

## BALDWIN TOWNSHIP REGULAR MEETING

November 6, 2017

**Present** – Supervisors Brad Schumacher, Larry Handshoe and Jay Swanson. Supervisor Tom Rush arrived at 7:54 p.m. Supervisor Bryan Lawrence arrived at 7:59 p.m.

**Call to Order** – The November 6, 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/Approve/Disapprove Carla Mertz Use of Barn for Weddings" to under Old Business
- Add "Discuss/Approve/Disapprove Rite Way Forms Credit Application" to under New Business
- Add "Approve/Disapprove Purchase of Tool Box" to under Road Report
- Add "Discuss Option of Second Lift on 125 ½ Street" to under Road Report
- Add "Public Comment" after Road Report

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

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

**October 2017 Final Treasurer's Report** – Receipts of \$34,244.52 and disbursements of \$804,250.09, check numbers 21483 through 21554 and 8 EFT payments leaving an unaudited balance of \$2,022,601.18.

**November 2017 Preliminary Treasurer's Report** – The clerk reported receipts of \$0 and disbursements of \$49,036.10, check numbers 21555 through 21587 and 2 EFT payments leaving an unaudited balance of \$1,973,565.08.

**Sheriff's Report** - It was reported that there were 253 calls for service in the month of October.

**Fire Department Report** - Chief Case reported that there were 25 calls for service in the month of October consisting of 17 medical, 1 structure fire, 1 mutual aid fire, 2 personal injury calls, 2 grass or rubbish fires and 2 fire alarm calls.

**Review Draft Ordinance Establishing Charges for Emergency Response Services**  
Chief Case reviewed the draft ordinance with the board along with Exhibit A (fees). Swanson/Handshoe unanimous to schedule a public hearing for December 18, 2017, 7:30 p.m. with the incorporated changes to Exhibit A which would reflect real costs.

Chief Case stated that a few groups of firefighters have gone to early childhood classes to teach about fire safety. He would like to thank the board for the thermal imaging cameras that are in service. Grass 3 is in the fire station and is awaiting new tires but will put into service prior to that. Two new firefighters are attending training at the Elk River fire district.

### **Road Report –**

Road Report for October 2017 submitted by Zac Good:

#### **Roads**

- 284 ½ dust control (chip seal road; washout at entrance)
- Hot patching – 3 ton in October
- Will be working on graveling and hot patching areas as weather permitting and plant shut down

#### **Maintenance Shop**

- Tool Box .... Needed to help organize tools
- MILWAUKEE 46" – 16 drawer .... \$698 at Home Depot
- Two metal cabinets to organize shop supplies
- Small tools as needed

#### **Trucks**

- MnDot Vehicle inspection complete
- Slide-In Truck Bed Sanders
  1. Salt Dogg ... SHPE3000 – 3 cu. yd.; \$5,800 + \$800 install
  2. Salt Dogg ... PRO2500 – 2.5 cu. yd.; \$6,700 + \$800 install
  3. Hiniker ... Model 975 – 4 cu. yd.; (reverse switch to clear jams and overload protection and blast control) (w/long spinner and 2" ratchet strap; \$7,249.00 + \$475 install  
(Optional tarp cover .... \$268
- Local plow driver hourly wages / currently @ \$17 w/Phil and Mark (have 10+ years)
  1. City of Princeton = \$20.81 to \$26 (public works worker)
  2. Princeton Township = \$22.50 for main drivers; \$18 for secondary drivers
  3. City of Zimmerman = \$18 to \$25 (public works worker)
  4. Livonia = \$18 (reviewing this fall)
  5. White Bear Township = \$23 to \$30 (public works worker)

#### **Park**

- Sprinkler system has been winterized

#### **Fire Department**

- Mike Groebner for quote / Men's urinal drain pipe freezing up and something vibrating pipe when flushed ... See attached quote. Note: Attached quote is \$350.00.

Zac said that he would prefer the Hiniker with 4 cubic yard with reverse switch. Schumacher felt that all board members should be present before decided on any slide-in truck bed sanders. It will be under consideration to bring the wage for the plow drivers who have been employed for 10 years or more to \$18.00 per hour. Zac will try to figure out what is wrong with the urinal at the fire station.

