

BALDWIN TOWNSHIP REGULAR MEETING

December 2, 2008

Present – Supervisors Jeff Holm, Lester Kriesel, Bryan Lawrence and Jim Oliver.
Supervisor Paul Vollkommer absent.

Call to Order – The December 2, 2008 Baldwin Township regular meeting was called to order by Chairman Bryan Lawrence at 7:00 p.m.

Pledge of Allegiance – All present recited the Pledge of Allegiance.

Additions/Corrections to Agenda – None.

Approval of Regular Meeting Agenda With/Without Additions/Corrections – Oliver/Kriesel unanimous to approve regular meeting agenda without additions or corrections.

Open Forum for Citizens – None.

CONDITIONAL USE PERMITS:

Annual Review of Home Business, Truck Fabrication Welding & Repair, Todd & Diane Langenbach – Kriesel/Oliver unanimous to renew for another year.

Annual Review of Home Business, Aircraft Restoration, Duane Kruse & Sharon Sandberg – Oliver/Kriesel unanimous to renew for another year.

Annual Review of Operation of a Horse Training Facility, Beth Branca – Beth Branca not present. Kriesel/Oliver unanimous to renew for another year.

Approve/Disapprove Rescinding Annual Review – Kriesel/Oliver unanimous to approve rescinding the annual review of First Love Fellowship regarding a conditional use permit as they no longer have the additional structures on their property.

Approve/Disapprove Rescinding Annual Review – St. Cloud Wireless is now owned by TowerCo. Lawrence/Kriesel unanimous to disapprove rescinding the annual review of St. Cloud Wireless. The Clerk was instructed to obtain written annual review letters by TowerCo for the board to review.

PLATS: None.

OLD BUSINESS:

Township Attorney Issues – None.

County Planning & Zoning Report – There was discussion regarding last month's report as the report was never received from Supervisor Paul Vollkommer. A memo from Jess Hall states:

"M E M O

To: Baldwin Townboard
 From: Jess Hall, S. C. P. & Z.
 Subject: Meeting of Nov. 20, 2008

No issues involving Baldwin were on the agenda. However, an issue you should be well aware of involving future applications for Conditional Use Permits, is that a good share of them are being forwarded as Interim Use Permits. This means that applicants must be aware that they are for a specified period of time, not exceeding three years, and that they really must be start-up businesses and not one that has been operating for some extended time period, got caught and now needs a permit to continue operating."

Road Report – The patch on 100th Street is done and the school bus signs are all up. A thank you letter was received by a resident on 96th Street.

The county is satisfied with the inspection of the landing on Elk Lake. The no parking signs are ready to be put up with approval from the Town Board. Kriesel/Oliver unanimous to approve installing no parking signs.

Terry Carlile would like approval to send Zac Good to LTAP road scholar program. No decision is needed tonight. The first class is in February. Lawrence suggested adding it to the January agenda as the board needs to consider if an individual should be paid to be in class or just to pay for the class. Carlile stated that there is a MnDOT annual vehicle inspection certification class at a cost of \$150.00. The township paid \$65.00 for each truck this year for certification. The class will be held in January and is located in Mendota Heights. Lawrence stated that this item should be placed on the January agenda.

Approve/Disapprove Engineer Starting Capital Improvement Plan – Bryan Lawrence stated that, based on the last conversation, more decisions from the board are needed. Jon Bogart stated that he needs to work with one Supervisor and Terry Carlile and then, from that point, the board needs to come up with policy and direction. Before dollar numbers are known, Jon needs information from both Terry Carlile and the Clerk. Lawrence stated that the board is looking for better management of the funds. Bogart stated that the plan will be able to show the board how to make the roads last longer.

Holm/Oliver unanimous to approve having the engineer start the capital improvement plan. Bogart stated that he would like the board to make a decision as to what percentage of each grade of road that would be appropriate for the township. Supervisor Lester Kriesel will work with Jon Bogart. Lawrence stated that the board will

need continued updates. Discussion was held on timeline of the plan. Discussion was held on the new pavement on 283rd Avenue.

