

BOARD OF SUPERVISORS MONTHLY MEETING July 14, 2015 (and July 21, 2015)

The July Monthly Meeting of the Fairview Township Board of Supervisors was called to order at 6:30 PM in the Fairview Town Hall on Tuesday, July 14, 2015 by Chairman Jim Weizenegger with the Pledge of Allegiance. Other Board members in attendance were Supervisors Walt Richmond and Tom Dechmann, Clerk-Treasurer Marla Yoho and Deputy Clerk-Treasurer Sharon Owen.

Richmond/ Dechmann/ Unanimous: Motion to accept the **Minutes of the June Monthly Meeting** as presented.

Treasurer's Report: Sharon reported the following month-end balances in the Township accounts: \$158,920.18 in Checking and \$177,455.25 in Money Market funds. Road & Bridge CDs total \$79,235.64 and the Community Projects CD, which matured on May 19th is now \$43,252.70. **Revenues for June totaled \$104,889.43** (\$5.29 interest, \$71.54 Electricity & Gas Reimbursement, \$104,812.60 Cass County Property Taxes); **Expenditures totaled \$42,123.42** (\$3,132.50 Road & Bridge, \$34,768.00 Fire; and \$4,222.88 General Gov't expenses). Richmond/ Dechmann/ Unanimous: Motion to approve the Treasurer's Report as presented.

Road Report:

Fondie Lane Crack Sealing: Anderson Brothers completed the Polymastic crack sealing process on Fondie Lane, but they didn't advise Tom in advance so he was not able to observe the process as originally planned.

Rardin Minimum Maintenance Rd: Rardin Excavating billed the township for 60 yds of Class 5 (\$960) and 5 hours of grading (\$425) to fill in the low area on the road. The Class 5 may not have enough binder and will be monitored. Tom reviewed the area with Loren Benson from Anderson Brothers to see if he has any other ideas on how to fill and bind the roadway together in that area.

2015 Road Construction Projects:

Gregory Drive: On July 7th there was a meeting to receive quotes covering the Gregory Drive project. Although three Project Manuals were distributed to Rardin Excavating, Tri-City Paving and Anderson Brothers, only Anderson Brothers responded. Their quote for the Gregory Drive project is \$53,497.10, opposed to the Engineer's Estimate of \$64,780.

Green Bass Lake Drive & Forestview Court: On July 7th there was a meeting to receive quotes covering the Gregory Drive project. Although three Project Manuals were distributed to Rardin Excavating, Tri-City Paving and Anderson Brothers, only Anderson Brothers responded. Their quote for the Green Bass Lake/ Forestview project is \$58,870.90, opposed to the Engineer's Estimate of \$67,910.

The Board had planned to award the contracts for the projects at tonight's meeting, but in view of the extreme damage experienced throughout the township this past weekend (coverage below) the Board requested that Marla contact Al Knowlen at Anderson Brothers and ask that they allow the quotes and specs to stand until next summer, with the understanding that prices may need to be adjusted.

Dechmann/ Weizenegger/ Unanimous: Motion to hold off on paving Gregory Drive, Green Bass Lake Ln and Forest View Ct until 2016 due to storm damage and the need to hold funds for storm cleanup.

Bolton & Menk was able to find and mark the monument indicating the dividing line between **Fairview and Sylvan on Gregory Drive**. The monument was marked, but may not be easily revisited in view of the storm damage.

Birch Forest Rd: (The" Big John on Gull" property) Roger Wainwright contacted Tom and Marla concerning the damage done to his driveway by the heavy rains in 2014. They observed that the gutters on the side of the road were not swept and the splashway created to channel the runoff towards the

slough/ wetlands had broken away from the roadside (possibly due to freezing ground). Wainwright is in the process of having his driveway repaired (pavers) and wants the township to assure him that the problem has been dealt with. Tom will contact Loren Benson at Anderson Brothers to discuss what can be done to make a more permanent spillway.

A week later Mary Jo Wainwright (Roger's mother) called and said she felt the township should help with the cost of the repairs since the gutters were not cleaned and hadn't served their purpose.

