

## BOARD OF SUPERVISORS MONTHLY MEETING May 10, 2016

The May Monthly Meeting of the Fairview Township Board of Supervisors was called to order at 6:30 PM in the Fairview Town Hall on Tuesday, May 10, 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 April Monthly Meeting.**

**Treasurer's Report:** Sharon reported the following month-end balances in the Township accounts: \$36,400.11 in Checking and \$252,507.29 in Money Market funds. **Revenues for March totaled \$1,847.83** (\$.32 interest, \$257.72 Electricity & Gas Reimbursement, DNR Land Rental Reimbursement); **Expenditures totaled \$6,447.28** (\$150.00 Road & Bridge; \$246.72 Fire; and \$6,050.56 General Gov't expenses).

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

### **Road Report:**

On April 15<sup>th</sup> the Board conducted the **Annual Road Review**. The roads were in better condition than had been anticipated due to the amount of wear and tear inflicted by falling trees and logging trucks from the 2015 storm. A copy of the summary is attached to these minutes.

Letters requesting **crack sealing quotes** were sent to Anderson Brothers and Rardins with a deadline of May 24<sup>th</sup>.

Tom requested the Board give him permission to approve whatever bid is lowest when they are submitted.

Richmond/ Weizenegger/ Unanimous: Motion to give Tom Dechmann permission to accept whichever road crack sealing quote is the lowest when they are submitted on May 24<sup>th</sup>.

**Pinewood Drive**, the longest and most used township road, has many long, deep cracks. Tom has reviewed the road with Jerry Beckman of Anderson Brothers Construction. They identified 94 cracks that are ditched enough to be better filled with the Polymat product used on Fondie Ln last year. Anderson Brothers has submitted a sealed quote for filling some of the cracks on Pinewood Dr with Polymat, and the balance with standard crack sealing compound.

Tom contacted Al Knowlen at Anderson Brothers in reference to the contracts they are holding from the summer of 2015 for work on **Green Bass Lake Ln, Forestview Ct and Gregory Dr**. During the Road Review it was determined that Forestview Ct, which had been scheduled for an overlay due to its proximity to Green Bass Lake Ln, was not in need of an overlay at this time. Instead, those dollars could be better spent on trying to alleviate some of the drainage issues on **Birch Forest Rd**.

Roger Wainwright submitted pictures to the Board showing water that continues to flow down and across the road. Tom met with Loren Benson of Anderson Brothers to review the issues on Birch Forest Rd. Tom asked Loren to prepare two separate quotes for the two different problem areas. One scenario has the road being tipped away from the Wainwright (Big John's) property to route the water towards the lowland on the north side of the road and then through the existing culvert along the Wainwright/ Laskey property line and down to Gull Lake. This project would entail putting another culvert under the road, to again route the water from the south side of the road to the lowland and existing culvert. A second area, farther down the road, has also been identified for improvement. Loren will submit quotes on both areas. These separate quotes will allow the dollars to be allocated to one or both of the areas.

Richmond/ Weizenegger/ Unanimous: Motion to switch the road projects dollars allocated towards the Forest View Ct overlay to **Birch Forest Rd**; and to allow Tom to make the decision on how to allocate those dollars on Birch Forest Rd before the next Board meeting.

As a separate issue, **Roger Wainwright** submitted photos supporting his claim that a plow had pushed snow 15' to 20' up his paver driveway on **Birch Forest Rd**. The plow caused extensive scraping on the pavers. Mike

Rardin has assured Marla that his plow truck did not plow into the driveway and would have had no reason to since they have a large turn-around farther up the road.

Tom discussed the **problem with the gutters** along the township roads. The gutters were created to divert runoff from the roads, but they fill up with dirt and debris causing additional problems. Rardins does not have a "Pelican" style gutter cleaner and have been resistant to the idea of having workers just travel around with a shovel to clean them. Tom has done it upon occasion but there needs to be a permanent solution. It isn't a once a year project but something that must be done on a more frequent schedule. Loren Benson indicated to Tom that Anderson Brothers has a gutter cleaning device, but we have no price quotes. Tom has asked Marla to find sources and price quotes for this type of service.

There were 4 separate reports of **mailboxes** being hit by the township plow this winter. Three were on Birch Forest Rd and one on Red Oak Dr. Tom checked two on Birch Forest Rd and determined that they both had wood posts that were rotted at the base and it didn't take much snow being pushed against them to cause them to break off. Tom Rocheford of #2439 has documented statements from his neighbors who saw his mailbox be hit. Rae Skinner on Red Oak Dr also has neighbors who were out walking on the road when the plow went through and hit it. Both Rocheford and Skinner are submitting bills to the township for the replacement of the posts and boxes. Tom instructed Marla to send all parties a letter including a copy of the **Mailbox Policy** which explains the need to use the swing posts.

