is present, regardless of whether the town hall is open for business at such time.

*Whereas*, Mr. Nagle has been dismissed from the fire department.

*Whereas*, Mr. Nagle lodged a complaint against Baldwin Township with the Minnesota Department of Human Rights alleging Baldwin discriminated against him based on his age and a disability when it dismissed him from the Fire Department.

*Whereas*, Baldwin Township's appointed attorney in the discrimination litigation has advised the Township not to have contact with Mr. Nagle unless it is through her or her office.

*Whereas*, this requirement includes Town supervisors and staff.

*Whereas*, on May 9<sup>th</sup> 2012 Mr. Nagle confronted the Town Board Chair in a conversation that included the pounding of his fists on a car, using the "f" word, calling

the members of the Northeast Sherburne Fire and Rescue Department "thugs" and referring to the Department as "that scumbag fire department."

**Whereas**, during this discussion Mr. Nagle stated he was "going to take this to the next level" and, when asked to elaborate on "this" and "the next level", Mr. Nagle refused.

**Whereas**, there seems to be a willingness on Mr. Nagle's part to escalate tensions with physical outbursts and profanity.

**Whereas**, Baldwin Township is not subject to the Minnesota Data Practices Act.

**Whereas**, there is generally ample seating provided at each meeting.

**Whereas**, Mr. Nagle's use of a document scanning device in the Town hall has resulted in electrical power cords being strung through walk ways, which in turn cause a safety hazard.

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

1. *Chuck Nagle may not enter the town hall earlier than 15 minutes prior to any public meeting.*
2. *Mr. Nagle must leave the public meetings within 10 minutes of their adjournment.*
3. *Mr. Nagle may no longer scan the information packet or materials at meetings, nor may he string electrical cords through the Town Hall to power his equipment.*
4. *Mr. Nagle may view the public copy of the Town Board or Planning Commission meeting packet at the meeting.*
5. *Mr. Nagle will be subject to the current per sheet reproduction costs as stated in Baldwin Township's administrative policy should he desire copies of the meeting packets.*
6. *Mr. Nagle can no longer attend Fire Department - Relief Association meetings. Mr. Nagle can submit a written request for the Relief Association meeting minutes per the procedures set out in Couri & Ruppe, P.L.L.P. letter dated September 21, 2011.*
7. *No documentary information will be released to Mr. Nagle until it has become official by being approved by the Town Board.*
8. *Mr. Nagle may not bring his own chair into the town hall.*

Dated: \_\_\_\_\_, 2012

\_\_\_\_\_  
Jay Swanson, Town Board Chairman  
Baldwin Township

ATTEST:

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Cathy Stevens, Clerk/Treasurer  
Baldwin Township

Good/Handshoe unanimous to approve Resolution No. 12-11, A Resolution Controlling Access to Baldwin Township's Information, Supervisors and Staff From One Charles W. Nagle.

**Announcements:**

- \* Quarterly Meeting of the Sherburne County Association of Townships, Wednesday, July 18, 7:00

\* Town Hall Closed Wednesday, July 18, 2012 for clerk election training.

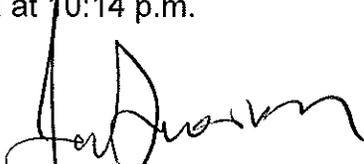
**Any Other Business:** None.

**Motion to Approve Bills for Payment** – A motion was made by Kimberly Good and seconded by Tom Rush to approve check number 16616 – 16677 and 6 EFT Payments totaling \$80,763.09. Upon voice vote, the motion carried.

**Adjourn** – Good/Atwood unanimous to adjourn at 10:14 p.m.



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



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

Attendees: Doug Manthei, Scott Hausam, Lester Kriesel, Elaine Byker, Dave Hewitt, Shelly Larson, Tech Huntington, Bryan Lawrence, Elaine Philippi, Chuck Nagle, Jon Bogart