Short Course: In the summer Short Course session on Roads, Tom learned that a township should never consider accepting a **cartway** into the township without having an attorney involved in the process.

A resident on **Vansickle Bay Rd** contacted Marla to find out how much of the road is maintained by the township. There is a large crack (approximately 50 ft. long x 8" wide x 6" deep) forming down the center of the lower part of the road, which is private. He asked if the residents' band together to pave the lower portion of the road, would the township want to pave the township portion. Tom went to review the road and felt that the township portion is not in need of paving at this time.

Fire Report:

Walt reported the new **concrete apron** was poured at Station #1 and they are getting a permit to do some work across the street from the station, too.

The **bridge on Cty 1**, south of Pillager, has been completed and the road is open.

There is a new **Dollar General** being built in Pillager. They will be required to have a fire hydrant installed near the building and to have a Knox Box available on the building.

The Association received a letter of thanks from the **East Gull Lake City Council** for the fire departments quick response to the fire at Craguns. **Dutch Cragun** has offered to host a fund raiser at the resort in appreciation of their efficient service that prevented further damage or injuries.

The proposed formulas for changing the way **assessments** are calculated has received mixed reactions from the various members. The options are still being discussed but it will take 2 to 3 years before they will actually take effect.

There were 26 runs in June, including 5 in Fairview and 2 in East Gull Lake, bringing the total for the year to 26 (equal to 2014).

Storm Damage Assessment: At 5:30 PM on Sunday, July 12th, an extreme summer storm, nearly the strength of a Category 1 hurricane, swept through Crow Wing and Cass Counties, causing excessive damage in East Gull Lake, Fairview, Lake Shore and Sylvan.

Work crews began cleanup and rescue procedures immediately to secure access to roads and restore power. Many areas within the township may be without power until the end of this week, which is causing communication problems. Residents in Fairview are all on septic systems, which require power to operate, but even in EGL where they have a sewer plant, people may continue to use water (flush, shower etc.) but it cannot be processed at the plant, which may cause back-ups into homes.

There was major damage at Maddens and Craguns.

There has been a heavy presence from the Cass County Sheriff's office and the Pillager Fire Dept. throughout the area since Sunday night in an attempt to keep everyone safe on the roads and away from downed power lines.

Marla spent most of today (Tuesday) traveling all of the township roads with CCSO Sgt. Brad Rittgers checking on downed power lines and road access. They stopped at homes that appeared to have heavy damage and spoke to residents along the roads to see if they needed help. Roads with heavier damage were identified to help Jon Rardin and road crews prioritize their efforts.

Fortunately there were no serious injuries or medical issues arising immediately after the storm. However

there have been a couple of injuries relating to storm cleanup.

The Sheriff's office is keeping a car posted at the entrance to Maddens and the Pine Beach Peninsula to prevent access by unnecessary cars due to the extreme damage in that area.

The Nixle system and the weather warning sirens functioned as they were supposed.

There were several campers stranded at the Rock Lake Campground due to heavy trees and power lines across the road. They used a front end loader from Nagel's saw mill to eventually clear a path out of the campground and up Orchard Park Ln.

The tower in Pillager that transmits the 800Mghz system got twisted and out of whack, but they were able to route calls and transmissions through Itasca County without a hitch. Overall, it was working very well.

There have been no major law enforcement issues, but the CCSO wants to warn people about the nomadic tree crews that can scam people in a time of stress. They stressed that no one should pay in advance of having any tree work done.

During this storm emergency, and even for carrying on everyday township business, Marla normally forwards the town hall phone to her **cell phone** so residents and anyone else needing to reach the township can usually have an immediate response, especially since she is only scheduled to be at the town hall up to 3 days a week. She buys a program of 400 minutes a month, but has recently used over 400 minutes in only 4 days on emergency township calls.

Dechmann/ Richmond/ Unanimous: Motion to allow Marla to allocate the percentage of the cost of her cell phone bill in proportion to the volume of township calls she takes and submit that as a reimbursable expense.

