

BALDWIN TOWNSHIP REGULAR MEETING

April 8, 2008

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

Call to Order – The April 8, 2008 regular meeting of Baldwin Township was called to order by Chairman Bryan Lawrence at 7:01 p.m.

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

The fire department responded to a call within the township on April 7th. Prayers are with that family.

Paul Vollkommer stated that his automatic mutual aid issue was pulled at the last meeting. He said he had it on the agenda. Bryan Lawrence said he is not adding it since the issue has been resolved. Vollkommer insisted it was not resolved. Vollkommer requested that letter 'n' be added to the agenda to ask attorney if supervisor agenda items can be pulled.

Approval of Regular Meeting Agenda With/Without Additions/Corrections - A motion was made by Lester Kriesel and seconded by Paul Vollkommer to approve the regular meeting agenda with additions. On the vote: Ayes: 5; Nays: 0. The motion carried unanimously.

Open Forum for Citizens – Bill and Joyce Blesi have litigation with a neighbor over five (5) feet of property. They came to the meeting to ask for a supervisor of Baldwin Township to be a witness for them. The township engineer went out and identified the edges of the road for both sides to ensure that the township was not encroaching. It was determined by the Baldwin Township Board that this is a civil matter, and it was suggested that the Blesi's have an official survey of their property done. To have the township engineer as a witness wouldn't be of a benefit for the Blesi's. It is the policy of Baldwin Township to stay out of civil disputes.

CONDITIONAL USE PERMITS:

Grading & Excavating Permit for CSAH 19 Project – Erin Contracting, Inc. requested a Conditional Use Permit for a grading and excavating permit to mine approximately 13 acres for approximately 31,000 cubic yards of CSAH 19 road project. A motion was made by Lester Kriesel and seconded by Jim Oliver to approve the Conditional Use Permit for grading and excavating for the CSAH 19 project with the following township comment:

- Salvage top soil and reseed area after excavation.

On the vote: Ayes: 5; Nays: 0. The motion carried unanimously.

Amendment to Current CUP to Sell Used Vehicles – Jim D. and Cynthia S. Tibbetts requested an amendment to the existing CUP for an auto-repair shop to allow used automobile sales (Jim's Auto Repair of Princeton, Inc. – Property address: 32018 Street NW, Princeton located in the commercial district.) A motion was made by Jim Oliver and seconded by Paul Vollkommer to approve with the following township comment:

- 1 – 20 cars for resale allowed/or according to commercial zoning ordinance.
- On the vote: Ayes: 5; Nays: 0. The motion carried unanimously.

PLATS: None.

OLD BUSINESS:

Road Report – Lester Kriesel said he caught a resident damaging the township road. Kriesel told him to come in for a driveway permit. His name is Jason Hall who lives on the corner of 301st and 138th in Whitetail Crossing.

A motion was made by Jeff Holm and seconded by Lester Kriesel to have a separate meeting with Terry Carlile on Monday April 28th at 8:30 a.m. to discuss OSHA regulations on the proper disposal and paper trail on all oil disposal, purchasing equipment, and what roads the township intend to work on this year. On the vote: Ayes: 5; Nays: 0. The motion carried unanimously.

County Planning & Zoning Report – A memorandum from Jess Hall states:

"To: Baldwin Township Board Members
 CC: All members
 From: Jess Al Hall, Sherburne County P & Z
 Date: 4/8/2008
 Re: Meeting of March 20, 2008

The only item of interest to Baldwin was the application for a conditional use permit to have a cabinet shop in the building behind the veterinarian building by the radio station. It was recommended for approval to the commissioners.

A large amount of time was spent regarding the application to change zoning on a piece of agricultural land immediately north of the Big Lake Township townhall to industrial zoning. Big Lake Townboard had approved the request, but after much discussion, the P. & Z. Commission recommend denial. The denial was based on the facts that it really amounted to spot zoning, it should be located closer to the Highway #10 corridor and a bridge on County #5 was really not built to heavy truck standards. The commission didn't feel that this solved the common problem of startup type businesses not having enough capital to relocate to an industrial park. The costs would still be prohibitive to most of them and it would therefore, not cut down on requests for homebased businesses."

