

BALDWIN TOWNSHIP REGULAR MEETING

December 5, 2016

Present – Supervisors Brad Schumacher, Tom Rush, Jeff Holm, Jay Swanson and Larry Handshoe.

Call to Order – The December 5, 2016 regular meeting of Baldwin Township was called to order by Chairman Brad Schumacher at 7:00 p.m.

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

Additions/Corrections to Agenda

- Add “Certify Fire Department Election Results” to Fire Department Report
- Add “Discuss Fencing Other Options at Young Park” to Park Committee Report
- Remove “Approve/Disapprove 2016-2017 Winter Hours” from Tabled Items

Approval of Regular Meeting Agenda With/Without Additions/Corrections

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

Treasurer’s Report:

November 2016 Final Treasurer’s Report – Receipts of \$13,342.57 and disbursements of \$80,396.99, check numbers 20589 through 20679 and 7 EFT payments leaving an unaudited balance of \$645,523.05.

December 2016 Preliminary Treasurer’s Report – The clerk reported receipts of \$0 and disbursements of \$40,728.57, check numbers 20680 through 20719 and 0 EFT payments leaving an unaudited balance of \$628,919.34.

Fire Department Report – Assistant Chief Joe Kiel reported 16 calls for November.

Update on Water Tender – Kiel reported that the tender is in service and wanted to thank Swantec, Inc.

Status of Equipment Committee – Kiel reported that the committee will be meeting one more time with recommendations given to the town board at a later date.

Approve/Disapprove Resolution 16-19; Resolution Accepting Donations –

Handshoe/Swanson unanimous to approve Resolution 16-19; Resolution Accepting Donations. This is a \$3,000 donation from BioMatrix, Inc. for personal protective equipment-gloves and hoods.

Certify Fire Department Election Results – Handshoe/Holm unanimous to approve the fire department election results:

Fire Chief:

Scott Case – 13 votes

Joe Kiel – 12 votes

Assistant Fire Chief:
Robin Fischer – 14 votes
Joe Kiel – 11 votes

Captain 3:
Joe Kiel – 17 votes
Mike Rademacher – 5 votes
Phil Holland – 3 votes

Captain 4:
Mike Rademacher – 16 votes
Phil Holland – 6 votes
Travis Carlson – 3 votes

Kiel reported that ice training will begin next week. Rush stated that he wanted to be on the record thanking Chief Rademacher for 7 years as Fire Chief and Joe Kiel for being Assistant Chief.

Sheriff's Report – Officer Wilson reported 190 calls for service in November. Their department is aware of people driving aggressively in the grass at Young Park. Rush asked what the Sheriff's Department would recommend for deterring theft. Officer Wilson recommended putting up a pole camera to get vehicles as they come in. The township can also put up a sign that states there is video surveillance. The department will continue to patrol.

Road Report:

George Hanson, 302nd Avenue, stated that the road is omega shape and when they plow it they go 10-12 feet into his yard. He has to rake it every year. He put up cheap fence posts up spaced 6-10 feet apart. He had talked to Terry (Carlile) 3 years ago and Terry said it was a good idea. Schumacher stated that the pictures he has shown steel rod stakes. Ultimately the road right-of-way is for us to put snow in. When we plow out early in the Fall it always peels out. Schumacher suggested not putting in steel rods for the liability factor. Mr. Hanson stated that he is not taking responsibility for the township putting in an address sign. Schumacher stated that if the township plows hits the rods we will not replace them. Mr. Hanson stated that he has told the snowplow operator to move over a little bit. Mr. Hanson asked about when the township would be working on 100th Street as he talked to the board back in 2012. Schumacher responded that the township is working on 136th Street. Holm stated that 100th Street is on the radar as one of the top 3 roads that need work.

Road report: Terry Carlile reported that they had 2 plow sessions.

Approval of Consent Agenda: Swanson/Rush unanimous to approve:

- a. Approve Town Board Meeting Minutes of November 21 & November 28, 2016
- b. Approve Joe Kiel Claim Dated May 13 Through November 22, 2016
- c. Approve Gene Ludwig Claim Dated June 7, 2016

- d. Approve Resolution 16-20; Resolution Accepting Donations
- e. Approve Household Hazardous Waste Collection Event, Monday, May 15, 2017, 11:00 a.m.-1:00 p.m.