Cass County Emergency Management Mtg: There was a meeting of the team at this town hall this afternoon. Those attending included County Commissioner Neal Gaalswyk, Emergency Management Director Kerry Swenson, representatives from Bridges of Hope and the Initiative Foundation, Sgt. Brad Rittgers, Rob Mason (EGL) and Marla.

Bridges of Hope has set up a center at the Timberwood Church on Cty 371. They can provide hot meals, counselling, ice, and advice on resources for repairs and crews who volunteer to help cover roofs, etc. There are debris dump sites being established at the EGL waste site on Cty 18 (only for Cass Cty residents), Mike's Tree on Cty 77 (no charge), Pratt's (no charge??), Hengels (charged per load) and the Knife River quarry on Cty 15 (Cass Cty dumping there). Kerry will try to find volunteers to monitor these sites.

Keep track of volunteer hours to be used as "in kind" numbers at \$19 per hour.

Kerry will be advising us on the status of an emergency declaration by the County Commissioners to be forwarded to Governor Dayton for a declaration from the state, which may enable townships, cities and counties to receive up to 75% reimbursement on the emergency funds expended. Documentation of actual costs is key to being reimbursed.

Kerry will be creating press releases advising residents of resources, dump sites, etc. and will create a Nixle advisory on tree and repair crew scams.

Broadband Update: Kristi Westbrook called today to advise she was able to secure additional funding from the Broadband grant program to cover 47% of the \$60,000 cost to bring fiber optic cable to Gull Lane. CTC will cover the other 53%.

Richmond/ Dechmann/ Unanimous: Motion to approve payment of all Claims as submitted. (Aye: Weizenegger/ Richmond/ Dechmann).

10715	Crow Wing Power	Electricity 5/15-6/15	107.00
20715	Xcel Energy	Natural Gas	29.05
30715	CenturyLink	Telephone	88.03
40715	CTC	Internet	44.95
50715	PERA	Retirement	469.47

3892	Tom Dechmann	Administration	473.02
3893	Sharon Owen	Admin to 7/14	115.06
3894	Marla Yoho	Admin to 7/14	2,029.58
3895	Walt Richmond	Admin to 7/14	266.62
3896	Jim Weizenegger	Admin to 7/14	247.91
3897	Anderson Bros.	Crack Sealing Fondie Lane	3,840.12
3898	Bolton & Menk	Engineering Gregory Dr	390.00
3899	Cass Cty Historical Society	Donation	200.00
3900	Rardin Excavating	Crack Sealing	9,641.85
3901	Rardin Excavating	Mowing	2,760.00
3902	Tyler Hines	Gopher Bounty	49.00
Total			\$20,751.66

Richmond/ Dechmann/ Unanimous: Motion to close this meeting at 8:00 PM and to reconvene at 6:00 PM on Tuesday, July 21st to review storm damage updates and continue the meeting of the Board.

JULY MONTHLY BOARD MEETING CONTINUATION JULY 21, 2015

The continuation of the July Monthly Meeting of the Fairview Township Board of Supervisors was called to order at 6:00 PM in the Fairview Town Hall on Tuesday, July 21, 2015 by Chairman Jim Weizenegger. Other Board members in attendance were Supervisors Walt Richmond and Tom Dechmann (who arrived later), Clerk-Treasurer Marla Yoho.

Storm Damage Assessment Update:

Town Hall Damage: On July 16th, Marla contacted MATIT, the township insurance agency, to report the damage to the town and fire hall. They put her touch with Doug Coda of Moe & Nevin Insurance Adjusters. Coda will be contacting Marla sometime within the next few days. There is a \$2,500 deductible on our policy.

Dave Rasinski (Rasinski Excavating Inc.) brought a crew of workers and equipment over to remove the large trees from the top of the town hall and fire hall at a cost of \$2,500. They had to clear a path of broken trees from the area around the building just to get to the back. Once the trees were removed it was apparent there is substantial damage to the roof, soffits and even the vinyl siding.

There doesn't appear to be any damage to the radio antenna or to the township "entrance" signs.

