

## BALDWIN TOWNSHIP REGULAR MEETING

July 24, 2017

**Present** – Supervisors Brad Schumacher, Jay Swanson, Larry Handshoe, Tom Rush and Bryan Lawrence.

**Call to Order** – The July 24, 2017 Baldwin Township regular meeting 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 'Discuss Taking Possession of Fire Chassis' under Fire Department Report
- Add 'Discuss Reviewing Incidents for Billing for 6-Month Period' under Fire Department Report
- Add 'Update on 136<sup>th</sup> Street / Frontier Trails' under Road Report
- Add 'Discuss/Approve/Disapprove Grant Opportunities for Playground Equipment' to Park Committee Report
- Add 'Public Comment Request / Rosie Storie' to Road Report
- Add 'Public Comment Request / Jennie Brown-Peterson' to Road Report
- Move 'Marc Schneider, Sherburne County Planning & Zoning' to after Road Report

**Approval of Regular Meeting Agenda With/Without Additions/Corrections** - Rush/Handshoe unanimous to approve the regular meeting agenda as amended.

### **Treasurer's Report:**

**July 2017 Preliminary Treasurer's Report** – The clerk reported receipts of \$183,236.21 and disbursements of \$251,298.99, check numbers 21229 through 21344 and 8 EFT payments leaving an unaudited balance of \$919,347.52.

**Fire Department Report** – After taking possession of the cab and chassis on Friday, July 28, the Township will have 30 days to make payment on the invoice. Chief Case said he would schedule someone to be at the township to take possession.

**Discuss Reviewing Incidents for Billing for 6-Month Period** – Chief Case presented a review of incidents for billing for the 6-month period from 1/1/2017 to June 30, 2017:

- 128 Incidents
- 81 Medical – No Fee
- 13 Grass Fires – 2 with Fees
  - 1 – State Highway Median - \$250
  - 1 – 2 plus hours assisting DNR approximately \$1000
- 11 Motor Vehicle Collision / PI – 6 with Fees due to Extrication
  - \$2400 total; \$400 per Extrication
- 5 Mutual Aid Fires – No Fee

- 4 Structure Fires – 2 with Fees; \$1500 Total
- 3 Vehicle Fires - \$250 per Fire; \$750 Total
- 11 Other Types (Hazmat, Police Assist, Wire) – No Fee

Total approximate fees the department could bill for is approximately \$5,900; Approximate fees actually collected is \$1180. \$1770 based on similar fee schedule collection for other fire departments.

Chief Case said that the department usually collects only 20% to 30% of what is billed out not counting the chiefs nor the clerk's time for billing. Case will bring up a proposal with the least amount of billable time. We have a contract with the DNR and he will check with Zimmerman on how they handle the state highway. Swanson suggested he come up with a list and fee schedule for the board to review at the August 7<sup>th</sup> regular meeting.

The Fireman's Dance is August 26; it will be a fundraiser for the fire department with prizes and giveaways.

#### **Road Report:**

**Approve/Disapprove Resolution #17-08; Resolution Vacating Lake Lane –** Schumacher stated that he had contacted the township attorney and he had just gotten back to us today. The resolution has been updated to include easements for utilities. He had asked the attorney if the road was vacated if we could get back some easement for maintenance. Lawrence stated that we do not do the maintenance on the lake and it is usually a group of homeowners or the lake association. Schumacher stated that the last time the area was dredged Supervisor Handshoe inspected the road. The DNR was given a 60 day notification. Lawrence stated that we can vacate the road but we cannot keep an easement and we would lose access to the lake at that location. Schumacher stated he received a lot of calls today and every comment was in opposition. Handshoe stated he received a couple of calls today also and they were in opposition. Swanson stated he received one call today in opposition. Schumacher stated that the options are to go back and ask for the changes; disapprove it and move forward or table it to fix the resolution.

Swanson/Handshoe unanimous to disapprove Resolution #17-08; Resolution Vacating Lake Lane. Schumacher stated that there were many phone calls from concerned residents regarding the loss of the access and significant changes in their property values. Lawrence stated that we did hear a lot of testimony and it is not in the best interest of the township based on that testimony.

**Discuss/Approve/Disapprove Class 2 for 133-1/2 & 133<sup>rd</sup> Street –** Schumacher stated that he did contact Knife River and they have our product. Three loads would take care of the corners and washed out area. Last time we scrapped away sand and replaced with a Class 2 mixture.

Rosie Storie, 133-1/2 Street, was present and had completed a Public Comment Request Form which read, "I would like the board to address the reasons as to why 133<sup>rd</sup> & 133-1/2 Street continue to lack regular road maintenance. On July 12<sup>th</sup> the road was graded for 1/10 of a mile & then the crew left. Numerous calls & emails on my part resulted in nothing being done." Mrs. Storie questioned if the road would be maintained then as she just wants the road graded so it can be driven on. We shouldn't have to call. The last time that they graded it was only 1/10 of a mile. Supervisor Schumacher told her that the grader was given back to Livonia because of trees down. She called Livonia and that was not the case. Our road is never maintained even with winter snowplowing. A dump truck with a plow on it is sent in. After the problem is solved, will it be maintained?