Township Attorney Explanation of Request for Informal Opinion Regarding a Prospective Town Road Involving 4 Properties in Section 16 – Troy Gilchrist spoke with attorney Tim Erb regarding the easement matter concerning the Knoertzer

property. Gilchrist said that basically they have a road within and outside the easement, and there are encroachment and title issues. Attorney Erb was asking if the township would be in favor of taking over the road. Gilchrist's concern is that the road is extremely narrow. A motion was made by Bryan Lawrence and seconded by Jeff Holm stating that the town board is not interested in establishing a township road in that area to serve those properties. On the vote: Ayes: 5; Nays: 0. The motion carried unanimously.

Review Town Board Minutes Regarding 283rd Avenue (Per 3/4/08 Mtg) – The Town Board reviewed the minutes regarding 283rd Avenue.

Reorganization of Town Board: Selection of Town Chair – Nominations were opened for the reorganization of the Town Board – Selection of a Town Chair. Paul Vollkommer nominated Jeff Holm. Jeff Holm respectfully declined. Jim Oliver nominated Bryan Lawrence. Bryan Lawrence accepted the nomination. A motion was made by Lester Kriesel and seconded by Jeff Holm to cease nominations. On the vote: Ayes: 5; Nays: 0. The motion carried unanimously. Bryan Lawrence said he would be happy to serve another year. On the vote for Bryan Lawrence as town board chair: Ayes: 4; Nays: 1. The motion carried with Paul Vollkommer opposed.

Reorganization of Town Board: Selection of Vice-Chair – Lester Kriesel nominated Jeff Holm for Vice-Chair. A motion was made by Jim Oliver and seconded by Lester Kriesel to close nominations. On the vote: Ayes: 5; Nays: 0. The motion carried unanimously. On the vote for Jeff Holm as town board vice-char: Ayes: 5; Nays: 0. The motion carried unanimously.

Review Town of Baldwin Organization List – The list will remain the same as last year except for Jeff Holm taking over the vice-chairman duties and the newsletter taken off Supervisor "A" list. The board will examine options for the newsletter.

Review Employee Safety Program (AWAIR) – Jim Oliver will be rescheduling another meeting with the state OSHA officials.

Review Town Ordinance and Resolution Book – Paul Vollkommer said that on page 3 of the administrative policy item 6:3 was not appropriate. Bryan Lawrence said he had removed it in front of the board, and that the board voted to approve the amended agenda. Troy Gilchrist said the answer is in the policy. He will investigate it while the board is reviewing the other items.

Review Motion by Board Regarding Contacting Township Attorney – Bryan Lawrence reviewed the motion by the board regarding contacting the township attorney. Paul Vollkommer contacted Mr. Gilchrist without the board's approval or knowledge. Based on the motion of May 7, 2007 which reads:

“Clarification of Township Attorney Access – Jeff Dotseth said it's his opinion that access to the township attorney should be limited to one person since attorney fees are very expensive.

A motion was made by Jeff Dotseth and seconded by Lester Kriesel to allow the chairman to be the point person. An amendment was made to include only when the contact is board directed and not chairman directed. Paul Vollkommer recommended always contacted the MAT attorney first. Jeff Dotseth called the question. All were in favor of calling the question except for Vollkommer. All in favor of the motion on the floor. Vollkommer opposed. Motion carried.”

There is a bill for \$232.00 generated by Paul Vollkommer in which the board did not approve. The opinion of Vollkommer's attorney was sent directly to the township attorney prior to the board's approval. Vollkommer stated that it is a minor expense. Lawrence questioned if the board's policy should be changed or kept as is. Jim Oliver stated he is against changing the policy. It should be brought to the board first. Lester Kriesel stated that he agrees with Jim Oliver. Vollkommer questioned why we are not listed as having a fire department. Oliver stated that the township attorney addressed the issue and the board will take that opinion and go with it and will not go with Vollkommer's attorney's opinion. We do not want to see another attorney's opinion brought to the township attorney without prior knowledge.