CONDITIONAL & INTERIM USE PERMITS:

Yearly Review of an Interim Use Permit for a Retreat Facility – Debra Sorenson was present and reported that this was her 8th year. Most are repeat customer. The clerk has received no complaints. Handshoe/Swanson unanimous to approve for another year.

Yearly Review of an Interim Use Permit for a Home Business in an Accessory Building – Wayne & LaShalle Thompson were not present but had sent an email stating “We have no additional changes to report to our IUP at this time”. The clerk has received no complaints. Handshoe/Holm unanimous to approve for another year.

PLATS: None.

VARIANCES: None.

OLD BUSINESS:

Park Committee Report – Rush reported that the area around the backstop was completed. We are looking for used bleachers. Carlile put the additional park benches on the side. Swanson will be working on the backstop and we need a few more pallets of sod. We had some snowmobilers around the brown building and other areas. WE have installed a snow fence. We are still waiting for one bracket. Schumacher stated that he does have a delivery date for that.

Schumacher reported that the title work came back for Goose Lake and we can't extend the easement.

Discuss Fencing at Young Park – Rush reported that Carlile put up fencing as we have had trucks ripping up around the rain garden. We have had cars left over night. We have to have something that has teeth into it as we want them caught and turned over to law enforcement.

Recess Meeting – Swanson/Handshoe unanimous to recess the regular meeting at 7:30 p.m.

Open Public Hearing, Resolution 16-18; Resolution Electing to be More Stringent than Sherburne County on County Ordinance 180, Section 18.0 – Swanson/Holm unanimous to open the public hearing.

Bryan Lawrence, 293rd Avenue N.W. Mr. Lawrence stated that he has concerns that need to be heard. He feels this resolution is a knee jerk reaction to hit one individual. There are repercussions to that. If you do a setback to affect this one piece of property then it will affect all properties in the township. There are many items that are used in agriculture to build soil nutrient and all are farmed within 100 feet of the township road

right-of-way. There is a permitted application process. The MPCA is the permit givers. An ordinance is not needed at this time. There is a process already in place. He is asking the board not to approve this ordinance based on his testimony and MPCA being heard at a previous meeting.

Dick Marshall, 120th Street. Mr. Marshall stated that Mr. Lawrence has identified the problem pretty well. If we are concerned about effluent going into ditches and streams. There are 5 questions that need to be answered: 1. what product is being put in the ground; 2. How far does it go into the ground; 3. how long it takes to get into the ditch; 4. how long till it dissipates; and 5. how long till it gets into lakes. Unless we can answer all of those questions in the affirmative then he feels we are jumping to conclusions and passing something we do not need. Let's not get ahead of ourselves here and not make a one size fits all. We should do our homework and set aside for a later date.

Mark Nutt, 116th Street. Mr. Nutt stated that he is in the sewage hauling business. If the ordinance is passed those setbacks have a lot of effort put into them by the MPCA. To set a setback for 100 feet, in some cases, may be a good idea. If it is about protecting water then setbacks may need to be farther rather than 100 feet from a road ditch. Some road ditches aren't even wet. Some are just a trench with a wetland connected to a lake. A generic setback isn't the answer.

Close Public Hearing – Swanson/Rush unanimous to close the public hearing at 7:40 p.m.

Open Regular Meeting – Swanson/Rush unanimous to open the regular meeting at 7:40 p.m.

Approve/Disapprove Resolution 16-18; Resolution Electing to be More Stringent than Sherburne County on County Ordinance 180, Section 18.0 – Schumacher stated that this resolution does not change any ordinances. This was prompted by the county skipping the township. Duane Duncanson (MPCA) had a good point that we, as a township, are not responsible where the MPCA and permittee would be. We are still waiting to find out if we are MS4 required.

Holm/Rush motioned to disapprove Resolution 16-18. Holm stated that when this came up we never brought up implications on agricultural use. It was the proximity to the township ditch and county ditch. We have received testimony from 3 individuals. One from agriculture, one from waste treatment and one who presented a well thought out opinion on how to proceed with the facts. Holm is satisfied with the county and MPCA and their rules and how they apply and believes the township had good intentions.

