

## BALDWIN TOWNSHIP REGULAR MEETING

October 2, 2017

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

**Call to Order** – The October 2, 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 "Approve/Disapprove Frontier Trails Sewage Treatment Change Order in the Amount of \$16,352.50" to New Business
- Add "Approve/Disapprove Partial Payment of \$64,793.11 to Septic Check for Frontier Trails Project" to New Business
- Add "Approve/Disapprove Partial Payment of \$143,136.40 to ASTECH for Chip Sealing" to New Business
- Add "Discuss Road Report /Striping" to Road Report
- Add "Discuss USDP Meeting" to Old Business

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

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

**September 2017 Final Treasurer's Report** – Receipts of \$10,386.23 and disbursements of \$302,491.50, check numbers 21413 through 21482 and 8 EFT payments leaving an unaudited balance of \$531,984.55.

**October 2017 Preliminary Treasurer's Report** – The clerk reported receipts of \$0 and disbursements of \$432,684.48, check numbers 21483 through 21513 and 0 EFT payments leaving an unaudited balance of \$99,671.78 along with \$2,749,183.78 in savings.

**Sheriff's Report** - It was reported that there were 228 calls for service in the month of August and 214 calls for service in the month of September. The department is still doing security checks in the business district.

**Road Report** – Zac Good presented the Road Report for October 2017:

Roads:

- Lake Dianne Road. Washout. Filled with w/Class 5
- Planning on fall ditch mowing in October
- Receiving ditch mower on Saturday, October 7
- Black top patching (mostly west side ... 305<sup>th</sup>; 6+ areas)
- Graveling shoulders



**Discuss Striping** – Swanson stated that it would be nice to get 125<sup>th</sup> Street striped before the snow flies. Township engineer Jon Bogart stated that he will talk to the county when they do County Road 45 to see if they can go in and stripe 125 and 125-1/2 Streets. There will be temporary striping on 136<sup>th</sup> Street this year as there will be another lift going on next year. Swanson stated that there is still time this year and would like to have a list of roads to be review and approved for the next meeting to move forward. Bogart stated that 136<sup>th</sup> Street will be complete on October 16<sup>th</sup>. They have gone through all the areas that had additional peat and uncovered no more surprises. Schumacher stated that he had talked with Bogart to come up with a plan on what we want to do next year. Bogart suggested crack sealing and chip sealing for next year. Both Schumacher and Swanson will work on the list before the next meeting.

Bogart stated that his guys were putting something in where the driveway should be at Goose Lake. The change order for Frontier Trails is because they are running short of ordinary dirt and will have to get dirt off site. This will be ordinary sand and is cheaper than good sand.

**Wells Fargo Presentation, Fire Relief Association & Wells Fargo Representative** – John Rudi was present from Wells Fargo and handed out a resource packet. They work with 60 volunteer fire departments for over 25 years. Information on other departments are available through the state auditor's office. What drives what the benefit level should be is how funded the departments are. They have a fiduciary duty to both the township and to the membership. They are looking for a benefit level that is not too high and not too low either and like to see it no lower than 110%. The relief association is up 6-1/2% to 7% until the end of August. Mr. Rudi is part of an 8 person team at Wells Fargo.

**Recess Regular Meeting** - Lawrence/Rush unanimous to recess at 7:30 p.m.

**Open Public Hearing to Certify Delinquent Community Sewer Treatment Fees, Certify Construction Costs and Review 2018 Budget for Frontier Trails** - Swanson/Rush unanimous to open the public hearing at 7:30 p.m.

Delinquent community sewer treatment fees: There were no residents who wanted to speak about being 60 days past due being assessed to the 2018 tax role. Lawrence/Swanson unanimous to move past due amounts of 60 days to be assessed to the tax role.

Construction cost: Per township engineer Jon Bogart the estimated cost of construction is \$375,972.10. With 2 years of costs, the total assessment will be \$435,175.84. Swanson stated that the system is on, running and working. Aaron Hoss questioned if everything was fine with the MPCA and was in total compliance. Swanson replied yes. Schumacher stated when the system was turned on and inspected the MPCA signed off on the permit. Swanson stated that it should be in total compliance but carbon levels, settings, control input and output need to be documented which would give more

indications of what maintenance costs will be. As far as the system, construction wise, it is all approved by the MPCA.

