

BOARD OF SUPERVISORS MONTHLY MEETING June 14, 2016

The June Monthly Meeting of the Fairview Township Board of Supervisors was called to order at 6:30 PM in the Fairview Town Hall on Tuesday, June 14, 2016 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 approve the **Minutes of the May Monthly Meeting.**

Treasurer's Report: Sharon reported the following month-end balances in the Township accounts: \$25,140.53 in Checking and \$252,518.01 in Money Market funds. **Revenues for May totaled \$58.60** (all interest); **Expenditures totaled \$11,301.41** (\$5,857.50 Road & Bridge; \$191.74 Fire; and \$5,252.17 General Gov't expenses).

We expect the Tax settlement from Cass County in about a week. Will hold the Fire Protection check and mail it after that deposit comes through.

Weizenegger/ Richmond/ Unanimous: Motion to approve the Treasurer's Report as presented.

Road Report:

Letters requesting **crack sealing quotes** were sent to Anderson Brothers and Rardins with a deadline of May 24th. At the May meeting, the Board gave Tom permission to accept whichever quote was lowest. The Anderson Bros. quote was \$15,810.55 and Rardin's was \$11,441.85. The contract for standard crack sealing was awarded to Rardins. That quote includes all of the roads listed in the May 2, 2016 letter.

The contract to PolyMat the 94 deep cracks on **Pinewood Drive** was awarded to Anderson Brothers at \$15,522.46. Neither contract includes the standard cracks on Pinewood Drive. The other cracks on Pinewood will be added to the list for rubberized crack sealing next year.

In the last month three different property owners on **Birch Forest Rd** have approached the township about the run-off issues on that road. These problem areas have been exacerbated by the removal of the storm damaged trees. Also, during installation of the broadband cable last year, the crew working for CTC hit a spring, causing a heavier water flow across the road. They installed a 1-1/4" drain under the road, but the water flow is heavier than the tube can handle.

After Tom's conversations with Loren Benson concerning the drainage issues, Anderson Brothers Construction submitted quotes covering two different areas of the road. Option #1 targets a 200 ft. long area by the Wainwright property (Big John's). As part of this project they plan to install a 12" culvert to divert water under the road and towards the slough, which then exits through a culvert running all the way to Gull Lake between the Wainwright and Laskey properties. Option #1 is quoted at \$40,421.26.

Option #2 covers a 250 ft long area to the north of the big rock. As with Option #1, they will subcut about 2 feet of the roadbed, place geotextile fabric, backfill with borrow, add 6" of compacted Class 5, and add a 2-1/2" bituminous wear course. There will not be a bituminous gutter as quoted on the Option #1 area. The cost for this option is \$43,084.52.

At the May 10th meeting the Board voted to switch the 2016 road construction monies from **Forest View Ct and Gregory Drive** for this year to work on **Birch Forest Rd**. Those dollars totaled \$74,611.90 (Forest View \$21,114.80 and Gregory Dr. \$53,497.10). The dollars for Option #1 and Option #2 on Birch Forest Rd would total \$83,505.78. Weizenegger/ Richmond/ Unanimous: Motion to approve the quotes with Anderson Brothers Construction for work on Birch Forest Rd (\$83,505.78) and Green Bass Lake Ln as quoted in 2015 (\$37,756.10) for a total of \$121,261.88. (Ayes: Weizenegger, Richmond, Dechmann)

Cass County Highway Dept. recently talked about the savings they were experiencing from reduced bituminous prices. Tom discussed the reduction in price with Loren Benson and was told the lower prices were more significant on highway projects opposed to small road projects like ours where mobilization is an issue. Tom will approach Al Knowlen on the subject when he confirms the new projects.

Rockwood Rd Stumps: Property owner Dale Plutowski, has called the town hall several times requesting the removal of several tree stumps that were left in the Right-of-Way on Rockwood Rd last year after the storm. Tom contacted Rardins last fall and again this May to have them removed, but they were still there. Finally he contacted Ted Sullivan who ground the stumps down completely on June 6th.