Troy Gilchrist stated that he would ask the board to consider allowing the chairman or the clerk to provide more information with agenda items. Vollkommer stated that he should not have to hire a private attorney to protect himself from actions by the board and there has to be appoint where he can contact the township attorney. Gilchrist stated that the board can control access to the town attorney and he represents the board. Vollkommer stated that he disagrees and feels that it is improper. Gilchrist stated that there is limited liability on a personal basis and there are protections in place and suggested that Vollkommer state his disagreement on the record. Jeff Holm stated that he agrees that any matters that come to the board needs to be transparent and there should not be a need to sabotage the board. The board needs to communicate better between themselves. It would be better for the attorney to have a single point person.

A motion was made by Jim Oliver and seconded by Lester Kriesel that the township attorney can contact the clerk in regards to agenda items. On the vote: Ayes: 5; Nays: 0. The motion carried unanimously.

A motion was made by Jim Oliver and seconded by Paul Vollkommer to rearrange the Tuesday evening agendas for attorney items to be the first under Old Business. On the vote: Ayes: 5; Nays: 0. The motion carried unanimously. Lawrence stated that if there is nothing on the agenda for the attorney he will not need to attend. Gilchrist stated that he will keep that evening reserved and on that Tuesday morning the clerk will let him know if he is needed that evening.

Board Action for Presentation of False Document Regarding Isanti Mutual Aid

Paul Vollkommer stated that, on February 4, the fire chief presented a document for mutual aid with Isanti County Sheriff's office. He stated body recovery. It was tabled in February and then put on the next month's agenda for approval. A citizen called him and he contacted Isanti County and found nothing in place. A serious issue with someone presenting a document with a county agency saying that we were going to do diving. Bryan Lawrence stated that no one ever said that it was illegal to have a dive team. Vollkommer stated that, after the Annual Meeting, a number of citizens wanted to know what action the board will take in regards to a false document. Vollkommer then read from his handwritten record of the February 4th town board meeting.

A motion was made by Paul Vollkommer to meet with Brian Torborg to explain the situation. Brian Torborg stated that he would prefer to discuss the issue now. Motion died for lack of a second.

Bryan Lawrence stated that he had talked to the Isanti County Sheriff's office and had asked Chief Deputy Monson to attend the meeting tonight, which he declined. The fire department was preparing for this board to approve but Isanti County never did see the document as the firefighters decided not to go forward with it. It was then taken off the table for board approval. Jeff Holm questioned why the board did not have copies of Vollkommer's verbatim handwritten minutes. This has to do with the transparency of the board. Vollkommer replied that there is access to the handwritten minutes. Holm stated that he was unaware that it was going to be on the agenda.

A motion was made by Bryan Lawrence to table. Motion died for lack of a second. Jim Oliver stated that the mutual aid agreement is a blank sheet of paper with nothing signed. Vollkommer stated that it was on the agenda for approval and taken off. If the board does not taken action then he will take it to a legal court.

A motion was made by Jim Oliver and seconded by Lester Kriesel to take no action at this time. Vollkommer stated that he believes the board is covering up something that is blatantly illegal and will be dealt with on the county level. The board fails again. Jeff Holm stated that he does not see where anything is false and there is no gray area here. Vollkommer called for a roll call vote. All in favor of taking no action at this time: Oliver, Holm, Kriesel. Opposed: Vollkommer. Motion carried.

Disclosure of Other Mutual Aid Agreements Discussed with Chief Deputy Monson

Bryan Lawrence stated that had invited Chief Deputy Monson to attend but he declined. Paul Vollkommer stated that he, along with Jeff Holm, had a question regarding the memo, dated March 10, 2008, from Chief Deputy Monson, which states, "In our conversation he said he has other mutual aid agreements with other entities and could enter the Isanti County Sheriff's Office in it and send me a copy." Jim Oliver stated that it has already been addressed. Jeff Holm stated that he investigated what was meant and is satisfied with the answer he received by what was meant by that sentence. Vollkommer stated that we have no mutual aids in respect to diving. Holm stated that is not in respect to diving. Brian Torborg stated that there are no other mutual aid

agreements with Isanti County. Vollkommer stated that the board needs to review mutual aid agreements in place with the Clerk replying that the board reviewed the agreements at the previous month town board regular meeting. Vollkommer questioned if the fire chief has authority to set up automatic mutual aid agreements on his own. Troy Gilchrist responded that there is not a state statute addressing this and it is up to the board as to how to handle. The board can delegate authority to the chief.