**Approve/Disapprove Who Will Complete 2017 Township Road Certification –** Schumacher/Handshoe unanimous to approve having Swanson complete the 2017 Township Road Certification.

**Approve/Disapprove/Discuss Slide In Sanders Per Quotes for the One Ton Trucks** Swanson/Handshoe unanimous to table the Slide-In Sanders quotes for the one-ton trucks under the November 20, 2017 regular meeting of Baldwin Township.

**Schedule 90 Day Review with Zac Good, Maintenance –** Swanson/Handshoe unanimous to schedule the 90-day review with Zac Good for November 21, 2017 at 7:00 p.m.

**Approve/Disapprove Zac Good Renewing MnDOT Inspector Certification –** Swanson/Handshoe unanimous to approve Zac Good renewing the MnDOT Inspector Certification at his earliest convenience allowing a \$230 registration fee plus hourly wages.

**Discuss/Approve/Disapprove Increase in Snowplow Operator's Hourly Wage –** Swanson/Handshoe unanimous to approve increasing the snowplow operator's hourly wage to \$18 with an accepted friendly amendment that the increase only applies for 10-plus years snowplow operators.

**Approve/Disapprove Purchase of Tool Box -** Swanson/Handshoe unanimous to approve the purchase of a toolbox for \$750.

**Discuss/Approve/Disapprove 125 ½ Lift –** There was discussion concerning the colder weather this year. Swanson/Handshoe unanimous to approve putting off the 125 ½ second lift until next year as long as Bogart can get in writing that Hardrives will honor the same price as quoted for this year and the county has no issues with it.

**Frontier Trails –** Bogart reported that there is noise coming out of the circulating pump at Frontier Trails and felt the problem could be corrected by constructing a little house over the top of the pump. Swanson/Handshoe unanimous to ask Zac to build the structure. Zac will need to keep track of any time spent on building the structure in order to charge the Frontier Trails SSD.

**Public Comments –** Rick Othoudt, 40 Street, who owns property on Elk Lake, was present wishing to discuss encroachments on 142<sup>nd</sup> Street, Zimmerman, onto our property and encroachments into road right-of-way. Mr. Othoudt stated that the encroachments are basically at the end of the road and continues to get worse. They have encroached on both sides. The no parking signs that were authorized to be installed have not been installed. They say they have no place to park when they park in front of a 2 car garage in front of their house. They have taken over and it keeps going farther and farther out of control. Safety is the number one issue and, for services, everyone needs to turn around down there. They are taking it over as their personal space and he doesn't need that anymore. Second, when 142<sup>nd</sup> Street was

tarred he believes it is on his property as he cannot find 2 property stakes on the northwest side anymore. Supposedly it was surveyed 3 or 4 times. You don't tar on somebody's property. Schumacher responded that he has not seen his survey and would like to see it as it is Othoudt's dispute. Schumacher will go out there tomorrow and look at the turn around again. He did not have trouble turning around before. Mr. Othoudt asked if that gives the right to the neighbors to encroach on the property. What is going to happen with encroachments and parking? Schumacher stated that no one has experienced that and he will go out and review tomorrow. Mr. Othoudt questioned if they are able to turn around then they have the right to build retainer walls, sheds, etc. in the road right-of-way? Mr. Othoudt stated that each and every time the township plows everything is on his property as the road is on his property. He has talked with a lawyer and he says that he does not need to put up with this. Can't believe a road would be tarred without centering the road. Schumacher stated that Mr. Othoudt can have his property surveyed if believed our road is on his property. Mr. Othoudt asked what his rights were with the road on his property and, for the record, wants no snow on his property.

Gary Paulus, 104<sup>th</sup> Street, was present to discuss a nuisance in a residential neighborhood. Mr. Paulus stated that he lives in the Winding Trails development and his neighbor has been parking a belly dump truck in his front yard. Covenants are not enforced. This can't be good for the roads and what are the laws? Schumacher stated that covenants are enforced by a neighborhood association and parking a commercial vehicle on a road or road right-of-way cannot be done. Wheel restrictions are the biggest thing. Mr. Paulus stated that the truck is driving down ditches 2-3 times a day. Schumacher stated that he will have someone from the Sheriff's office come out and talk to him. The truck can be parked on private property but cannot be parked sticking out onto the road.

