

## 2017 FAIRVIEW TOWNSHIP ANNUAL MEETING

The Annual Meeting of the residents of Fairview Township was called to order at 6:30 PM on Tuesday, March 14<sup>th</sup>, 2017 in the Fairview town hall by Clerk Marla Yoho with the Pledge of Allegiance.

**Tom Dechmann/ Walt Richmond/ Unanimous:** Motion to appoint Jim Weizenegger as moderator.

**Tom Dechmann/ Ken LaPorte/ Unanimous:** Motion to waive reading of the Minutes of the 2016 Annual Meeting since copies were distributed.

**Walt Richmond/ Tom Dechmann/ Unanimous:** Motion to approve the Minutes of the 2016 Annual Meeting as presented.

### Treasurer's Report:

#### BEGINNING

#### CASH

January 1, 2016

Adjusted Checking	\$	53,161.72
Money Market	\$	252,465.44

ADJUSTED BEG. CASH **305,627.16**

#### REVENUES

		<u>BUDGET</u>	<u>BALANCE</u>
Interest	903.60	100	-804
Cass Cty	310,854.83	292,325	-18,530
PILT/ Market Value Credit	16,146.69	13,000	-3,147
Township Aid	3,155.83	1,400	-1,756
Gas Tax Allocation	19,223.94	19,224	0
DNR / Pillsbury Forest	1,589.79	1,590	0
Sale of Investments	0.00	4,950	4,950
Utility Reim/ Misc	<u>2,171.81</u>	<u>2,435</u>	<u>263</u>
TOTAL	<u>354,046.49</u>	335,024	-19,022

**TOTAL CASH** **659,673.65**

#### EXPENSES

#### ROAD & BRIDGE

Road Projects	65,088.40	100,000	34,912
Blacktop Maintenance	34,290.32	37,500	3,210
Gravel Maintenance	6,722.00	4,500	-2,222
General Rd Maintenance	25,361.50	20,000	-5,362
Snow	<u>39,438.75</u>	<u>40,000</u>	<u>561</u>
TOTAL	<b>170,900.97</b>	202,000	31,099

#### FIRE & SAFETY

Mtgs/ Signs	2,249.06	3,200	951
Pillager	<u>73,839.86</u>	<u>74,500</u>	<u>660</u>
TOTAL	<b>76,088.92</b>	77,700	1,611

#### GENERAL

Administration	31,080.00	32,000	920
Elections	2,773.15	3,000	227
Planning Comm	291.58	500	208
IRS/MN Revenue	3012.86	3,250	237
PERA	3,625.46	3,500	-125
Medicare (Employee Share)	-2,048.24	-1,250	798
PERA (Employee Share)	-1,951.14	-1,250	701
Supplies	1,166.26	1,200	34
Utilities	3,457.54	3,750	292
Mileage	2,617.12	2,500	-117
Public Notices	905.52	2,000	1,094
Dues & Subscriptions	1,257.27	1,000	-257
Insurance	3,766.00	3,500	-266
Bldg/Equipmt Maintenance	1,895.98	1,750	-146
Legal & Special	1,835.00	2,000	165

Parks & Recreation	4,000.00	2,000	-2,000
	<b>57,684.36</b>	59,450	1,766
<b>TOTAL EXPENDITURES</b>	<b>304,674.25</b>	339,150	34,476
<b>ENDING CASH</b>	<b>December 31, 2016</b>		
Checking	\$ 116,584.85		
Outstanding Checks	\$ (14,177.50)		
<b>ADJUSTED ENDING CASH</b>	<b>\$ 102,407.35</b>		
<b>MONEY MARKET:</b>	<b>\$ 252,592.05</b>		
Total Cash Available	\$ 354,999.40		
<b>Rd &amp; Bridge CDs</b>	<b>\$60,000.00</b>		
<b>Community Project CD</b>	<b>\$35,000.00</b>		

The Fairview levy tax rate for 2017 is based on a Taxable Market Value of \$290,814,700.

**Tom Dechmann/ Ken LaPorte/ Unanimous: Motion to waive the reading of all checks** written during the year since the monthly expenditure reports are posted on the wall.