Swanson stated that we are not talking about septage as that permit called out non-septage. We have an agreement with the county. We were told that it was applied for and then we heard it was approved. The revelation for him was to revisit the permit once a year. This was not manure, lime or fertilizer. This was effluent from the distillery in Princeton. This is a whole different ballgame. He hopes to be put in a place where we can make comment on this. We want to be a part of tailoring this permit to fit the needs of the township, residents and industry. Zimmerman and Princeton can't take it. The permit was

approved at 100 foot setbacks and aeriels showed otherwise. He is willing to disapprove this but a statement to the county is needed.

Schumacher stated he couldn't be happier with this resolution. The MPCA had no idea that they were writing permits that contradict each other.

Upon voice vote, the motion carried. The resolution is disapproved.

Discuss Fencing at Young Park (continued) – Carlile reported that the trail cameras at Menards were not in stock. Swanson suggested trying his camera to see if what he has would work. The town board agrees.

TCI Baldwin Volunteer Corps Update – No update.

Baldwin Planning Commission Update – Handshoe reported that a new member was sworn in and photos were taken for the newsletter. There will be no meeting in December.

Frontier Trails Update – Schumacher reported that all were in compliance except for one.

Approve/Disapprove Letter to Frontier Trails Homeowner, Shutting Off Septic for Non-Compliance, PID #01-506-0410 – Swanson/Rush unanimous to approve with amendments. The clerk will send via certified mail

Review Schlenner Wenner's 3 Year Audit Arrangement Letter – The town board reviewed the 3-year arrangement letter.

TABLED ITEMS:

Approve/Disapprove MS4 Application – Holm/Swanson unanimous to table until December 19, 2016.

Approve/Disapprove RB's Quote for Computer Services – Swanson/Handshoe unanimous to table until the 1st meeting in January.

NEW BUSINESS:

Discuss Installing Handicapped Door – Swanson stated that it should be installed in the main entrance and suggested talking to a contractor to do the whole job. Schumacher stated that East Side Glass can do everything except electrical. Handshoe questioned if there was some kind of code for a door like that. The board will make a list of all items and fill in the blanks for items that need to be done and budgeted for.

Approve/Disapprove Letter to Lori Swanson, MN Attorney General – Swanson questioned if we wanted to put in writing what our problems are as we need to have a list of what our grievances are. Schumacher stated that it starts a dialogue between us two and he is trying to save us money. The letter might not even get a response at all. Swanson stated that there are a few other statements that could be put in there to peak her interest. Rush suggested sending this to see if she responds and, if she doesn't,

Swanson can respond with a letter with more detail. Swanson/Rush unanimous to approve as written.

Approve/Disapprove Ballot Questions for March Township Election – Rush stated that the town board needs to do their due diligence in educating residents for a township administrator. Schumacher stated he would like to undue option D; combined Clerk/Treasurer position as it would diversify the work of the two people. Rush/Handshoe motioned to disapprove ballot questions. Schumacher stated that this should be brought to the attention of Paychex. Swanson stated that we have a good person doing duties of clerk/treasurer now. He does believe a township administrator would be a position would grow into and the township can even contract a part time person to do these things. He does not think we have to split option D at the same time as an administrator. Maybe we have someone here that wants to do the administrator position and then we can find a different clerk/treasurer.

Upon voice vote, the motion carried.

ANNOUNCEMENTS:

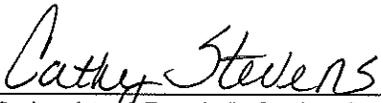
a. PACC Sports Gala, Thursday, December 8th, 6:30 p.m., ThunderBlades

ANY OTHER BUSINESS:

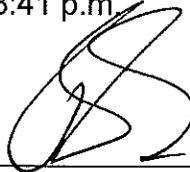
Rush brought up that the county has light and flag poles. He is thinking down the line for Goose Lake. Handshoe stated that he is fine with a flagpole. The flagpole is 65 feet. We would have to have it hired out to move. Schumacher stated that he is not opposed if we can get it here for free.

Motion to Approve Bills for Payment – Handshoe/Rush unanimous to approve check numbers 20680 – 20719 totaling \$40,728.57.

Adjourn – Handshoe/Rush unanimous to adjourn at 8:41 p.m.



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



Approved By: (s/) Brad Schumacher
Chairman, Board of Supervisors
Baldwin Township

12-19-16

Date

Attendees: Lester W. Kriesel, Terry Carlile, George Hanson, Joe Kiel, Shari Velazquez, Scotty Harder, Bryan Lawrence, Dick Marshall, Mark Nutt, Debra Sorenson