Pete Jenson, 136<sup>th</sup> Street, said he had a positive experience, and was very happy with how the road construction on 136<sup>th</sup> Street was handled. The dirt work crew did a good job. Even though it was a big project, the crew managed some changes and some difficulties.

Schumacher said that he viewed the Sandy Lake culvert. A backhoe is needed in order to clean it out.

**Approval of Consent Agenda** – Swanson/Rush unanimous to approve Town Board Meeting Minutes of October 16, 2017; approve Final Payment to Seal Tech in the Amount of \$2,337.50; approve Resolution #17-16; Resolution Designating Annual Polling Places; and approve Sherburne County Amendment to the Sherburne County Zoning Map, Ord. 224.

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

**PLATS:**

**Approve/Disapprove Final Plat, North Country Acres** – Ideality Development Company. Dan Howard was present. Regarding installing electrical service to the plat, Jon Bogart, township engineer, stated that what Connexus wants to do looks reasonable to him but it is unusual before the final plat. The board approved electrical and the clerk will contact Connexus. Bogart stated that the question at the county level about the hydraulics concerned lots 12 and 13 and water flowing from along the ditch and possibly flooding the roadway. According to his calculations a 100 year flood would only get up to the bottom of the ditch. Another point is where we have a drainage easement placed over a natural swale. The Planning Commission was concerned about it and, if somebody would want to build a building in the back of the lot, it has been handled in the past with the Town Board granting licenses just for the people to cross that easement. It is subject to review by the board. It is a simple way to maintain the natural drainage system and the township would still maintain control over drainage. Lawrence stated that where you can place a structure would be limited and that concern also came up with the Planning Commission. They are large lots. The Planning Commission is asking for more information on drainage and utilizing the township ditch for drainage and holding water as well as water getting to the lake and the number of drainage easements that encumber some of the properties. Bogart stated that there is an issue with some of the drainage calculations which show water will go over the road and if there is an existing catch basin it would be a good thing to place an extension on that basin. He has no problem with the plat but would like those 2 issues addressed before the final plat is approved. Mr. Howard stated that he would ask that they get approval with the issues resolved and approved by Jon Bogart. Lawrence stated that putting a pipe under the road to get the water to the lake would not be taken very well. Bogart suggested approving the plat with the 2 pending issues so it would be contingent upon all engineering issues being addressed with Lot 14 and Lot 13 having the issues. They are putting less water over the top of the road than what we are doing right now. They are meeting those rules. Swanson stated that we need to know if we have that easement and, if we don't have the easement we can still make it work. If we do have the easement a culvert will go under the road. Lawrence moved to approve contingent on our engineer's drainage issues. Swanson seconded the motion. A friendly amendment was made by Schumacher stating that it is Lots 13 and 14. The friendly amendment was accepted. Upon voice vote, the motion carried.

**VARIANCES:** None.

**OLD BUSINESS:**

**Park Committee Report** – Rush reported that there was no meeting in October.

**Review/Approve/Disapprove Fee Schedule** – Rush/Lawrence unanimous to table the reviewing the Fee Schedule until the November 20, 2017 regular meeting of Baldwin Township. Motion carried.

**TCI Baldwin Volunteer Corps Update** – There is no meeting of the Baldwin Volunteer Corps until January of 2018.

**Planning Commission Report** – Bryan Lawrence reported that the biggest issue on the agenda was the Mertz' request to use their property for events.

**Discuss Fee/Rate Schedule; Joint Powers Agreement Regarding Zoning** – Schumacher/Rush unanimous to table until the November 20, 2017 regular meeting of Baldwin Township.

**Discuss/Approve/Disapprove Mertz Use of Barn for Wedding Venue** – David and Carla Mertz as well as a representative from Rockwood's was present to discuss using the Mertz property as an event venue. The Mertz' and Rockwood's have entered into a joint contract. After discussion with the town board in which questions were answered in regards to liquor licenses, food preparation, hours of operation, restroom facilities and parking accommodations, it was recommended that a letter be sent to the county in support of the concept, and to see how an IUP could be obtained for the Mertz'. Mr. Mertz requested the township install speed limit signs since there are not any at present. Lawrence/Swanson unanimous to approve requesting that Sherburne County Planning and Zoning work with the Mertz' to try to get an event center to fit in with the Sherburne County Comprehensive Land Use Plan and Zoning Ordinance Section 16.2, and if it does not work with Section 16.2, request that the county work with the Mertz'. Swanson will contact the county.