**Sharon Owen/ Ken LaPorte/ Unanimous: Motion to accept the 2016 Treasurer's Report** as presented.

**Road Report:**

Road Supervisor, Tom Dechmann distributed the following Road Report:

<b>Total expenditures for Road Maintenance and Construction in 2016:</b>	<b>\$171,432</b>		
<b>Snow Removal</b>	<b>\$39,864</b>		
<b>Blacktop Maintenance</b>	<b>\$35,239</b>		
Includes:			
<b>Sweeping:</b>	\$ 3,600		
<b>Crack Sealing:</b> 47,191 Linear Feet, or 8.94 Miles	\$13,042		
Cottage Wood Dr	Pillsbury Circle	Pillsbury Dr	Orchard Park Ln
Quill Dr	Rardin Rd	Red Oak Dr	Red Oak Trail
Rookery Dr	White Pine Rd	Wood Dr	Birch Forest Rd
Ski Gull Ln.	So. Agate Shore Dr	So. Agate Shore Trl	Vansickle Bay Rd
Westwood Shores Rd	Hill Dr	Maple Dr	Hines Circle
<b>Patching, Shouldering, Drainage, Wash-Outs:</b>	\$ 3,075		
<b>Poly-Patch:</b>	Pinewood Dr.	\$15,522	
<b>Gravel Road Maintenance:</b>	<b>\$6,934</b>		
<b>Grading, Patching, Fill:</b>	\$ 3,377		
<b>Pillager Lake Rd Improvement:</b>	\$ 3,557		
<b>General Road Maintenance:</b>	<b>\$ 12,643</b>		
<b>Mowing Roadsides:</b>	\$11,800		
<b>Roadside Clean-Up:</b>	\$ 843		
<b>Road Projects:</b>	<b>\$66,924</b>		
Green Bass Lake Ln	\$ 31,993		
Birch Forest Rd	\$33,733		
Orchard Park Ln Survey	\$ 1,198		
<b>Storm Damage Roadside Clean-Up</b>	<b>\$9,828</b>		

**2017 Road Review:**

The date for the annual Road Review has been set for Tuesday, April 18th. Township supervisors will leave the town hall at 7:30AM. Any township resident may participate, but must provide their own transportation. The tour is expected to last until 1:00PM.

## **2016 Road Issues:**

### **Pinewood Dr:**

Pinewood Drive, the longest and most used township road, had many long, deep cracks. After weighing the costs and life expectancy of the product, the Board made the decision to have Anderson Brothers Construction fill 94 of the most severe cracks with the Polymat product used on Fondie Ln last year. The cost for filling these cracks was \$15,522. The remaining cracks will be sealed with standard rubberized crack sealing compound in 2017.

The cost for Rardin Excavating to apply rubberized crack seal on all the other roads was \$11,441.85

### **Green Bass Lake Ln:**

In 2015, before the storm, engineering specs and quotes had been approved for patching and overlays on Green Bass Lake Lane, Forest View Court, and Gregory Drive. After the storm, Anderson Brothers agreed to hold the quotes until 2016. Forest View CT had only been scheduled for an overlay due to its proximity to Green Bass Lake Ln. The Board determined it would be more prudent to just patch and overlay Green Bass Lake Ln this year, and to switch the construction dollars previously allocated for Gregory Drive and Forest View Court towards some serious drainage issues on Birch Forest Rd.

Bituminous prices were slightly lower in 2016 than when the bids were accepted in 2015, enabling the Road Supervisor to negotiate a lower price for this project. Anderson Bros. Construction removed and patched 234 sq. yds. of asphalt and installed a 1-1/2" overlay on Green Bass Lake Ln at a cost of \$35,994.35.

### **Birch Forest Rd:**

Several residents along Birch Forest Rd approached the Board about continuing run-off problems that had been exacerbated by removal of storm damaged trees on the west side of the road. The Road Supervisor worked with Anderson Bros. to find the best way to divert the water towards the slough and then channel it through the existing culvert that runs from the road, between properties and down to Gull Lake.

In October, Anderson Bros. cut a 6-ft. wide by 3 ft. deep trench across the road to create a French Drain. The trench was lined with geotextile, then the sides were filled with about 6" of 1" rock. They installed three 4" sock covered, corrugated plastic drain tubes to divert the water north, south and into the culvert. The tubes were buried in another 6" of rock. The trench was backfilled with reclaimed concrete and Class 5. They then installed 2-1/2" of blacktop over the area, sloping where necessary. This project was completed at a cost of \$33,414.