Orchard Park Lane: A woman (Snow's Auto Body?) has called three times concerning the holes in the gravel portion of the road leading into the Rock Lake Campground. The township portion of the road extends just past the culvert. The rest of the road belongs to the State. Tom contacted Mike Rardin on June 7th and asked him to dump a load of gravel and level it off, going back as far as the street/fire number for the campground.

Township Gutters: Marla contacted Anderson Bros. and the Cass County Highway Dept. looking for information on cleaning the township gutters. Jerry Beckman of Anderson Bros. explained that cleaning roadside gutters requires a team of three workers and three machines. First a bobcat with a bristle broom goes down the road and throws the debris out of the gutter into the roadway. Then a small street sweeper goes down the road to clean up the road. Finally, the sweeper has to be emptied into a dump truck. As an example, he said they clean the roads for Maddens. It takes about 1 Hour and 20 Minutes to get from Anderson Bros. to Maddens, so they are charged for almost 3 hours of travel time in addition to the work done. It is all time and materials. (As a note, Pelican is a brand name not a machine.)

Dave Enblom, Cass Cty Highway Director, suggested we contact Jim or Kyle Woodrum from Park Rapids (218-732-7170) since they have the contract to clean Cass County bridge decks this summer. Mr. Woodrum quoted \$80 per hour for the actual work and \$60 per hour for travel time (about \$1.00 per mile). There would also be a charge for the gravel dump truck and we would have to provide a place for them to dump the debris.

Gull Lake Drive: Marla has contacted Rob Mason at East Gull Lake twice to ask that the deep holes at the entrance of Gull Lake Dr be filled. He said he has called Holmvg Excavating but they are so busy they can't get around to it. They apparently take care of roadwork for 19 townships and 12 cities so they aren't as responsive as would be preferred.

Mailboxes: Tom Rocheford of Birch Forest Rd. sent pictures of the damage done to his mailbox by the Rardin plow truck and a bill for \$150 covering the repairs by his maintenance crew. He claims his neighbors actually saw the truck slide down the road backwards and hit the box and post. Marla forwarded the bill to Mike Rardin, who deducted the repair costs (\$150) from his billing this month. The township will cut a check to Mr. Rocheford to reimburse him.

The Mailbox Policy will be highlighted in the next township newsletter.

Fire Report:

Jim Weizenegger attended the Fire Meeting this month in Walt's absence. Jim reported the Fire Association hasn't sent the 2017-18 contract letter to **East Gull Lake** yet due to the secretary (Colleen Putnam) having surgery.

The fire truck that had some damage is back in service.

The fire-fighters have received training on administering **NARCON**, the drug-overdose stimulant, and it is now carried on 3 of the trucks.

Fire-fighters were manning two rescue boats during the recent **seaplane show held at Maddens**.

Randy is supplying a map of where they would like to have the **water storage tank** placed in the township road right-of-way near the **Quarterdeck**. Marla will contact Gopher State One Call to have them mark the area so Randy can determine if it will be workable.

Physical agility tests were administered to the fire-fighters this week.

Rescue Van #1 is going in for new tires.

Tom Bercher approached the township about the possibility of the fire department providing and/or installing a sign on **Bluebill and Perch Lanes** (private roads). The roads are quite narrow and when the event-rental house

has many people in-house their cars block the road overnight, which would prevent emergency vehicles from gaining access to homes at the end of the road. Randy Lee provided information on suggested signs (**Fire Lane, No Parking etc**) available through MyParkingSign.com. The Board discussed the issue and suggested that Tom Bercher buy and install one sign on Bluebill Lane, near the problem location, and the township will purchase one to place at the end of the township portion of Hunters Point Rd. (at the "v"). Randy Lee suggests they both be installed on standard metal posts so they both look official. Randy will place the order for the signs and posts.

Randy Lee will try to come up with a letter that could be sent to property owners who have not cleared the trees from their lots and which might cause a problem for access of emergency vehicles ...specifically for the property near **Bill LaTour** on the private portion of the road.

Rescue Van: The Fire Assn. has an opportunity to buy a 2007 F550 Rescue Van with 3,000 miles in 60 days. The truck will come equipped with a pump and will be re-worked with the equipment from the current rescue van. The cost is \$110,000. The money will come from the Truck reserve account. The new truck will eliminate the Grass Rig, the Ambulance and one other smaller truck (from the Station #2 garage), which have a trade-in value of about \$15,000.