**Orchard Park Ln:** The DNR directed a resident/ camper to contact the township concerning the deep holes in the gravel beyond the pavement going into Rock Lake Campground. The actual dividing line between the township and the state portion of the road must be determined. Tom thought Bolton & Menk had done that when they provided an estimate for work a few years ago. Marla will see what information is in the records.

#### **Fire Report:**

Walt reported the Fire Association is sending a new contract to East Gull Lake for 2017-18. They will be raising the assessment from \$25,000 to \$45,000. It will still cover only fire, accidents and dire emergencies, not standard medical runs.

Randy is applying for a grant to bury the water storage tank at the Quarterdeck. They want to place it in the township right-of-way where it will be more accessible.

The firefighters will now carry the drug NARCON, which can be used on drug overdoses.

The Training Retreat was a big success.

The rescue boat is being launched at Maddens this week.

The well collapsed on the property of a rancher on Cty 34. He has several hundred head of cattle who needed to be watered, so Randy hauled water out to his ranch for several days until the well could be fixed. The rancher sent a \$500 donation to the Fire Assn. as a thank you.

They also received \$436.33 from the excess change box at the Petro station.

There were 17 runs in April (2 medicals in Fairview), bringing the total runs for the year to 87.

#### **Planning Commission:**

Cass County submitted some proposed amendments to the Environmental Definitions Ordinances, primarily pertaining to Accessory Dwelling Units; Guest Cottages and Guest Quarters; and Steep Slopes.

#### **OLD BUSINESS:**

**Fairview Land Tree Update:** Marla spoke with Al Sharp concerning the condition of, and possible clearing of the acreage owned by the township. Al walked all of the land and said that, due to the forethought of the Board in having the land logged several years ago, it is in fairly good condition. There is some downfall, which should be cleaned up, but the amount is comparatively small so that it will be difficult to get a logger to take on the project at

this point. He said he will keep this plot in mind and some logger already working in the area may be willing to add it on to the end of another project.

**Birch Bay RV Resort Road Issue:** At the last meeting Dale "Shorty" Spohn, owner of the Birch Bay RV Resort, approached the Board about the possibility of the township abandoning the portion of S. Agate Shore Dr that lies within the RV Resort property. Marla contacted Kyle Hartnett, an attorney with Kennedy & Graven in Minneapolis who specializes in township law. He said there are three different ways to vacate the road:

1) By Petition: Mr. Spohn may file another petition one-year after the first petition (not 5 years as was brought up at the last meeting). He would need the signatures of 8 legal township voters who also own property within 3 miles of the road. There would then have to be published and printed notices of the proposal and hearing date; a hearing would be held at the proposed road, and a decision made by a majority vote of the legal township voters at the meeting.

2) In lieu of a petition, the township can, either at the Annual Meeting or by calling a special meeting for this specific purpose, place the question before the legal township voters in attendance at the meeting. Issues to be considered are liability and whether this would interfere with ingress and egress of residents. Again, the result would be a majority of the legal township voters in attendance. If the township calls a special meeting they must post notices; publish notices 10 business days prior to the meeting; and mail to the immediate neighbors, just as with the presentation of a petition. Anyone within the township can come to the meeting, but not all may vote.

3) The Board could pass a resolution to close the road and then put up barricades. Kyle said this was not necessarily the most ideal solution. Due to the perceived liability issues, it would be better to go through the actual vacation process. He said that there is no real reason to go through the process of having the road removed from the plat, and many roads are platted but that doesn't make them township roads, it just makes them platted on a piece of paper and dedicated for the potential purpose of use as a road. They may be used or not used, and they may be recorded by a township or not recorded. The only question would be whether a township maintains them. Kyle advised that no matter what course we take, we get an attorney involved just to make sure it is all done properly.

We cannot sell the piece of road to the surrounding property owner, but we can negotiate a deal where they give up property for a turnaround and the costs of constructing the turnaround.

Steve Klonowski questioned how the piece of road could be any more of a liability issue now than it was in the past. For instance, if the stub of road exists as public within the private camp ground and public traffic travels in and must immediately turn around to exit, and a child from the many campsites runs into the road area and is hit, the township could potentially have ultimate responsibility since they refused to vacate the road stub.

In the middle of this discussion, Lee and Nancy Wangstad (Fairview Township residents) and Steve Klonowski (renter in Lake Shore) announced they want information on how to get the old portion of Birch Drive that was vacated years ago, re-established as a township road. The township cannot accept a new road unless it constructed and paved to meet county specs. They claimed that by closing off the portion of S. Agate Shore Dr under discussion (in front of lots 7, 8 and 9), we will be landlocking people on Lot 1. After trying to figure out how that could happen it became apparent that Birch Bay RV Resort actually owns Lot 1 and it would not be landlocked since they will have access through the proposed new entrance off Sandy Point Rd. Then they tried to infer they need the old road through the RV Resort to be established because the people on Aspen Ln were going to be landlocked. Aspen Ln is a gravel road in Lake Shore which accesses 6 or 7 lots off Anderson Rd in Lake Shore. Those lots are not landlocked, but they could apply to record a cartway.