### **Orchard Park Lane:**

The DNR has forwarded campers at Rock Lake Campground to file complaints with the township about the large potholes forming in the gravel portion of Orchard Park Ln as it leads into the campground. The large rainstorms last summer compounded the problem. After dispatching Rardin Excavating to fill the holes with gravel they discovered that while the two plastic culverts are running freely, the large metal culvert under the road is filled with rocks and the water wasn't flowing. The ends were filled with muck which prevented viewing the entire problem.

A survey completed by Bolton & Menk marked the township's responsibility, with the metal culvert lying on the Fairview side and the plastic culverts on the State of MN side.

The township contacted the Crow Wing Dive Team who declined to attempt removing the rocks due to many safety issues involved with working in culverts. The Minnesota Dive Team may be able to tackle the job, but they couldn't analyze the situation until all the muck was removed, which was done in October.

The township will meet with the director of the campground in the spring to discuss whether they could join forces for a State Park and Trails Grant to build up and possibly pave the road.

### **Township Road Gutters:**

Drainage gutters have been installed on several of the township roads, but they are ineffective in some areas due to the large amounts of sand and tree debris that collect in them. Rardin Excavating does not have the equipment to clean them. The cost of hiring a company with a rotating bristle broom is quite prohibitive since it requires a 3-man crew, at least 2 trucks and extensive travel time.

**Pillager Lake Rd:**

The Minimum Maintenance portion of Pillager Lake Rd, which was only recorded as two-rods wide, became quite overgrown and rutted, and was prohibiting a Fairview property owner from accessing their cabin. There are concerns about cutting into the hillside on the north side of the road and the south side is close to the water. Rardin Excavating brought in a grader and widened it as much as possible and removed trees along the edges wherever possible. He then added some Class 5. The road is now wide enough to allow the passage of an emergency vehicle if necessary, but it does narrow down near the Brown property due to a rock edged drain field that extends into the R-O-W.

**Storms:**

Several storms swept through the area over the summer including the wind storm on August 4<sup>th</sup>, which did extensive damage in Lake Shore and knocked down many trees in the north portion of the township. Rardin Excavating was able to clean up the trees and chip them for disposal. The August 4<sup>th</sup> storm reached a damage level that allowed the township to apply for partial reimbursement from the State of Minnesota Emergency Management fund (again).

Then, on November 18<sup>th</sup> and 19<sup>th</sup> a major snow storm hit the area bringing swift, heavy snow which caused many trees to break off. Gull Lake Dr was blocked by at least 50 fallen trees, closing off the road completely. While Rardins had their large trucks deployed on snow removal Steffen Tree Service was able to bring in chainsaws and a front end loader to finally get the road open.

There are trees broken and bent over Norway and White Pine roads which will be taken care of in the spring.

**SNOW REMOVAL COMPARISON**

	<b>2012-2013</b>	<b>2013-2014</b>	<b>2014-2015</b>	<b>2015-2016</b>	<b>2016-2017</b>
Nov			1,838		
Dec	3,725	3,389	5,182		13,748
Jan	3,923	9,073	2,493	9,800	8,840
Feb	9,653	8,291	5,720	9,760	7,290
March	10,747	11,428		5,756	2,540
April	12,679	<u>9,447</u>	<u>4,333</u>	<u>375</u>	
May	<u>1,427</u>				
<b>TOTAL</b>	<b>42,154</b>	<b>41,628</b>	<b>19,566</b>	<b>25,691</b>	<b>32,418</b>

**Seasonal Road Restrictions:** Spring Load Restrictions for the Central Frost Zone went into effect on Monday, March 6, 2016 at 12:01 AM.

**Fire Report:**

Walt Richmond reported it was a very busy year for the Fire Dept. They responded to **275 emergency runs in 2016**, 4 less than in 2015. 31 of the calls (or 11.2%) were in Fairview Township. (Approximately 85% of all medical calls are to Group and Assisted Living homes.)