**TABLED ITEMS:**

**Discuss/Approve/Disapprove Going Out for Quotes on Road Striping** – Swanson stated that the dollar amount did not go over what he is allowed to spend as road and bridge supervisor so it is moot point.

**Discuss/Approve/Disapprove Submitting 2018 Road Project List to Township Engineer for Review** – Lawrence/Rush unanimous to approve submitting a 2018 road project list to the township engineer for review.

**Approve/Disapprove Renewal of Septic Check Contract for Frontier Trails & Define Maintenance Plan for Individual Tanks** – Discussion on billing. Swanson stated that the tanks already have been pumped once. Bogart responded that they were pumped prior to us getting started. The question he has is who is responsible for policy and answering questions. He has questions on how things get billed and he has heard slightly different things. It would behoove you to have one of your members or some appointed person to watch over this, i.e., pumping of tanks, MPCA states it should be done between 2-3 years. 2018 should be the time to look at pumping ½ of the tanks and then the other ½ in 2019 or divide into 3 parts. Supervisor Swanson is in charge of Frontier Trails subordinate service district. Bogart stated that Bridget Chard told him the from the house out the township will be maintain. If something failed everything is affected. Schumacher stated that the billing for the pumps was going to be uniform and the same price. Bogart stated that the original specs for the system was all one pump; an e1 grinder or an e1 effluent. Pumps are coming in at different prices and different horsepower. Swanson stated that when we started planning the system, and when the

tanks were pumped, we could see what needed to be fixed and not just blanket replace everyone's system. The costs and pumping should be put into the original construction cost. The \$11,000 list did not all get done and now we are getting bills that should have been rolled into the original price. He does not think people should get billed for everything that was on the list. Moving forward we need to discuss who is responsible for pumps. We also have a contract with Septic Check and we need to have a contract with somebody for 24 hours contact. The question for tonight is those bills have already been sent to the homeowners and how do we want to handle the \$11,000 list. At some point that there is a problem if there are continuing issues with the same property. Everything was to be brought up to standard. Schumacher stated that the board agreed to the \$11,000 repairs to the system to get to par and get on the same playing field. The policy is check valve out and Jon is saying tank out. Swanson stated that he thought the pumps would be on the system. The \$11,000 work has not been done nor has Septic Check been paid for it. Swanson stated that he will follow up with Septic Check to get the \$11,000 worth of work done. Bogart stated that the important piece is getting the tank pumped on a regular basis. Township is check valve out where the township pays. The clerk and Swanson will get together to review the bills.

Schumacher/Lawrence motion to approve renewal of the Septic Check contract for Frontier Trails subject to the review of the township engineer as well as double verifying what services are being provided with an accepted friendly amendment made by Swanson to approve for one year with the intent to go out for proposals after one year. With a voice vote taken Schumacher, Lawrence and Swanson voted yea; Rush and Handshoe opposed. Motion carried.

**Discuss/Approve/Disapprove Internet Service at Frontier Trails Control Panels –**

Bogart stated the township does not have to install but then the system cannot be controlled remotely. He recommends that if it comes back with too high of price don't do it yet. It will, however, save coming out. Schumacher questioned what the board would be looking at when we look at our browser. Bogart suggested sending maintenance employee, Zac Good, to school. Lawrence asked if we provided this service would Septic Check deduct his services. Bogart stated that it depends if he is using it for stuff that is beyond what his service is and eliminates travel time. Swanson stated that even with internet connection he still has to go out and do sampling. Discussion on going out for quotes on a provider. Bogart suggested not going out for proposals as Septic Check was an integral part of putting the system in and working with him. The system needs to be watched and custom fitted for a little while until everything works. If next year, go ahead. Swanson/Rush unanimous to table.

**Discuss/Approve/Disapprove Grant Opportunities for Young Park –** Rush/Swanson unanimous to table discussion on grant opportunities for Young Park.

**Review/Approve/Disapprove Changing iPad Email Accounts –** Swanson/Handshoe unanimous to disapprove changing the iPad email accounts.