Walt Richmond threatened to close down the meeting when the discussion became quite heated concerning how vacating the road over 20 years ago has caused problems for residents on S Agate Shore Dr to visit people on Aspen Ln.

The discussion from the audience was out of control, confusing and completely off point. Walt suggested that those in attendance get together to decide what they were really requesting.

Eventually Steve Klonowski was insistent that the clerk (Marla Yoho) had already made up her mind that the lower portion of the road was being vacated. Since she is not a voting member of the Board, was only providing information for the Board to consider, and was provoking confusion, she left the Board table and discussion before her comments could be construed as those of the Board.

In reference to the survey of the Birch Bay property and the placement of the trees inside the line of the existing

big trees, Marla did contact KLD, as was suggested at the last meeting, but the only surveys they have are the ones in our files. There are three pins indicated on that survey. The Board would have to make a decision if they want to incur the expense of hiring a surveyor to determine road location, but the discussion went so far off course that it had to be discontinued.

**NEW BUSINESS:**

**Quarterdeck Gull Lake Easement:** Approximately 25 property owners in the Birch Bay on Big Gull development received deeded access to Gull Lake across Lot 10, which was purchased by Beach Club LLC, the new owners of the Quarterdeck. The DNR has new requirements that, as a resort, the Quarterdeck must check all boats using their access for AIS. The Quarterdeck has installed a gate at the access to control those inspections and the resort manager has been certified to conduct the inspections. Also, they incur major expense every year to repair the ice ridge damage at the access.

In order to recover some of their expense, the Quarterdeck is proposing to charge \$5 per “in or out” inspections or a flat fee of \$100 per season.

There will be a meeting for all affected property owners at 4:00PM on May 12<sup>th</sup> at the Quarterdeck. (Letter sent to affected property owners is included here.)

**Lakeshore Conservation Club Noise Complaint:** A resident of Lake Shore has been in contact with the township concerning the excessive shooting at the Gun Club. She feels they are not adhering to the rules. Marla has sent her copies of the MN Statutes which cover the operation of shooting ranges, and which give all control to the DNR. In those statutes, gun clubs are given permission to shoot from 7AM to 11PM, with no restrictions on the days of the week. The Conservation Club sets guideline hours for operation, but there is no restriction on what those hours may be.

**CLERK’S REPORT:**

**Abandoned Trailer:** There has been no response from the property owner concerning the abandoned trailer (intersection of Cty 77 and Sandy Point Rd). Marla will contact the Cass County ESD to find out what guidance they can provide on removal.

**Weather Spotter’s Class:** Four people attended the Weather Spotter’s Class, which was conducted by John Bowen, the Director of the Crow Wing County Emergency Management Dept. All participants will receive credentials identifying them as official weather spotters and may now make weather reports directly to the NOAA weather service located in Duluth.

**HazMat Incident Exercise:** Marla attended the HazMat tabletop exercise in Backus. Township and city officials and law enforcement officers were divided into groups and had to decide how they could best handle a specific hazardous emergency. It was very informative and spurred a lot of conversation.

All cities and townships within the county have been asked to prepare a Resource Directory which should be submitted to the Cass County Emergency Mgmt. Dept. so they will have it as reference in the event of an emergency.

**Roseanne Brown – Pillager Lake Dr:** The Board should make a decision on how to proceed with identifying what type of road exists beyond the Vig property on Pillager Lake Rd. It must be maintained wide enough to allow access by emergency vehicles, etc., but is it a cartway, road or minimum maintenance road. Table this to the June agenda.

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

10516	CTC	Internet & Phone	104.14
20516	Xcel Energy	Natural Gas - Fire Hall	66.74
30516	Crow Wing Power	Electricity	215.00
40516	PERA	Retirement Fund	491.52

4033	Cass County Ag Society	Pillager Fair Donation	500.00
4034	Cass County Historical Society	Donation	200.00
4035	Minnesota Assn of Townships	Summer Short Course Registration	150.00
4036	Rardin Excavating	Sweeping, Grading, Plow & Sand	4,485.00
4037	Rardin Excavating	Patching, Tree Clean-up	1,372.50
4038	Tom Dechmann	Administration to 5/10/16	495.81
4039	Sharon Owen	Administration to 5/10/16	115.06
4040	Marla Yoho	Administration to 5/10/16	1,915.84
4041	Walt Richmond	Administration to 5/10/16	472.43
4042	Jim Weizenegger	Administration to 5/10/16	420.97
4043	Brainerd Dispatch	Road & Board of Review Notices	296.40
		Total	\$11,301.41

Richmond/ Dechmann/ Unanimous: Motion to adjourn the meeting at 8:20 PM.

Respectfully submitted,  
Marla Yoho, Clerk

Jim Weizenegger, Chair

Notes: Only 3 of the people attending the meeting were from Fairview Township: Lee & Nancy Wangstad and Shorty Spohn.

The others were all from Lake Shore, all members of the Agate Lake Owners Assn.