Audra Cegla questioned if they were going to be facing any further costs. Schumacher stated that the warranty on the tank is 20 years. The MPCA has signed off on the design of the septic. There may have to be some adjustments. The system is not a new design as it has been built and created in other communities. Based on the usage by Frontier Trails residents and what people put down their drains some settings may have to be adjusted. Ms. Cegla asked if this has affected their drinking water. Schumacher replied that 2 wells were moved as they were too close to where the septic was going to be and, to his knowledge, no well testing has been done. One of the tanks came in with a hairline crack from the manufacturer. Lawrence stated that it was more than a hairline crack but it was sealed. Schumacher stated that the Town Board had the company come in to go beyond the manufacturer's warranty. They did seal it with epoxy and the MPCA was involved in the process. Swanson stated that the design is 30 years sans any major disaster. The costs we will incur will be our maintenance fees, once a month checks, MPCA permits, etc. Everything had been caught before any ground water was affected. The chances that it has been affected are slim to none. Every 2-4 years tanks will be pumped as part of maintenance. Those costs will be put in the maintenance schedule.

Julie Weidenborner questioned the 2 years' worth of maintenance. The clerk handed out the 2017 balance sheet which showed Frontier Trails receipts, expenditures and current balance. Ms. Weidenborner stated that there was initial repair of all systems and questioned if, after this point, it will be the responsibility of the homeowner if abusing the system. The clerk responded that the individual homeowners would be billed and monies would be put back into the fund. Swanson stated that if it is a warranty issue or routine maintenance that will be blended into the system. Ms. Weidenborner asked if the board knew what was done at each property. Schumacher replied yes and it was added as a capital cost. The outlots are covered by Minnesota Association of Townships insurance.

Ken Kluge asked what the certified number will be. Schumacher replied that it will be \$435,175.84 divided by 41 properties = \$10,614.05 per parcel. Mr. Kluge asked for the clerk to send him a bill for that dollar amount.

A resident stated that the outlots weren't covered like all the other land and when we decided to go with this the Frontier Trails Association was disbanded. Schumacher stated that the township insurance company make the determination of what is covered. Ms. Weidenborner asked what will happen if someone gets hurt? Schumacher stated that is a separate question and is far above this town board's ability to answer tonight. Swanson stated that, before this subordinate service district, he does not know if we had any insurance on any outlots in the township. Now that the town is managing the septic system, nowhere in the subordinate service district did we say we would take on insuring the outlots. That would be with your association and not the township.

Ms. Weidenborner asked if the board could send out recommendations for the care of the system along with who to call with emergencies. Schumacher stated that the information could be sent with the next billing.

Bennet Weidenborner asked, with the \$62.00 monthly fee, if there was a capital fund established so there would not be an extra assessment if something happens. Discussion on liability insurance. Swanson stated that part of the construction process was to standardize pumps. If something happened to the system and we had to repair, the cost would be bore by the town and blended it over the properties. We are a taxing authority and a lot of the other community septic systems will run into the same problems. Schumacher stated that the county has made a change so that any community septic system will automatically become a subordinate service district. Lawrence stated that it has not passed yet.

Lawrence/Rush unanimous to certify any accounts 2 months or greater past due to the county auditor for one year at an interest rate of 7%.

Lawrence/Swanson unanimous to certify \$435,175.84 over 10 years at an interest rate of 4.5%. Lawrence stated that the Town Board still has not approved the change order in the amount of \$16,616.48 for Septic Check. Lawrence noted that there will be no prepayment penalty for any resident.

Rush/Lawrence unanimous to not change the rate from \$62.00 per month.

**Close Public Hearing** - Lawrence/Rush unanimous to close the Public Hearing at 8:37 p.m.

**Reopen Regular Meeting** - Lawrence/Swanson unanimous to reopen the regular meeting at 8:37 p.m.

**Fire Department Report** – Chief Case reported there were 15 calls for service in the month of September. He indicated that he felt a workshop would be beneficial for the relief association. It's encouraged to set a date for a special township meeting with the Wells Fargo representative.

Case said the grass rig should be in service within the month although right now tires are being put on as well as decals. The Town Board thanked Case and the relief association for their participation at the FunFest.

**Approval of Consent Agenda** - Rush/Handshoe unanimous to approve the Town Board Meeting Minutes of September 18, 2017; to approve Renewal of Annual Petroleum Special Fuel Dealer License & \$25 Renewal Fee; and to approve Partial Payment to Sherburne County Public Works in the Amount of \$173,136.17 for 136<sup>th</sup> Street Project.