Review Engineering Standards & Developers Agreements – There still is a headwall issue. Livonia sends out a letter that is working out pretty well. Kriesel will talk to Roger Wallin. With no changes, the review of engineering standards and developer's agreements will be placed on the September 2009 agenda.

Ongoing Cul-De-Sac Issues – Ross Perry was present along with his neighbor Duane Bursch. Perry explained that on the 25th of October, Terry Carlile came over and asked him to remove a spare car that he thought was on the road right-of-way. Perry did remove it that evening but the land actually belongs to his neighbor, Mr. Bursch, not the township. The road already exceeds the 66 foot easement. It is technically still private property. Terry Carlile explained that he had called Jon Bogart and it was determined that it was the road easement that was blacktopped. We went beyond the easement and onto the gentleman's road. Jon Bogart stated that the question gets to be what the township has in terms of right-of-way. Bogart then read from the Minnesota State Statute which covers use and kept in repair for 6 years. Bogart understands that it is an easement by prescription based on long use. It would have been obtained 6 years after the development was put in. Perry stated that if the township takes the land then pay the gentleman for it. Just compensation is needed. He understands the need for it as it was too small of a cul-de-sac. Bogart stated that when the road was paved, class 5 went down wherever there was gravel, not on the grass. They stuck to where the road was. Lawrence stated that we did some stuff with the cul-de-sac. Did we not get an agreement to widen the cul-de-sac? Bogart stated that he understands that it was not made wider. Both Ross Perry and Duane Bursch stated it was made wider. Jess Hall stated that he remembers that there was a verbal agreement on that cul-de-sac. Perry stated that the township should set it up and get it clarified in the spring and, for now, ask for permission to plow snow on Bursch's land. Lawrence stated that he would like to see what the encroachment is with a plat and survey. Carlile stated the shape of the cul-de-sac was changed when curbing was added. Lawrence asked Carlile for verification of the easement to determine the facts.

Approve/Disapprove Revised Snow Plowing & Ice Control Policy – Terry Carlile stated that he found a review process for hiring snowplow operators in the township policy and procedure handbook and was wondering if that should be attached to the snowplowing and ice control policy. Oliver stated that he believes it should be 2 different things. Holm agreed. Lawrence stated that he would like to ensure that the questions that are on that review process are not illegal. The board will review next month.

Oliver/Kriesel unanimous to approve the revised snow plowing & ice control policy.

Approve/Disapprove Letter to Current County Planning & Zoning Representative
Kriesel/Oliver unanimous to approve sending letter to Jess Hall acknowledging the

actions of the board of the December 1st meeting, and another letter verifying what the county does. Hall was thanked for his dedication and service.

Approve/Disapprove Painting Grass Rig – Holm/Kriesel unanimous to approve painting of the grass rig with the amount not to exceed \$500.00.

NEW BUSINESS:

Approve/Disapprove Mailbox Post Price Increase – Oliver/Kriesel unanimous to approve selling mailboxes at cost or, if we install, we charge \$20.00 on top.

Approve/Disapprove Requesting Speed Study on 96th Street – Holm/Kriesel unanimous to approve requesting a speed study on 96th Street south of County Road 28.

Approve/Disapprove Purchase of Parking Blocks for Shop – Kriesel/Oliver unanimous to disapprove the purchase of parking blocks for the shop.

Discuss Purchase of Property for Township – 24.78 acres of church property is for sale with an asking price of \$1.9 million. There is no information on the building. The township would need to have an appraisal done if the board wanted to seriously discuss purchasing this property. Lawrence will check on any possible grants available from the county. Can legacy grants and park dedication fees be used? This will be added to the January agenda. There was discussion on contacting Gilchrist to find out if it's legal to pursue a purchase agreement prior to the Annual Meeting with a provision if it's not approved, the agreement would become null and void.

