

## BALDWIN TOWNSHIP REGULAR MEETING

December 3, 2018

**Present** - Supervisors Jay Swanson, Bryan Lawrence, Tom Rush and Larry Handshoe.

**Call to Order** – The December 3, 2018 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 'Update on Meeting and Election Results' to Fire Department Report
- Add 'Approve/Disapprove Quote for Hanson Tree Service for Goose Lake Park' to New Business
- Add 'Update 305<sup>th</sup> Street Culver' to Road Report
- Add 'Going out for Bogart Pederson Maintenance Quotes' to New Business

### **Approval of Regular Meeting Agenda With/Without Additions/Corrections -**

Rush/Lawrence unanimous to approve the regular meeting agenda as amended.

**December 2018 Preliminary Treasurer's Report** - Receipts of \$0.00 and disbursements of \$15,839.91, check numbers 22557 through 22585 and 0 EFT payments leaving an unaudited balance of \$1,227,418.10.

**Sheriff's Report** – Officer Wilson reported there were 165 calls for service in the month of November 2018. He was informed that animal control is still operating on a case by case basis. Rush said that he would call Northwoods Veterinary Clinic to see if they would be interested in providing animal control services.

**Fire Department Report** – The results of the fire department election results held on December 2, 2018 are Scott Case, Chief; Robin Fischer, Assistant Chief; Joe Kiel, Captain 3; and Chad Miller, Captain 4. There were 24 eligible firefighters voting.

Tom Rush reported that the Fire Relief Association wants to change their call percentage from 33½ to 30%. This will be added to the December 17, 2018 regular meeting of Baldwin Township agenda for approval or disapproval. The Clerk will check on state mandated call percentages.

Also reported:

- The fire department is considering having a raffle. No details available.
- The department is also going to have a holiday dinner in January.
- It's been five to six years since the handbook has been revamped.
- The purchase of water rescue suits will be added to the 2019 budget. Four of them will be purchased at \$2,000 apiece.
- New computers are needed. They were told to talk to the clerk.

- A committee will be formed for Building and Grounds. The shrubs are overgrown and the department would like to have the trees cut down.
- The department is very interested in building a new fire station on the 5-acre lot that is owned by the township on Highway 169 since the location would have a closer access to calls.
- The equipment auction generated almost \$14,000.

**Road Report:**

**Road Right-of-Way Issues** – Howard Root, Tonka Bay, was present. He stated that this should have been a non-issue but he was bothered with how things were dealt with. He summarized that this property was owned by his in-laws for 4 generations. He has improved the shoreland erosion on Elk Lake as well as getting rid of buckthorn and improved the tax base. He hired Howard Homes to do the construction with the building permit pulled through Sherburne County. The pool part of it required a variance which was approved. At the end of the process was to put up a mailbox. The landscape designer talks to the township and was told that the township does not regulate mailboxes. The post office gave their directions. He was given 12 days to remove the structure. A nasty email from the city was received that the structure was to be torn down that afternoon. The landscape designer was there by 10:00 a.m. and it was taken down. He received an email from Jay (Swanson) at 2:00 p.m. stating that it was an illegal structure. It was already removed. He doesn't know why there was such hostility. He is asking for an apology by the Town Board. The verbal advice was wrong. This can create legal issues for the town and county. The state statute does not apply here with it being labeled an illegal act. The road has a 35 mph speed limit. There are a lot of other mailboxes that are the same up and down Elk Lake Road. If the town is going to apply this to him then apply it to the others. There is riprap on Elk Lake that doesn't comply with county ordinances.

Swanson stated that he is asking for an apology for incorrect verbal advice. We take public safety very seriously. That is why we sent you that email. He is not sure who your landscape designer talked to. There is no way to prove if anyone did anything wrong. The structure to that scale will not be seen anywhere else in this township. Eight years ago we did a headwall exercise. You want an apology. Swanson knows he has been wrung through the wringer with the county. The riprap would not be the town. The pool was not the town. We agreed with the pool and setbacks and recommended that you would be allowed to do that. We have been on your side. Our ordinance reads that it would be guilty of a misdemeanor. Our ordinance is also filed with Sherburne County law library. In Swanson's email to Root he was not told until this point that Mr. Burton (landscape designer) was acting as your agent. It is a public safety issue, and if left standing, Root would be taking on the onus if someone got hurt. Mr. Burton apparently had it removed that day. We all have full time jobs. When he got the message he took the time to reply. We consider this issue completely resolved. Swanson is not giving an apology on behalf of the town. We do have break away mailboxes and posts. The mailbox next to your structure was an acceptable mailbox. When we reconstruct roads standard mailboxes are installed. Breakaway mailboxes allow the plow to go under it and, if the plow hits it, it won't hurt the plow nor damage peoples mailboxes. If you had come in with a drawing of the mailbox we would have certainly told you no. We have a legal team that put our ordinance together. It was the decision of the Town Board to apply the mailbox ordinance. Swanson

has not looked at all of the mailboxes that are clustered with blocks around them. In his opinion there is no comparison to what Root had installed. We do not have endless funds to go after all of these things and we were told by our legal experts that since the township had alerted the people that they have taken the onus. Rush stated that there is a state statute which states 33 feet from the center of the road cannot have obstructions. Eight years ago people put magnificent structures around culverts and had to take them down. Lawrence stated that the unfortunate thing is that most people find out after the fact. The other factor is that in the interim we did not have a board meeting. During the first meeting we gave a directive and put the timeline in effect. Swanson does speak as Chairman on behalf of the board. Lawrence realizes that Root came in and is trying to improve the lake and keeping the property in the family. It is unfortunate circumstances but he does agree with what Swanson says.