Pinewood Road – Muehlbauer Ditch: Larry Muehlbauer has finally had Fletcher Logging grade the ditch that was filled for logging truck access. He followed that up by planting grass seed in the ditch.

PLANNING COMMISSION:

Beach Club LLC, dba the Quarterdeck, has submitted an application for a Minor Subdivision to provide separate PID's for the various portions and buildings on the property. There is no requirement for a hearing on this application.

OLD BUSINESS:

Birch Bay RV Resort Road Issue: The Agate Lake Owners Assn. has filed an Appeal of the Conditional Use Permit given to the Birch Bay RV Resort by the Cass County Planning Commission. This action may take 9 to 12 months as it moves through the Ninth District Appellate Court system.

Marla contacted Dale "Shorty" Spohn, Birch Bay RV Resort owner, and asked that the road abandonment issue be tabled until the court has issued their decision.

Marla and Paul Fairbanks discussed what actions the Spohns may be taking in view of the Appeal. According to Paul they can continue to work on their property in preparation for the campground but, they will not be able to apply for the permits to install pads and the septic systems; they have to verify that they have been accepted into the Agricultural Dept. VIC program; they have to submit final plans showing that the Phases have been revised, including a final site plan; and they have to submit financial assurances. All of these things would have to be submitted before they could apply for permits even if there was no Appeal.

They have hired a different company to complete another EAW which was submitted to the Dept. of Agriculture with their application into the VIC program. It is being processed, but there has been no decision. If they are not approved for VIC, then they must submit an alternative plan.

They are allowed to do some plantings, such as the trees. Paul thought the surrounding property owners would have wanted more buffer beyond/ behind the big trees.

Marla asked about the concrete work that was brought up at the last meeting. Paul said they did get a permit for some necessary concrete work that was in connection with their regular resort operation.

Agate Lake Owners Assn: Marla received a phone call from Nick Rudbeck of the Agate Lake Owners Assn, who apologized for the way their concerns were presented at the May Board meeting. He said their only plan had been to ask the Board to hold off making any decision about vacating the portion of road until after the Appeal has been decided, and that they have no interest in requesting that the old portion of road be accepted back into the township.

Lee and Nancy Wangstad Letter: The Wangstads sent a letter criticizing the Board and the Clerk for their actions and disrespect of the citizens at the May Board meeting. They claim they came with specific procedural questions about having a platted road accepted into the township and maintained; about survey lines for Birch Bay RV Resort; and whether the newly planted trees are actually on the correct property (out of the R-O-W); and

about the ineffectiveness of the Comprehensive Plan (and why the Board did nothing to uphold it) during the EAW/EIS process.

Part of the response to these comments: In 2003, the Board of Supervisors passed the **Resolution on Road Acceptance Moratorium**. That resolution placed a moratorium on the acceptance of any road into the Township until all pavement has been in place for two-years after construction before a developer or homeowner can submit a request to have the Township take over maintenance on said road. That resolution applies to any request received after October 1, 2003.

If the property owners feel they are truly being landlocked, which does not seem to be the case, **they may petition for a cartway**, but must pay the owner of the land to acquire the necessary easements, the Board's attorney fees and any other professional services, hearing costs, administrative costs, recording costs and any other costs the township may incur in connection with the recording process. However, the old road dead ends at the Fairview Township border. It also ends in the middle of a privately owned property in the City of Lake Shore. If the owners are intent on creating a cartway they must also file a petition with the City of Lake Shore to continue the cartway into their city. They must also purchase cartway easements from property owners in Lake Shore to continue the road since there is no recorded easement or cartway for those properties. Those properties would then have a public access across their properties which could be used by all residents, including the campground guests.

The **large pine trees were planted within the township road Right-of-Way in 1988 (28 years ago)**. Per MN Stat 160.22 subd 8, the adjacent landowner (Birch Bay RV Resort) owns the trees and any maintenance required by the township will continue to be the responsibility of the owners. There are no current plans to ask that they be removed. The newly planted trees do not interfere with safety or maintenance of the road. As part of the RV Resort CUP process the township asked that a sight-and-sound buffer of trees and foliage be created around the perimeter of the Resort. The small trees begin the process of creating that buffer.