Announcements:

Special Town Board Meeting, Thursday, December 18, 7:00 p.m. with Incorporation/Annexation Committee

Any Other Business:

Kriesel/Oliver to approve check numbers 13354 - 13366 and one EFT payment in the amount of \$15.00 for a total of \$6,316.25.

A letter from the assistant Sherburne County attorney was read by Lawrence and is included in these minutes.



Sherburne County Attorney's Office
and
Victim Witness Services

Kathleen A. Heaney, Sherburne County Attorney

December 1, 2008

Captain Joel Brott
Sherburne County Sheriff's Office
13880 Business Center Drive
Elk River, MN 55330

Dear Captain Brott:

I have reviewed the extensive investigation your office conducted in the matter involving the Baldwin Township plow truck issue. This includes, but is not limited to, the transcribed statements of all relevant individuals as well as the accompanying reports. Despite the thorough investigation conducted by the Sherburne County Sheriff's Office, I am declining to file charges against any of the parties named in the reports. I do not believe that I could prove a case in court beyond a reasonable doubt. Additionally, I see no loss to the township as a result of the action or inaction of any person named in this case.

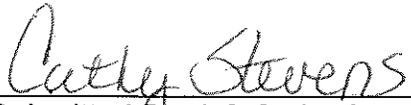
Sincerely,

A handwritten signature in black ink, appearing to read "Leah G. Emmans". The signature is fluid and cursive, with a large initial "L" and "E".

Leah G. Emmans
Assistant Sherburne County Attorney

cc: Baldwin Township Board Chair, Vice Chair and Supervisors
cc: Kathy Docter

Adjournment – Kriesel/Holm unanimous to adjourn at 9:05 p.m.



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



Approved By: (s/) Bryan Lawrence
Chairman, Board of Supervisors
Baldwin Township

Attendees: Duane Kruse, Jesse Ewert, Todd Langenbach, Jess Hall, Jon Bogart, Terry Carlile, Elaine Phillipi, Ross Perry, Duane Bursch, Sharon Sandberg, Todd Langenbach

DECEMBER 2008

PRELIMINARY

CLAIMS										
CHECK	TO WHOM	FOR WHAT	AMOUNT	GEN	R & B	ENG.	PARK	CAPITAL	CEM	FIRE
13307	U.S. Bank	941 tax deposit - november	\$2,388.10	\$948.09	\$1,440.01					
13308	AT&T Mobility	fire cell phones	\$94.30							\$94.30
13309	Kennedy & Graven	legal services	\$403.00	\$403.00						
13310	Connexus Energy	electric utilities	\$168.84	\$168.84						
13311	Connexus Energy	electric utilities	\$126.86							\$126.86
13312	Northstar Access	phone	\$68.76							\$68.76
13313	ChEscape	internet	\$39.99							\$39.99
13314	Rum River Contract	100th street patch	\$5,425.00		\$5,425.00					
13315	Reliance Electric	electrical work	\$660.50					\$660.50		
13316	IKON Office	copy machine maintenance	\$186.00	\$186.00						
13317	NorthAmericanSalt	road salt	\$2,705.47		\$2,705.47					
13318	JMD Mfg, Inc.	mailbox posts	\$662.22		\$662.22					
13319	Rays Auto Body	running boards	\$259.00		\$259.00					
13320	W.S. Darley	fire equipment	\$182.70							\$182.70
13321	KEEPS, Inc.	fire badges	\$2,556.00							\$2,556.00
13322	Brand Mfg.	oxygen tank	\$25.88		\$25.88					
13323	IKON Office	savin copy machine maint	\$358.31	\$358.31						
13324	MN Trucking Assoc.	vehicle inspection forms	\$40.47		\$40.47					
13325	IKON Office	copy machine staples	\$83.07	\$83.07						
13326	Lawson Products	r&b supplies	\$508.78		\$508.78					
13327	M-R Sign Co.	signs & sign posts	\$1,391.84		\$1,391.84					
13328	Bogart Pederson	engineering	\$250.00			\$250.00				
13329	Terry Carille	reimbursement	\$207.79		\$207.79					
13330	Lester W. Kriesel	wages	\$190.00	\$190.00						
13331	Cheryl Goetz	wages	\$114.31	\$114.31						
13332	Brian Torborg	wages	\$246.31							
13333	Crysteel	self leveling bracket	\$47.04		\$47.04					\$246.31
13334	Don Nordeen	gopher feet - 30 pair	\$45.00	\$45.00						
13335	Rick Radtke	gopher feet - 55.5 pair	\$83.25	\$83.25						
13336	Paul Martinson	access permit refund	\$50.00		\$50.00					
13337	Monarch Homes	access permit refund	\$50.00		\$50.00					
13338	RW Builders	access permit refund	\$50.00		\$50.00					
13339	Howard Homes	access permit refund	\$50.00		\$50.00					
13340	Jeff Holm	wages	\$140.32	\$140.32						
13341	Jeff Holm	mileage	\$33.34	\$33.34						
13342	Fire Relief Assoc.	clean up day	\$600.00	\$600.00						