**Review/Approve/Disapprove Changes to Employee Handbook –**

Swanson/Handshoe unanimous to table until the December 18, 2017 regular meeting of Baldwin Township.

**Approve/Disapprove Hiring Seasonal Snowplow Operators –**

Swanson/Rush unanimous to approve hiring Phil Fadden, Mark Otis, Jim Cichy, Scotty Harder and Lou Christen as seasonal snowplow operators. Random drug testing will be implemented.

**Discuss Changing Policy to Add Sick Time for Full Time Employees –**

Changing the policy to add sick time for full time employees will be discussed during the employee reviews.

**Schedule Date for Special Meeting with Relief Association –**

The meeting will be scheduled in 2018 with the Wells Fargo representative. Schumacher will contact the representative. Lawrence suggested renaming this to “meet with Wells Fargo representative regarding the Relief Association”.

**Discuss/Approve/Disapprove Submitting Application to CenterPoint Energy –**

Rush/Handshoe unanimous to disapprove submitting an application to CenterPoint Energy.

**NEW BUSINESS:**

**Discuss Stray Cat Situation in Our Area –**

Wendy Doric, 100<sup>th</sup> Street, who is a volunteer for Ruff Start Rescue indicated that a stray cat problem is becoming a huge concern in our area. She said she would like to see cats included in the Baldwin Township Animal Control Ordinance. It was explained that cats are treated as animals and not as pets since it's difficult to determine whether they are a domesticated household pet. It also generates an extra expenditure since both the animal control officer and impounding costs add up without an effective way to recoup the expenses.

**Discuss/Approve/Disapprove Establishing a Sewer Treatment Supervisor –**

Lawrence/Handshoe unanimous to appoint Jay Swanson as supervisor and Brad Schumacher as alternate supervisor for the Frontier Trails sewer treatment project.

**Schedule Budget Meeting –** The budget meeting is scheduled for December 11, 2017 at 7:00 p.m.

**Schedule Special Town Meeting –** A Special Town Board meeting is scheduled for December 4, 2017 at 6:30 p.m. to discuss recertifying the 2018 levy due to the new debt.

**Approve/Disapprove 2018 Meeting Schedule –** Handshoe/Swanson unanimous to table approval or disapproval of the 2018 meeting schedule until the November 20, 2017 regular meeting of Baldwin Township.

**Approve/Disapprove 3-Year Reappointment of Bryan Lawrence and Jay Swanson (Alternate) to the Sherburne County Planning Advisory Board** – Rush/Handshoe unanimous to approve the 3-year reappointment of Bryan Lawrence and Jay Swanson as alternate to the Sherburne County Planning Advisory Board.

**Appoint Employee to Complete Minnesota Department of Transportation Request to Update Township Information** – Lawrence/Swanson unanimous to approve appointing Zac Good to complete the Minnesota Department of Transportation request to update Township information with review of information from the township board.

**Discuss Deputy Clerk Willing to Work 24 Hours/Week** – The Deputy Clerk is willing to put in a 24-hour work week.

**Review Monthly Building Permits** – The September, 2017 building permits were available for review.

**Discuss/Approve/Disapprove Riteway Forms Credit Application** – Schumacher/Swanson unanimous to approve the Riteway Forms Credit Application.

**Announcements:**

- Veteran's Day Observed, Friday, November 10, Office Closed
- Sherburne County Long-Range Transportation Plan Meeting, Monday, November 13<sup>th</sup>, 12:30 p.m.-4:30 p.m., Pebble Creek Golf Club, Becker 125
- Sherburne County Awarded \$800,000 for Round-About on Rum River Drive and 125<sup>th</sup> Street

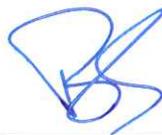
**Any Other Business:** None.

**Motion to Approve Bills for Payment** – Lawrence/Swanson unanimous to approve for payment check numbers 21555 through 21587 and 2 EFT payments totaling \$54,048.16.

**Adjournment** – Swanson/Lawrence unanimous to adjourn at 10:01 p.m.



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



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

11-20-17

Date

Attendees: Lester Kriesel, Wendy Doric, Dawn Othoudt, Rick Othoudt, Carla Mertz, Dave Mertz, Pete Jensen, Jon Bogart, Zac Good