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

## **PLATS:**

**Approve/Disapprove 2-Year Preliminary Plat Extension, Baldwin Estates – Spencer/Shirley Angstman Trustee – Rush/Lawrence** unanimous to approve the 2-year Preliminary Plat Extension for Baldwin Estates.

## **VARIANCES:**

**Approve/Disapprove Variance to Section 17, Subdivision 8.4 Which States “The Total Area of Detached Accessory Structures Shall Not Exceed 3,000 Sq. Ft. Per Lot Within the Agricultural and General Rural Districts on Platted Lots of Any Size, and Non-Platted Lots Less Than 5-Acres in Size” – Matthew Hill –**

The Baldwin Planning Commission recommended approval on Hill’s variance request with specific comments. Hill purchased the 25.9 acre platted property with the intention of using it as horse property. The county zoning rules changed after the property was purchased. Lawrence/Swanson unanimous to recommend approval of the variance for the constructing of a horse stable of 11,000 square feet along with the Baldwin Planning Commission’s recommendations with an accepted friendly amendment to call the construction an ag building rather than a horse stable. Discussion on vacating easements.

**Approve/Disapprove Resolution #17-14; Resolution Certifying Delinquent Community Sewer Treatment Fees, Construction Costs and Related Interest – Lawrence/Swanson** move previous motion for Resolution 17-14. (As motioned during public hearing).

## **OLD BUSINESS:**

**Park Committee Report** – Rush reported that the tournament had a great turnout. The shed is in the process of being finished. The committee was unable to view Goose Lake Park because of the time.

**Review/Approve/Disapprove Pursuing Grant Opportunities for Young Park - Rush/Swanson** unanimous to table pursuing grant opportunities for Young Park.

**TCI Baldwin Volunteer Corps Update** – The FunFest was good even though some things didn’t fall into place. There is a renewed interest in volunteers. The next meeting will be in January of 2018.

**Planning Commission Report** – Lawrence reported that the Hill variance request was the only item of business on the agenda. There was discussion regarding community septic’s going into SSD’s.

**Discuss USDP Meeting** – Schumacher reported that the meeting went well. They talked about a different solution for the time being. He offered to annex back into Baldwin Township. There are 3 contact persons and we can expect a 24 hour response

from them. They want to be friendly and work with us. Lawrence stated that there has to be a crop they can spray it on. Swanson stated that the distillery holds the industrial by product permit. That is what is allowed to be spread in Baldwin. The problem is they can't get vegetation to grow there. Now there is a 30 day freeze. Questions and comments to them was that it is quite a liability for them as whatever goes into the ground has their name on it forever. They don't hold the permit to land apply. That permit is with Septic Check. We knew there had been complaints but did not know that there were violations. The distillery says they will halt until they can get to the bottom of the complaints. It is not their fault the county overlooked Baldwin Township. Handshoe stated that it is now being applied in Princeton Township. Swanson stated he questioned what happens for 30 days. Schumacher stated that Zimmerman may give a presentation to the board as to what they do. Swanson stated that he asked the distillery general manager if this would be a temporary fix or sustainable to land apply and the general manager replied that he has always worked with land application.

#### **TABLED ITEMS:**

##### **Discuss/Approve/Disapprove Addition of Employee Sick Time or Similar Option –**

Schumacher stated that he had contact the association (Minnesota Association of Townships) and they said was okay. Lawrence stated that he wanted it in writing. Schumacher stated that he has their response as a voicemail and he did ask 3 times for their response to be in writing. Handshoe stated he was thinking 10 days PTO to be used this year as vacation or time off. Lawrence questioned why not make it for all full time employees and remove the argument as showing bias. Schumacher stated that there is a special circumstance here. If someone going through chemo treatment and keeps showing back up is phenomenal. Lawrence questioned if this employee would use his vacation for anything else. Swanson questioned to give this employee an opportunity to use his vacation time or give 10 days of sick time for our employees? As a board we need to decide one way or another. Throw one employee a bone here or give all full time employees sick leave? Schumacher stated he believed we should move forward for 8 days (64 hours). Handshoe stated to give him something back for what he has given us. Swanson stated that he does not disagree. Handshoe motioned to give him 8 PTO days for Terry Carlile to be used for vacation or sick time. Lawrence stated that is technically giving him a raise. Handshoe stated that this would be a one-time shot for this year. Schumacher stated that it will expire December 31, 2017. Handshoe stated that it will be 64 hours. Schumacher reiterated that it will be a reimbursement of up to 64 hours to be used no later than midnight on December 31, 2017. Swanson seconded the motion. Upon voice vote, the motion carried.