Schumacher stated that this was the first time in 3 years that he had heard of a problem. He has a solution that is different than hers. He is asking the Town Board to put the Class 2 in the corners and take out the sand. Mrs. Storie read from an email that was sent by Schumacher that said that the road was graded.

Swanson stated that, as road supervisor, he has not heard of any of these problems. Livonia does grading for us and Princeton Township does the north end and, as far as he knows, there is a schedule where they do everything. Mrs. Storie stated that Livonia told her that there is no schedule. Swanson asked Mrs. Storie to call him and let him know. He had no idea. Rush stated that there are all different duties on the board. Swanson is 1<sup>st</sup> contact for roads and Schumacher is the 2<sup>nd</sup> contact.

Swanson/Rush unanimous to approve 3 loads of Class 2.

A resident asked if the township would be spraying for dust control with Schumacher responding that it will not be done this year. Discussion on tarring the roads. Discussion on the failing culvert.

**Update on 136<sup>th</sup> Street / Frontier Trails** – Township engineer, Jon Bogart, informed the board that 136<sup>th</sup> Street is getting underway and they will begin with the south end. During the precon meeting he had asked if the county was going to place the trail of 313<sup>th</sup> Avenue. Documentation was found when Rhonda (Lewis) said they would pay for the trail.

Frontier Trails: there was an issue with the clarifier tank, which was delivered by Wieser Concrete, when it sustained a hairline fracture during placement. The tank had been vacuumed tested at the plant. Epoxy was injected into the crack to seal it and then done again. The tank was placed on July 5<sup>th</sup>. Bogart found out about it when the MPCA called as they had heard from one of the neighbors. The crack was covered and, when inspected, there is about 5 feet of pressure from the groundwater which is what we expected. It appears to be water tight and meeting code. The question is he will be around until the end of the year and the tank will be around for 50 years. How does the board want to proceed? Rip the tank out? The manufacturer is willing to offer another 5 year warranty on the tank. Right now there is a 1 year warranty so the

manufacturer is willing to add 4 years. They have offered to come in and talk about it and what they are willing to do. Bogart stated that he fine with how the tank is now.

Swanson stated that he is concerned that we heard about this from the MPCA and not the contractor. We are expecting this tank to last 50 years and are the main piece of the system for 41 homes. Who will cover those costs when it goes? We are laying ourselves bare and wide open to a flaw in the system. It is way less expensive to fix it now and fix it right. One of the main components is knowingly broken and been repaired. Tell him to replace the tank. Bogart stated that he finds it hard to disagree. Technically the tank is fine. Lawrence asked what the chances were for the tank to have a hairline crack in one or two years. Bogart responded that it is fairly rare. Lawrence asked if the tank has been air tested since it was installed. Bogart replied that immediately after setting the tank and epoxy it passed the vacuum tests. Swanson stated that the board knows it is an anomaly. The MPCA allows a maximum of 2 repairs on a tank and we already have one.

Swanson/Handshoe unanimous to have them replace the tank. Schumacher stated that this is best for the community moving forward for 20-50 years and the board want this to last.

**Public Comment** – Jennie Brown–Peterson, 294<sup>th</sup> Avenue NW, was present. The subject she wanted to present to the Town Board is, “294<sup>th</sup> Ave. NW Baldwin Twp. needs gravel repair. My business does gravel repairs. I would like Baldwin to pay me to repair the gravel road.” Schumacher stated that he drove there and the hill on the corner has washed out. Ms. Brown-Peterson stated that she repaired it but had a big rain and it washed out again. The road has been graded once in the last 2 years. She started up a business to do gravel driveway repairs. She did the top of the hill when it washed out. She would like the township have her repair roads, driveways and make some money. Schumacher stated that we are sand and roads to wash out. We have changed some things such as where we buy gravel that has more clay in it. Ms. Brown-Peterson stated that she reclaims the gravel and does not replace it. She rolls it and packs it and reseals it back on the driveway. She has a custom built implement she had made. Lawrence stated that the township is not bidding on any work right now but she is welcome to bid when we have bid requests. Discussion regarding the spring/fall expo. Lawrence stated that there is a lot of people in the township that maintain township property and don't ask for money. It is very out of order to compensate to maintain the road. Ms. Brown-Peterson stated that she is only asking for an opportunity to bid. She provided the clerk with business cards and will send her fall expo information when it comes in.

**Miscellaneous Road Issues** – Swanson informed the board that the tractor has arrived and we are ditch mowing. Schumacher stated that Blue Hill Township contracted someone to do their mowing. Rush asked Terry Carlile (Maintenance) if he felt it was beneficial to keep the extra help. Carlile requested that the extra help remain until Zac Good comes in. Swanson would like to thank Mr. Rademacher for mowing on

Saturday. Schumacher stated that he was mowing on Sunday also. The board determined to keep Mr. Rademacher until Zac Good gets going.

**Approval of Consent Agenda** – Swanson/Handshoe unanimous to approve the Town Board Meeting Minutes of July 10, 2017 and to approve the License Agreement for Parcel #01-545-0320.