The 2017 budget for the Pillager Fire Dept. is \$175,450, with the Fairview assessment at approximately \$74,000. The 2018 budget has just been proposed at \$176,000. The current assessment formula is based on market value of property in each of the six-member city and townships. One of the Fire Association members is working on a new formula that would potentially reduce the amount that Fairview Township pays, but it would raise the amount that Sylvan and Pillager would pay. That has caused resistance to each of the proposed formulas.

East Gull Lake has just signed a 4-year contract with the Fire Dept. for fire protection and emergency response (car accidents, etc). This contract doesn't cover medical calls. The original contract had them pay \$25,000 per year. The new contract will increase by \$7,000 dollars for each of the first 3 years, bringing it to \$46,000. The fourth year will stay at \$46,000.

The members had thought this would go towards lowering the assessments, but Randy Lee would like to keep that money in a Reserve account for the purchase of a new truck, since the one here is almost 20 years old.

The Fire Association raised the retirement benefit from \$2,300 per year of service to \$2,500 per year. A firefighter is fully vested in the retirement program after 20 years of service. The retirement account, which is funded by pull-tabs, currently has over \$100,000 more in the fund than is required by law.

Randy Lee is developing a per-call incentive benefit compensation plan for the volunteer firefighters.

The Fire Association took in almost \$30,000 in grants and donations during 2016.

The Association purchased a new battery operated Jaws of Life and accessories for about \$24,000.

They returned the government surplus fire rig that was on loan from Willow River, and purchased a 2007 F5500 fire rig with only 13,000 miles at a cost of \$95,000 plus the trade-in of some old equipment.

The Fire Dept. is planning to install a donated 10,000-gallon water storage tank at the Quarterdeck. The Quarterdeck will pay the cost of burying the tank and the Fire Dept. will pay for the plumbing.

The Fire Dept. signed up for the "Active 911" program at a cost of \$11 per-year per-phone. This program allows all emergency calls to be sent directly to the firefighters' own phones. They can text back to advise whether they can respond. The system also allows Randy to map exactly where the firefighter is and how far he is from responding.

In March 2016, CLC. organized an impressive day-long training event to burn the old hotel at the Quarterdeck. Over 150 firefighters from across the state participated.

**Pillager Park Report:** Walt Richmond, Pillager Park Liaison, reported the member assessment for Pillager Park will remain at \$2,000 for 2017.

The 2015 storm severely damaged the pavilion. They had planned to just repair the existing structure, but the insurance company wouldn't cover the steel trusses they would have had to make, so they will just tear down the rest of the pavilion and build a totally new one from wood.

They received donations of \$1,500 each from the Lions and the Firemen's Relief Fund.

The DNR will build a new dock that will extend out over the drop-off.

The host camper didn't come back last summer.

### **Fairview Planning Commission:**

**Birch Bay RV Resort:** In January 2016, the Cass County Planning Commission passed a resolution to Not require the proposed Birch Bay RV Resort to complete an EIS (Environmental Impact Statement). Included in the resolution were conditions that limited the first CUP application to apply to Phase 1 only, which would be comprised of approximately 50 lots. Any subsequent CUP applications will be accepted only after a two-season interval, which will give all parties concerned an opportunity to evaluate the overall effects on the environment, roads, lakes, etc. This resolution also stated the original CUP application may not increase the number of existing mooring sites on the lake and the boat launch area will be locked and monitored by office staff. There were additional conditions referring to waste water and water treatment.

On March 14<sup>th</sup>. The Cass County Planning Commission reviewed the application from the Birch Bay RV Resort to expand and reconfigure the golf course/ resort RV Resort for Phase 1, containing 55 RV sites and a waste water treatment system.

The CCPC approved the application for 55 sites in Phase I but the actual configuration of those sites will be changed from the proposal. Phase I was approved with 49 sites from the original Phase 2 and 6 riparian sites from original Tier #1. There were 23 conditions put on the approval. Many of these conditions must be met before commencement of construction.

In addition to the conditions, the owners agreed to work with their septic installers to move the primary SSTS to an area that is not adjacent to existing homes, as possible.

The owners will enhance the vegetation border (trees) to create a visual and noise barrier between the resort and the existing homes.