Mr. Root stated that this is the smallest issue you will deal with. Call up the city. Big problem here. The state law applies when speed limits are 40 mph or more. The problem is how you communicated with him. Four hours after the structure was down then he receives an email. Matt (landscape designer) called and did not get any information. That email was incredibly offensive. Zac (Good) knew that Matt was his landscape guy. Zac had our email addresses. Training rather than escalating when you start making allegations. This is how you apply ordinances. If we have to live by the rules then they have to live by the rules. Which ordinance violation structures are you going to say are okay and which ones are illegal?

**Update on 305<sup>th</sup> Street Culvert** – Swanson stated he talked with Nick Anderson, Bogart, Pederson, and there are DNR issues (fish). Nothing can be done until the end of June 2019. The DNR came up with a smaller culvert in order to increase velocity. Costs will be coming soon. There are 2 culverts in there now. The corrugated steel culvert is coming apart and the other is concrete.

**Road Report (continued)** – Handshoe reported that a truck (truck #1) broke down on Saturday during plowing. Good stated that the alternator went out and it is being repaired. Having this breakdown highlighted how crucial communications in our trucks is. He would like to ask for discussion on quotes for radios in our trucks. Discussion on using CB radios. Good was instructed to obtain quotes on CB radios for the trucks and bring it back to the Town Board.

Good handed out a schedule of where he has been putting his hours. He was hoping this would give a picture of where the maintenance department spends its time. He also asked if the Town Board would put the funds from the sale of the truck back into the road and bridge fund as the truck was originally given to the fire department from the maintenance department. Rush stated that the Town Board will decide where the money goes.

**Approval of Consent Agenda** – Rush/Handshoe unanimous to approve the Town Board meeting minutes of November 13, 2018; November 19, 2018 and November 26, 2018.

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

**PLATS:** None.

**VARIANCES:** None.

**OLD BUSINESS:**

**Park Committee Report** – The next meeting will be February 21, 2019.

**TCI Baldwin Volunteer Corps Update** – The next meeting will be January 28, 2019.

**Planning Commission Report** – Bryan Lawrence, liaison to the Planning Commission, said that the commission members were very pleased to see every Town Board member present at the special meeting that was held on November 28, 2018.

**Approve/Disapprove Appointment of Clarence Mattson to a 3-Year Term -**  
Handshoe/Rush unanimous to approve Clarence Mattson to a 3-year term to the Baldwin Planning Commission.

**Reschedule Joint Meeting with Park Committee/Planning Commission (was January 16, same night as SCAT meeting)** – The Joint Meeting with the Park Committee and Planning Commission is rescheduled to February 27, 2019.

**TABLED ITEMS:** None.

**NEW BUSINESS:**

**Discuss/Approve/Disapprove Going Out for Bids for Frontier Trails SSD -**  
Swanson said he instructed Jon Bogart to put together a quality proposal to include management and maintenance for the Frontier Trails SSD. There is a 2 fold thing going on here: we are seeing the current company using the township as a cash cow with saying that pump controllers and filters are broken. We had asked in the very beginning to have the complete system redone. We can only control by having extra pumps, etc. in house. Part of going out for quote is to have the maintenance contract. If they discover anything that needs to be fixed then we are talking about a repair contract. We would have the equipment and then the only charge would be a service call. The maintenance and repair could be two different companies.

**Discuss/Approve/Disapprove Involving Bridget Chard with Frontier Trails SSD -**  
It's indisputable that Chard knows the system, but it was decided to leave this issue open to discussion. A motion was made by Handshoe; seconded by Swanson to disapprove involving Bridget Chard with the Frontier Trails SSD. With a voice vote taken Swanson, Handshoe and Rush were in favor; Lawrence was opposed. Motion carried.

**Approve/Disapprove Ballot Questions for March Township Election** – There was discussion regarding adding an Option C: Township Administrator to the March Township Election Ballot. Discussion also was whether the township should contract basis with somebody. It is believed that Bridget Chard is putting together a proposal. Lawrence/Rush unanimous to disapprove ballot questions for the March township election.

**Approve/Disapprove Town Board Continuing to Review IUP's** – A motion was made by Supervisor Lawrence to approve continuing a yearly review of the Interim Use Permits by the town board. Lawrence withdraws the motion. Handshoe/Rush unanimous to disapprove continuing to review the Interim Use Permits since they are no longer coming in.

**Review Monthly Building Permits** – The monthly building permits were not available.

**Approve/Disapprove Quote for Hanson Tree Service for Goose Lake Park** - Rush/Handshoe unanimous to approve the quote of \$2,400 for Hanson Tree Service to cut, remove and haul away nine (9) trees from Goose Lake Park.

**Going out for Bogart Pederson Maintenance Quotes** – See above.

**Announcements:**

- Budget Meeting, Monday, December 10<sup>th</sup>, 7:00 p.m.

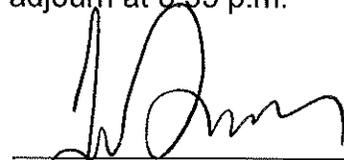
**Any Other Business:** Swanson said that he would like to see a computer system with a main server. The clerk has authorization to contact a computer specialist and get quotes to present at the January 2019 regular meeting of Baldwin Township.

**Motion to Approve Bills for Payment** – Rush/Handshoe unanimous to approve for payment check numbers 22557 through 22585 totaling \$22,944.89.

**Adjournment** – Lawrence/Rush unanimous to adjourn at 8:35 p.m.



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



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

12-17-2018  
Date

Attendees: Lester Kriesel, Howard Root, Zac Good