Emergency Management Team: There were meetings of the Emergency Mgmt. Teams on July 17th and 21st at the town hall. Rob Mason (EGL) has been negotiating contracts with various tree cleanup crews for the hauling of tree debris at a rate of \$7.75 per yard. This price does not include any dollar figure for men on the ground to cut downed trees or to load, only grappling and hauling. This would require all trucks to keep a written log of loads/ yardage/ etc. (The current contract with Rardins pays for chainsawing at a rate of \$55 per man/hour.) There is a great deal of confusion about who can do what, but it is essential that we have some type of continuity between the local gov't units in how we do the billing if it will be submitted to the HSEM (Homeland Security Emergency Management) for some reimbursement. Rob has made tentative arrangements to bring in a tub dump chipper. There is some question as to the cost to the townships for this grinder. It may possibly be free if the vendor's contract for wood chips comes through. The chipper would be located at the EGL dump site.

The EGL dump site has been extremely busy, causing a traffic backup on Cty 18. There were no volunteers there to direct traffic and unloading which was a big problem.

Richmond/ Dechmann/ Unanimous: Motion to approve the township entering into a contract for grappling and hauling of roadside debris at the rate of \$7.75 per yard. Other rates will fall within current road

maintenance contract terms.

Kerry has asked all affected townships and cities to submit an estimate of what they anticipate their storm related expenses to be. No one will be held to these estimates, but it will indicate an overall level of damages. The categories for coverage include: Debris Removal (Total estimate \$275,000), Emergency Protective Measures (\$1,250 Pillager Fire Protection), Roads & Bridges, Building & Equipment (\$20,000), and Recreational Facilities (\$35,000 Pillager Park). Marla has spoken with Jon Rardin and Ted Sullivan who came up with an estimate of \$250,000- \$275,000 for just storm debris removal. Dave Enblom estimated that, based on the Cass Cty. crew's work so far, the cost will run about \$15,000 per mile. Using Dave's figure and estimating that about 75% of the township roads have damage, the estimate for storm debris removal would be \$247,500. The figure may be higher than the county estimate just because there was more damage on the township roads and they have much smaller working areas, which will make removal more difficult. The Debris Removal figure does not include a figure for clearing the roads immediately after the storm, which could bring the figure up to about \$325,000.

The Homeland Security Emergency Management team from the state of Minnesota will be up in the area to review damage and talk to the government units sometime next week.

Marla will be traveling all the township roads tomorrow to create a storm damage inventory.

Marla will contact Terry Hines to discuss the tree debris on his end of Pinewood Dr. The township does not have a right-of-way easement on the first 1,000 feet or so of this road and Hines will be responsible for clearing it to eliminate hazards.

Anderson Minimum Maintenance Road: On June 11th, Tom and Marla met with representatives from MP&L concerning the power line running under the road. Terry Wolfe (owner of adjoining property) contacted them because he feels that Birch Bay (Butch and Kathy Brown) entered into a Utility Easement agreement with MP&L but that the power line actually was partially laid on the Wolfe's property. The road lies to the east of the large pine trees planted along the back side of the golf course by the Browns. Wolfe wants the power line moved, but there is a lot of confusion about where the "road" lies, even though the Wolfe's had their property surveyed. They feel that since the "Anderson Road" name appears on county maps and aerial photos it is an actual road.

Marla has reviewed all the old files, contacted the County Recorder's office and the County Auditor's office, and can find no record that this driveway/ road/ path/ cartway was ever recorded. It was mentioned at the time of the Road Recording Project in 1989 but nothing was ever done with it. At the time of one of the Brown's road vacation actions even the court decided that the road had never been recorded so it could not be vacated. The township has not spent any money on the road in at least 25 years.

The road, which dead-ends at the end of Lot 14-005-2103 owned by Terry Wolfe, measures from 12 to 18 feet in width and is nothing more than a driveway between the two properties.

Guy Willis and Terry Wolfe attended tonight's meeting and voiced their opposition to the township vacating/ abandoning the road. The Board explained that they have no claim to the road/cartway since it was never recorded and has never been maintained by the township. It does not meet the township requirements for a road and there is no recorded easement.