DECEMBER 2008

PRELIMINARY

CHECK	TO WHOM	FOR WHAT	AMOUNT	GEN	R & B	ENG.	PARK	CAPITAL	CEM	FIRE
13343	Wells Fargo	fire station lease	\$13,397.32					\$13,397.32		
13344	Wells Fargo	fire station & equipment	\$19,937.96							\$19,937.96
13345	Sharon Hovorka	election judge	\$110.00	\$110.00						
13346	Cathy Stevens	wages	\$1,159.55	\$1,159.55						
13347	Terry Carlile	wages	\$787.12		\$787.12					
13348	Zachary Good	wages	\$842.15		\$842.15					
13349	MN Child Support	payment	\$13.84		\$13.84					
13350	MAT Agency	truck insurance	\$436.00		\$436.00					
13351	Warzecha Auto Works	truck tires	\$562.22		\$562.22					
13352	Roger Nelson	gopher - 122 pair	\$183.00	\$183.00						
Auto	MN Dept of Revenue	tax deposit - november	\$426.05	\$161.86	\$264.19					
Auto	PERA	employee contribution	\$528.93	\$218.77	\$310.16					
13353	MAT Agency	workers comp insurance	\$9,295.00	\$186.85	\$4,803.21					\$4,304.94
Auto	PERA	town board contribution	\$35.00	\$35.00						
13354	Marv's True Value	supplies	\$336.83	\$133.79	\$203.04					
13355	Jeff Holm	wages	\$140.32	\$140.32						
13356	Donald Larsen	janitorial services-2 months	\$270.00							\$270.00
Auto	PERA	town board contribution	\$15.00	\$15.00						
13357	Robert Essig	countryviewridge escrow	\$4,739.62	\$4,739.62						
13358	Bogart Pederson	engineering	\$125.00			\$125.00				
13359	Tad Kamolz	gopher - 51 pair	\$76.50	\$76.50						
13360	Duane G. Nelson	gopher - 22 pair	\$33.00	\$33.00						
13361	Wayne Olson	gopher - 13 pair	\$19.50	\$19.50						
13362	Andrew Schreder	gopher - 36 pair	\$54.00	\$54.00						
13363	Princeton Vet Clinic	animal impounding	\$350.10	\$350.10						
13364	CenterPoint Energy	gas utilities	\$269.59	\$269.59						
13365	AT&T Mobility	r&b cell phone	\$46.82		\$46.82					
13366	Qwest	phone & internet	\$176.80	\$176.80						
		totals	\$74,859.67	\$11,416.78	\$21,182.25	\$375.00	\$0.00	\$14,057.82	\$0.00	\$27,827.82

[Handwritten initials and signatures]