The Planning Commission will not consider a CUP application for Phase 2 until sufficient time has passed to gauge the impact of Phase I. Before the next application, Birch Bay RV Resort must submit reports to ESD on occupancy rate, water use, AIS inspections, lake access activity and Sheriff's Dept. calls. The owners must comply with all requirements and recommendations of the MN Dept. of Agric. VIC program and provide verification to ESD.

An "Appeal of the Conditional Use Permit given to the Birch Bay RV Resort by the Cass County Planning Commission" was filed by the Agate Lake Owners Assn. This action was expected to take 9 to 12 months as it moves through the Ninth District Appellate Court system. The main argument for the appeal is that the effect on Gull Lake was not taken into consideration when approving the CUP. The township has not yet received notification of an outcome on the appeal.

### **Randolph Larson "After the Fact" Conditional Use Permit-10648 Cty 77 SW:**

"After the Fact" Conditional Use Permit application for the excavation and removal of an historic ice ridge which exceeded more than 50 cubic yards of earthen material as well as vegetation on the property.

Mr. Larson closed on the purchase of the property on 8/25/2015, just after the storm went through the township. Aside from the ice ridge, the lot suffered extensive tree downfall. Mr. Larson proceeded to remove trees and

move soil within the shoreland setback without a permit.

The Fairview Planning Commission members reviewed the site and sent a letter in which they recommended the approval of the application and proposed re-construction plan, including a vegetation plan. The "After the Fact" Conditional Use Permit was approved and the home is under construction.

#### **Quarterdeck:**

In December a request was received from Quarterdeck Resort to revise the approved site plan for the resort development. The revised reconfiguration will not alter the density or number of lots. The new plan will eliminate 5 cottages to allow a better site line from the new Event Center. They will build a new 14-unit lodge where the pool was originally planned and the pool will be moved away from the Event Center. As was suggested by the Cass County Planning Commission at the October 10<sup>th</sup> meeting, 100 sq. ft. has been eliminated from each of the planned cottages to allow the extra square footage for the construction of an elevator on the coffee/ ice cream shop/ lodging addition to the main building. The Fairview Planning Commission sent a letter of support and approval. The Cass County Planning Commission did approve the revised site plan.

**Russell and Cynthia Kalenberg, 2100 Norway Pine Rd SW:** – lot located in both Fairview and East Gull Lake. An application to remove and replace the existing 2,136 sq. ft. residence with new construction containing 3,353 sq. ft. including an attached garage. New construction would occupy existing foundation which is located within the bluff impact zone (area within 30 feet of the top or toe of bluff). Current ordinance requires structures to be setback 30 feet from top or toe of bluff. The Fairview Planning Commission sent a letter recommending the entire building be moved back 6 feet from the bluff impact zone, and that the original foundation be forfeited.

The Cass County Planning Commission approved the application to construct the residence as submitted with the following findings: The property was platted prior to the administration of the bluff criteria and was permitted with the proper lake setback; The applicants intend to use the existing foundation which is allowed; the proposed expansion will be no closer to the lake or bluff than the existing structure; there is no indication the proposed expansion will disturb or negatively impact the existing neighboring property. No site prep or building construction may take place until a permit is issued. A permit for construction will not be issued until ESD can inspect the foundation. If the existing foundation cannot be utilized, as determined by Travis Miller and an ESD representative, then the new structure shall meet all applicable setback requirements. They did have to take 19 feet off the deck.

**Revised By-Laws:** Walt Richmond would like to serve on the Planning Commission as a freeholder, which could possibly conflict with the Open Meeting Law. Marla contacted the Cass County Auditor, Sharon Anderson, to get an opinion. They discussed how the Field Inspections and follow-up Fairview Planning Commission meetings are published and posted. The Field Inspections notifications are sent out by the Cass County ESD, which is how the township clerk receives notification if there is an application or agenda item within Fairview Township. These notifications are then forwarded to the Fairview Planning Commission. The timing of the notification from ESD does not allow enough time for publication or timely posting. The Auditor suggested the township post the Cass County Planning Commission Field Inspection and Hearing schedule (First and Second Mondays of each month) on our website and in our published yearly Board Meeting schedule. That published schedule, as well as the website, should include a disclaimer that the township may or may not have items on the agenda of any given Field Inspection or Hearing and that two or more township Supervisors may be in attendance. She also suggested that the Planning Commission By-Laws be revised to include the admonition that no other township business would be discussed at Field Inspections or Planning Commission meetings.