Swanson asked that the item of discussing changing policy and adding sick time for full time employees be added to the October 16<sup>th</sup> agenda.

**Review/Approve/Disapprove Changing iPad Email Accounts – Swanson/Lawrence unanimous to table changing iPad email accounts to the November 6, 2017 meeting.**

#### **NEW BUSINESS:**

**Approve/Disapprove Receiving Quotes for Frontier Trails Septic Maintenance Service and Operating Services** – Rush/Handshoe unanimous to table receiving quotes for Frontier Trails septic maintenance service and operating services to the October 16, 2017 meeting.

**Discuss Records Retention Schedule** – It was unanimous that in order to eliminate excessive stored paperwork that the Records Retention Schedule would be followed as was adopted in August, 2010 by the Baldwin Town Board.

**Discuss/Approve/Disapprove What Funds Will Pay for New Lawn Mower (\$7,580.80)** – Schumacher/Swanson unanimous to approve that the Cemetery Fund, Park Fund and Road and Bridge Fund will share 1/3 the cost of the mower.

**Approve/Disapprove Resolution 17-15; Resolution Authorizing Contract with Interested Officer** – Lawrence/Swanson motion to approve the Resolution 17-15; a Resolution Authorizing Contract with Interested Officer. With a voice vote taken Lawrence, Swanson, Rush and Handshoe say aye; Schumacher abstains. Motion carries.

**Review Monthly Building Permits** – The August 2017 building permits were reviewed.

**Approve/Disapprove Frontier Trails Sewage Treatment Change Order in the Amount of \$16,352.50** - Lawrence moves to deny approval of a change in the amount of dollars for the Frontier Trails sewage treatment. Motion fails for lack of a second. Swanson/Handshoe motion to approve a change in the amount of dollars for the Frontier Trails sewage treatment. With a voice vote taken Swanson, Schumacher and Handshoe say aye; Lawrence and Rush are opposed. Motion carries.

**Approve/Disapprove Partial Payment of \$64,793.11 to Septic Check for Frontier Trails Project** – Rush/Handshoe unanimous to approve a partial payment in the amount of \$64,793.11 to Septic Check for the Frontier Trails project.

**Approve/Disapprove Partial Payment of \$143,136.40 to ASTECH for Chip Sealing** - Swanson/Rush unanimous to approve a partial payment in the amount of \$143,136.40 to ASTECH for chip sealing.

**Review Newsletter** – The newsletter was reviewed.

**Announcements:**

- Fall Maintenance Expo, Wednesday, October 4 & Thursday, October 5, St. Cloud
- Elk River Clean Up, Saturday, October 14, 9:00 a.m.-11:00 a.m., Lakeside Park, Big Lake
- SCAT Quarterly Meeting, Wednesday, October 18<sup>th</sup>, 6:30 p.m., Becker, History Center
- Geologic Atlas Workshop, Thursday, October 26, 8:00 a.m.-11:00 a.m., Lions Park, Elk River

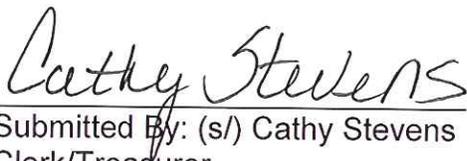
**Any Other Business:**

Swanson said that the distillery would like to submit an article for the Baldwin newsletter. Even though it was agreed that this may raise huge amounts of questions, Swanson/Rush unanimous to approve allowing the distillery to submit an article with approval only if it's determined that the article fits into the concepts of the Baldwin newsletter.

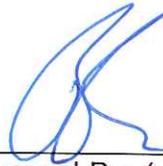
Handshoe reported that they are trying to make the runway longer and coming down into Baldwin with it but will not try to annex. Schumacher responded that they will have to have some type of annexation to take it off tax rolls. Handshoe reported that the cross wind runway will not happen.

**Motion to Approve Bills for Payment** – Swanson/Handshoe unanimous to approve for payment check numbers 21483 through 21513 totaling \$432,684.48.

**Adjournment** – Swanson/Lawrence unanimous to adjourn at 9:58 p.m.



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



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

10-16-17

Date

Attendees: Jon Bogart, Lester W. Kriesel, John Rudi, Scott Case, Jim Oliver, Matthew Hill, Lee Ann Falen, Anna Kacia Falen, Heather Hoss, Aaron Hoss, Ken Kluge, Bennet Weidenborner, Julie Weidenborner, Audra Cegla, Tom Cegla