Approve/Disapprove Requesting Park Fund Dollars at County (Per 4/7/08 Mtg) –

Jeff Holm stopped at the public works office since they had questions regarding phase 2 of County Road 19 by the cemetery and park. Holm suggested maybe getting together with public works to determine if the plans comply with the county guidelines. The master plan may need to be revamped. Holm suggested holding off right now to reexamine the master plan and obtain further information from the county. The park fund dollars at the county is needed to apply for the grants. A motion was made by Paul Vollkommer and seconded by Lester Kriesel to have the park committee present the plan and request all of Baldwin's funds from the county so that they can utilized. On the vote: Ayes: 5; Nays: 0. The motion carried unanimously.

What is the Chairman's Role in Adding/Subtracting Items from the Agenda –

There is not a definitive answer according to Troy Gilchrist although ultimately he recommends that the board control the agenda. If someone thinks something is on the agenda that should not be on it, or should be on it, then it goes to a motion. If it is a policy, then modify the administrative policy. Gilchrist said that the agenda is the boards, and not any one individual. In Gilchrist's opinion for the chairman to take something off the agenda is fine. Unless the presiding officer, who runs the meeting, deems something out of order, a supervisor can request an answer from someone in the audience. Technically the board meetings are a public meeting, and not a public hearing. People can come and listen. Reasonable rules to organize are necessary. Structured public input is permissible.

NEW BUSINESS:

Cell Tower Lease Agreement Issues – Bryan Lawrence stated that the cell tower had been sold and the purchasing company has not made a payment to the township since September. The clerk did research and obtained the new owner's information. The township will receive a check, including back pay, next week.

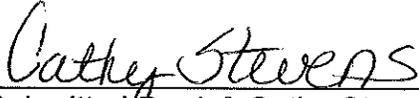
Annexation Update – Troy Gilchrist stated that he had met with the City of Princeton and presented the board with an update.

ANNOUNCEMENTS:

* Mayor Prayer Breakfast on Wednesday April 9th at 7:30 am

Any Other Business - A motion was made by Lester Kriesel and seconded by Jim Oliver to approve payment of check number 12719 in the amount of \$1,686.95. On the vote: Ayes: 5; Nays: 0. The motion carried unanimously.

Adjournment – A motion was made by Jim Oliver and seconded by Lester Kriesel to adjourn at 9:29 p.m. On the vote: Ayes: 5; Nays: 0. The motion carried unanimously.



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



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

Attendees: Dennis Lindberg, Merle Johnson, Beth Branca, Jerome DeLong, Jess Hall, Jesse Ewert, Jim Tibbetts, Terry Carlile, Troy Gilchrist, Brian Torborg, Joyce Blesi, Bill Blesi

APRIL 2008

PRELIMINARY

CHECK	TO WHOM	FOR WHAT	AMOUNT	GEN	R & B	ENG.	GOP	CAPITAL	CEM	FIRE
12710	Zachary Good	wages	\$505.80		\$505.80					
12711	Dennis Lindberg	wages	\$85.84		\$85.84					
12712	PERA	employee contribution	\$385.18	\$157.38	\$227.80					
12713	CenterPoint Energy	gas utilities	\$562.38							\$562.38
12714	St. Cloud Truck	vehicle repair supplies	\$629.17		\$609.28					\$19.89
12715	Boyer Trucks	vehicle repair supplies	\$134.39							\$134.39
12716	Brian Torborg	wages	\$238.61							\$238.61
12717	Jeff Dotseth	wages	\$233.87	\$233.87						
12718	PERA	town board contribution	\$25.00	\$25.00						
12719	SherbCoAssocofTwps	annual dues	\$1,686.95	\$1,686.95						
		totals	\$35,758.57	\$17,374.32	\$12,536.97	\$0.00	\$0.00	\$0.00	\$60.00	\$5,787.28

Handwritten signatures and initials:
 Top: J. [unclear]
 Middle: [unclear]
 Bottom: [unclear]