Weizenegger/ Richmond/ Unanimous: Motion to contact Cass County and instruct them to remove all references to Anderson Road from their official township maps; and that the dead-end cartway referred to as Anderson Road should hereafter be considered a private driveway. The driveway was never recorded as a Fairview Township road and has not been maintained by the township, either as a minimum maintenance road or as a standard road. No township monies have been expended on this private driveway within the last 25 years.

Marla will forward a copy of the motion to Cass County and find out if it needs to be submitted in the form of a resolution and what information they will need to remove all references to the Anderson Road name from their maps and records.

Pillager Lake Rd: Roseanne Brown called the township last week to question why it took so long to clear Pillager Lake Rd since she had two semi-elderly visitors who were trapped there. Marla explained that live power lines and power poles were mixed into the trees that fell across the road. No one could gain

access until the power company could get a crew to cut the trees so they could gain access to the lines. While Roseanne understood that part of the problem, it caused her to question why our crews hadn't worked their way down the road to her house, past Jason Vig's property, to remove the tree debris since her portion of the road is still a township road. She referred to some long ago lawsuits that established the road all the way to the Sylvan line. Tom will have Bolton & Menk review the road recording and establish the dividing line between Fairview and Sylvan townships.

Gregory, Green Bass Lake Ln and Forest View Ct Road Projects: Marla sent a message to Al Knowlen at Anderson Brothers explaining that the township had every intention of going ahead on the road projects as quoted, but feels it would be better to wait until the storm damage has cleared and the road situation has stabilized. Al Knowlen responded by saying that he understood the issues we are dealing with and they are okay with waiting until 2016.

Birch Bay RV Resort Lawsuit: On June 15th Ken Bayliss received a Notice of Motion to Dismiss the Case with prejudice. This would mean that the lawsuit could remain open and hanging over our heads for years to come. Bayliss contacted the township and it was agreed that the case should be dismissed Without Prejudice, which would close the case.

On **June 17th** Bayliss received a confusing notification from the 9th District Court that said the attorneys had appeared before the Judge on **June 25th** and had agreed to dismiss the case with prejudice. Bayliss immediately contacted the court and was told it was off the docket. Three hours later he received a call from the Court Clerk saying it was back on the docket for June 25th.

Marla attended the court hearing on June 25th, along with about 21 residents from the Birch Bay area. The judge referred to the confusion over the 17th vs 25th rulings and vacated them. In attendance were the attorneys for the Agate Lake Homeowners Assn, Ken Bayliss for Fairview Township and Brad Person for Birch Bay RV Resort. Ken Bayliss made very strong arguments for dismissing the lawsuit without prejudice. Brad Person was insistent that they may want to revisit the suit once the plans for the RV Resort were approved.

On July 13th Judge Jana Austad issued her findings and dismissed the lawsuit without prejudice.

Birch Bay RV Resort EAW: Today (July 21st) there was a meeting with the Cass County Planning Commission in Backus to decide on the future of the Birch Bay RV Resort Environmental Assessment Worksheet. There were approximately 50 people in the audience, all of whom seemed to be opposed to the EAW and the campground. The audience was allowed to voice their comments and the Commission had copies of all of the rebuttal letters issued in response to the EAW. There were a number of questions or concerns raised by the DNR and MPCA in their letters. The Commission passed a resolution to postpone the decision on the EAW for up to 60 days. In that time, the proposers have an opportunity to provide more information in answer to the DNR and MPCA concerns. Those agencies then have 15 days to respond to those responses. This entire process can take no more than 60 days.

CTC Utility Contract: CTC submitted a proposal with prices for the services they could provide to the township. The township must agree to a two-year contract in order to have the fiber installed to the building. Weizenegger/ Richmond/ Unanimous: Motion to switch the telephone and internet service from CenturyLink and SOMA to CTC.

Dechmann/ Richmond/ Unanimous: Motion to adjourn meeting at 8:10 PM.

Respectfully submitted,
Marla Yoho, Clerk

Jim Weizenegger, Chair