Quarterdeck Gull Lake Easement: On May 12th, the Quarterdeck managers held a meeting with the 25 property owners who have deeded access to Gull Lake via the ramp on Quarterdeck property. They have worked out a plan for the 2016 season where if those property owners make a donation to supplement some of the costs, they will have a key to the newly installed gate. It's not a township issue but they want us to be informed in case there are any complaints.

Roseanne Brown – Pillager Lake Dr: The Board discussed the road leading into Roseanne Brown's property. The road appears to be recorded as a cartway, at 2 rods wide. The township should decide if it should be declared a Minimum Maintenance road since there is no way that it can be maintained as a standard road. Tom says the only way they can do anything to fill the holes is to bring in a load of Class 5, have the truck back in and then back drag it. A declaration must be made and filed with the County Recorder to get the road classified properly.

NEW BUSINESS:

Road Maintenance and Mowing Contracts: Legal ads ran in the Brainerd Dispatch and the Echo Journal on June 2nd and 9th advertising for Road Maintenance and Mowing Contracts for the term of July 1, 2016 through June 30th, 2018. The quotes will be opened at the July 12th Board meeting. The quotes should have been requested for opening at the June meeting, but the timing was too tight.

CLERK'S REPORT:

Abandoned Trailer: Marla spoke with John Ringle at the Cass County ESD about the abandoned trailer on the property near Sandy Point Rd. In May, the Cass County Board passed a proposal to clean up abandoned trailers. Under that resolution, Cass County will help pay the disposal costs if we can get the trailer crushed or dismantled. If we can pay Rardins (or someone else) to tow it to Green Bear Disposal, Hengels, or a scrap metal place, the county will split the costs with us 50/50.

Population: The Minnesota State Demographer has provided the 2015 Population and Household Estimates.
2015 Population Estimate: 838 2015 Household Estimate: 328

Election Schedule: Marla will be taking the Clerk's Election training in Backus on June 15th. She will also be in Walker on June 29th for the MAT Short Course, which includes Clerk's Election training. The additional hours of training are required for certification. In addition, she will be serving on an Election Judge training panel so will be in Backus on July 11th, 12th, 13th, 14th and 19th. She will also participate as a ballot tester in Hackensack on a couple of dates to be determined. The 9 potential election judges for township will attend the training sessions in Backus on July 11th and 13th. Election judges for the Primary and General elections will be appointed at the July 12th meeting.

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

10616	CTC	Internet & Phone	101.63
20616	Xcel Energy	Natural Gas - Fire Hall	40.72
30616	Crow Wing Power	Electricity	166.00
40616	PERA	Retirement Fund	382.42
50616	US Treasury	2nd Qtr Federal Withholding	679.95
60616	Minnesota Revenue	2nd Qtr State Withholding	200.01
4044	Pillager Area Fire Protection Assn	1st Half Fire Assessment	36,919.93
4045	Elite Detailing	Mowing Townhall	235.00
4046	Tom Dechmann	2nd Qtr Mileage	290.52
4047	Sharon Owen	2nd Qtr Mileage	63.72
4048	Walt Richmond	2nd Qtr Mileage	104.94
4049	Jim Weizenegger	2nd Qtr Mileage	56.50
4050	Marla Yoho	2nd Qtr Mileage, Supplies, Etc	741.37
4051	Tom Dechmann	Administration to 6/14/16	397.59
4052	Sharon Owen	Administration to 6/14/16	115.06
4053	Marla Yoho	Administration to 6/14/16	1,690.51
4054	Walt Richmond	Administration to 6/14/16	116.94
4055	Jim Weizenegger	Administration to 6/14/16	233.87
4056	Rardin Excavating	Grading	530.00
4057	Tom Rocheford	Mailbox Post	150.00
		Total	\$43,216.68

Dechmann/ Richmond /Unanimous: Motion to adjourn the meeting at 8:13 PM.

Respectfully submitted,
Marla Yoho, Clerk

Jim Weizenegger, Chair

These Minutes Approved 7/12/2016