#### **Gull Lake Trail Committee:**

Since the trail through Lake Shore has been designated as a "Regionally Significant Trail", Fairview has been under increasing pressure to start the process of creating a trail to connect the East Gull Lake existing trail with Lake Shore.

Jenny Gunsbury has agreed to spear-head this project and is in the process of forming a committee of interested residents.

Jenny and Marla have met with Teri Hastings in Lake Shore to discuss their process, and then with Don Hickman of the Initiative Foundation to brainstorm on grants and fund raising prospects. Jenny will be attending a meeting at Bolton & Menk to meet with a fellow who can advise on Legacy Fund grants.

Work on County Rd 77 and the trail through Lake Shore will start this spring and should run through 2017 and 2018. Current plans will bring the trail from the Fairview Township northern border up to Bar Harbor.

**Donations:** **Ken LaPorte/ Tom Dechmann/ Unanimous: Motion to** authorize the Board of Supervisors to, at their discretion, **make the proper donations and expenditures** in 2017 to support non-profit organizations that benefit

the Township residents, **up to a total of \$5,000**. The Board has discontinued their support of the Cass County Economic Dev. Corp and have instead shifted up to \$2,000 to Mount Ski Gull, which provides local jobs and recreation. Other agencies receiving donations from the township in the past include the Pillager County Fair, the Cass County Historical Society and the area Dive Team that works in conjunction with the Cass County Sheriff's Office. Ken LaPorte suggested that the Board be receptive to a future presentation from Cass County on the AIS program and consider a good-will donation considering how our township relies on Gull and the other lakes within the township.

**2018 Levy:** At the 2016 Annual meeting the residents approved a levy increase of 3.5% (\$9,950) to bring the 2017 Levy up to \$319,950 to replenish the township reserves which were depleted after the 2015 storm. Fairview is currently participating in an external Audit. The accountants have found the accounting system used by the township to be adequate and the representations of the township finances are correct. The Auditors found no issue with the current level of Reserves.

**Ken LaPorte/Walt Richmond/Unanimous: Motion to** decrease the 2018 Levy by 5% (\$16,000) to **\$303,950**. The new levy will be allocated as follows: **Road & Bridge \$135,000, Fire & Safety \$79,000 and General Fund \$89,950.**

**Liquor Licenses: Walt Richmond/ Tom Dechmann/ Unanimous: Motion to** approve the Liquor Licenses for Jake's Gull Lake Grille, Mount Ski Gull and the Quarterdeck (Jake's Beach Grill) and to approve gambling permits for any special events (such as Lakeshore Conservation Club raffle) that may be requested.

**Other Issues:**

**2018 Fairview Township Annual Meeting: Sharon Owen/ Ellie Dechmann/ Unanimous: Motion to** approve holding the Annual Meeting on Tuesday, March 14th at the Fairview Town Hall at 6:30 PM.

**2017 Board of Review** will be held on Tuesday, April 18th at 1 PM at the town hall.

**2017 Annual Road Review** will be held on Tuesday, April 18th starting at 7:30AM.

**Beauty Lake Rd/ DNR road Maintenance:** AL and Linda Larson initiated discussion to request that the township take over maintenance of 3-1/2 miles of Beauty Lake Rd within the Pillsbury State Forest. The Larsons, as well as other taxpayers, own property along the State-owned portion of the road. The State is no longer maintaining the gravel surface of the road and does not provide any snow plowing during the winter. This road is a main thoroughfare and needs to be open in the winter. Al Larson has been providing all the plowing up to this point but he is concerned that his age may prohibit him from doing that any longer. The road has also become overgrown and trees are encroaching the driving surface making it hard for two cars to pass without getting scratched.

In the past the State has approached the township about taking maintenance responsibility for the road, but they refuse to put any money towards bringing the road up to a County spec level and they put restrictions on the management and no restrictions on logging trucks, etc.

**Walt Richmond/ Tom Dechmann/Unanimous: Motion to adjourn** the Annual Meeting at 8:35 PM.

Respectfully submitted,  
Marla Yoho, Clerk