**Marc Schneider, Sherburne County Planning & Zoning, Presentation of Planning & Zoning Issues and Concerns throughout the County** – Marc Schneider, Sherburne County Planning & Zoning, was present with a PowerPoint presentation of concerns and is requesting feedback from the townships on different matters. He encouraged the Town Board to complete the comment form and outstanding issues portion of the presentation and return to him.

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

**PLATS:** None.

**VARIANCES:** None.

**OLD BUSINESS:**

**County Planning & Zoning Report** – Bryan Lawrence was not present at the county Planning & Zoning meeting. A final plat approval in Big Lake Township and a CUP to remodel a house in Haven Township were approved.

**Park Committee Report** – Rush reported that at the Park Committee meeting topics discussed were the dirt pile, seeding center filed, rocks and boulders, a split rail fence, erecting a pump shed and discussing backstop poles. The committee thought that perhaps a driveway approach could be installed at Goose Lake later this year. The committee will meet in August. Lawrence commented that it was the consensus of the board that Goose Lake was on hold. The trees need to be done but after the threat of oak wilt.

**Baldwin Volunteer Corps Update** – The next meeting is Monday, July 31, 2017'

**Discuss/Approve/Disapprove Grant Opportunities for Playground Equipment** – Rush stated that the playground at Young Park is 23 years old. Swanson/Handshoe unanimous to see a proposal from the grant writer to be presented at the August 7, 2017 regular meeting of Baldwin Township.

**TABLED ITEMS:**

**Approve/Disapprove Quote on Rip Rap Rocks** – Plaisted Companies submitted a quote for 4-ton of field stone rip-rap at \$61.45 per ton for a total of \$248.50 for the gap under the Elk Lake west boat ramp. Lawrence's concern is if the rip-rap would be able

to get pushed up enough to support the slab. Handshoe/Swanson motion to accept Plaisted Companies' quote. Swanson, Schumacher, Rush and Handshoe voice aye; Lawrence voiced nay. Motion carried.

**Approve/Disapprove Pump Shed for Young Park** – Rush/Swanson unanimous to approve purchasing a pump shed kit for Young Park from Menards in the amount of \$1,012.00.

**Approve/Disapprove Paychex Continuation** – Rush/Schumacher motion to table Paychex continuation to the August 7, 2017 regular meeting of Baldwin Township. Rush, Schumacher, Swanson and Handshoe voted aye; Lawrence voted nay. Motion carried. Discussion with Lawrence saying that after spending a minimum of \$500 per month Paychex has offered nothing applicable to Baldwin Township. Rush countered by saying that Paychex has updated the manuals with current employment laws, updated performance reviews, updated OSHA requirements and significantly changed the employee review process. The clerk reminded the board regarding the MAT attorney's opinion on how Paychex is paid.

Lawrence/Swanson unanimous to terminate the e-transfers agreement with Paychex immediately with a friendly amendment accepted to notify Paychex of the termination of e-transfers by Schumacher on July 25, 2017. The MAT attorney gave an opinion that e-transfers does not comply with current law.

#### **NEW BUSINESS:**

**Approve/Disapprove COLA for Maintenance Employee, Deputy Clerk & Clerk/Treasurer** – The clerk presented a comparison of the compensation from two surrounding townships since Paychex was unsure of how a clerk/treasurer should be classified. It's been 1 ½ years since Baldwin staff has received a COLA adjustment. After discussion Swanson made a motion to give staff a cost of living adjustment of 3% and to make it retroactive to January 2017. Lawrence said reviews and compensation for staff is typically done in June of each year. Swanson amended his motion to reflect the date of adjustment be reflected to June 2017. Lawrence seconded the motion. Swanson, Lawrence, Schumacher and Rush voiced aye; Handshoe voiced nay. Motion carried.

**ANNOUNCEMENTS:** None.

#### **ANY OTHER BUSINESS:**

Swanson/Lawrence unanimous to approve \$4,350 for culvert replacement and DNR Permit for 133<sup>rd</sup> and 133 ½ Street.

Residents are requesting a recycling bin at Young Park. Mille Lacs Disposal hasn't responded to inquiries. There may be monies available through the SCORE account.

Add to the August 7 agenda "Discuss Additional Part-time Deputy Clerk Position' and 'Discuss/Approve/Disapprove AOL Accounts'

**Motion to Approve Bills for Payment** – Swanson/Rush unanimous to approve for payment check numbers 21283 through 21344 and 5 EFT payments totaling \$48,686.59.

**Adjourn** – Handshoe/Swanson unanimous to adjourn at 9:46 p.m.



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



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

8-7-17

Date

Attendees: Jon Bogart, Jennie Brown-Peterson, Terry Carlile, Scott Schmidt, Lester W. Kriesel, Scott Case, Deanna Schmidt, Robert Freese, Andrew Schwantz, Amber Raasch, Sean Hary, Sarah Hary, Richard Dahlheimer, Teresita Dahlheimer, Scott Bengel, Jeff Bengel, Rudy Wicklander, Rosie Storie, Craig Storie