

Second Monthly Board Meeting
Minutes
August 26, 2009

TOWN of BIG LAKE
"Sherburne County's First 5-Member Township Board"
P.O. Box 75, Big Lake, Minnesota 55309

On Wednesday, August 26, 2009, the Big Lake Board of Supervisors met at the Big Lake Town Hall located in the Big Lake Lions Park at 21960 County Road #5, Big Lake Township, Sherburne County, State of Minnesota. The meeting was tape recorded for transcribing purposes only.

Chairman Hofer called the meeting to order at 7:00 p.m. There were 13 people in the audience at the start of the meeting. Roll call was taken by the chairperson.

Board Members Present:

- Bob Hofer, Chairman
- Mike Hayes, Supervisor
- Norm Leslie, Supervisor
- Jim Stahlmann, Supervisor
- Larry Alfords, Supervisor
- Ken Warneke, Treasurer
- Laura Hayes, Clerk
- Kristie Woolard, Deputy Clerk
- Todd McLouth, Township Engineer
- John Norgren, Township Rep. Sherburne County
Planning Advisory Commission
- Peter Tiede, Township Attorney

All present stood and recited the pledge of allegiance to the flag of the United States of America.

Sherburne County Sheriff's Deputy, Captain Doran was present. The Board had no issues to report to the Sheriff's Department at this time.

Supervisor Hayes motioned to approve the Second Monthly Meeting agenda. Supervisor Leslie seconded. All were in favor. The motion carried. The meeting proceeded in accordance with the agenda as presented.

Supervisor Stahlmann motioned to approve the list of claims & payroll. Supervisor Hayes seconded. Supervisor Hayes abstained from approval of Clerk Hayes payroll claim. All were in favor. The motion carried.

OPEN FORUM

Sherburne County Commissioner, Ewald Petersen presented the Board with information regarding updates to the Minnesota State Budget and its affect on Sherburne County's budget. The states revenue forecast budget is \$150. million less than the February forecast. The County is trying to maintain the same levy as last year and has cut \$6 million to their budget to cover reductions in state aid.

BUSINESS FROM THE CLERK

a) Aspen Hills Homeowner Representatives/Wastewater Treatment Facility Update - Caleb Hansen, President of the Aspen Hills Homeowner's Association; Mike Brandt of MFRA engineering firm, hired by the Homeowner's Association and several residents from Aspen Hills appeared before the Board to update the Board on a problem with the wastewater treatment facility in Aspen Hills. Information was given to the Board regarding the estimated cost of \$300,000. to repair failures within the system. At this time, the filter within the system is plugged, creating a pond on the filter. This problem will become insurmountable when winter comes and the ponding water freezes on the filter. Caleb Hansen advised

the Board the homeowner's association is considering applying for a USDA Rural Development Loan; however, the USDA will not fund an association project, but would consider if there is government support. He advised the homeowner's association is interested in having the Township create a subordinate service district as the instrument to collect these fees and make the necessary repairs to the wastewater treatment facility. He further advised the homeowner's association lacks the authority to enforce collection of the fees making it extremely difficult to make this repair and plan for general maintenance and monitoring costs in the future.

Supervisor Hayes inquired if there were any legal issues regarding ownership of the lot. It was noted that the developer, Town Center Development still owns the property, Outlot I, where the wastewater facility is located. The homeowner's association are the owners/permit holders for the wastewater facility, as of this year. The permitting agency is the Minnesota Pollution Control Agency (MPCA). The facility design plans were approved by the MPCA during the plat review process. Sherburne County Zoning Administrator, Nancy Riddle gave a review of the development's history. Aspen Hills was developed in 2002. Nancy Riddle advised that it is her understanding that neither the County or the Township can be involved in funding repairs to the wastewater facility until the homeowner's association owns outlot I. It was noted outlot I is tax delinquent from 2004 to the present. If the taxes aren't paid it will become tax forfeit in 2010.

Township Attorney, Peter Tiede advised that no matter how willing the Township may be, they most likely can't fund operations of the system. Nancy Riddle inquired if the homeowner's association have hired legal counsel to work on the ownership issue. Caleb Hansen advised they have talked with an attorney but have not hired one. There was lengthy discussion regarding ownership of the lot, the current business status of the Town Center Development company and owners, and how to locate the developers Dave Reimer and Richard Whinnery. Supervisor Alfords inquired if the homeowner's association have hired legal council. Caleb Hansen advised a friend of a resident has done some work for the association, noting the residents are trying to keep their costs down. Chairman Hofer noted that the issue of ownership is first priority, noting again that no work can be done until the homeowner's association owns the property. Township Attorney, Peter Tiede advised that it would be beneficial and cost effective to have the homeowner's association attorney contact him rather than possibly several residents. Supervisor Hayes inquired if the MPCA has documented the system will fail during the winter. Mike Brandt, MFRA advised they have indicated it will. It was noted the MPCA sent a letter of warning to Town Center Development. There was further discussion regarding the responsibility of permit approval and pollution concerns. Supervisor Hayes stated the Township has made their attorney available for discussion and the County has indicated their attorney will be available. At this time the residents of Aspen Hills need to make a decision regarding hiring an attorney and obtaining ownership of the property. Nancy Riddle inquired how long it would take to order and obtain the parts and tanks necessary to make the repair that has been estimated. Mike Brandt, MFRA advised it would take approximately 45 days. He noted they have put repair plans together and have submitted them to the MPCA. The MPCA appears to understand the urgency of the situation. He further advised MFRA is working on plans and specifications (a bid packet).

Supervisor Alfords advised the homeowner's association should attend the September 9th regular monthly board meeting to give the Town Board a progress report on hiring legal counsel and obtaining ownership of outlot I. Supervisor Hayes inquired if it is necessary to confirm that Dave Reimer and Richard Whinnery have a legal right to transfer ownership of outlot I. It was noted that ownership can be achieved with a quitclaim deed. Mike Brandt, MFRA advised that within two weeks they should also be able to give an update on progress of working with the USDA on a rural development loan.

The August 26th Second Monthly Meeting recessed at 8:06 p.m. to reconvene the March 10, 2009 Annual Meeting.

The August 26th Second Monthly Meeting was reconvened at 8:11 p.m.

b) Other-Update-Meetings – Clerk Hayes advised there were no second quarter amendments to the Sherburne County Zoning Ordinance, Subdivision Ordinance, Zoning Map or Comprehensive Plan.

BUSINESS FROM THE SUPERVISORS/COMMITTEE REPORTS

TOWN ROADS

1) Other-Updates-Meetings –

- Seal coating of Town Roads was finished August 21. Sweeping is being done at this time.
- No pay application for paving projects from Knife River has been received.
- Supervisor Alford's advised repair of the drainage issue in River Crest Farms has been completed. This repair was done prior to the 4" rainfall. The new system worked well.
- The fall road tour was conducted August 24th and 25th.
- Brushing/mowing is being done late season for purposes of anticipated snow storage.
- Township resident, Rick Stearns advised there are three new houses being built on the town line road/229th Avenue. Construction equipment and vehicles are damaging the pavement. He advised he mentioned to Orrock Township Supervisor Julie Berg.
- Chairman Hofer advised he received a complaint from the Clerk's Office from resident, Jane Toleno regarding speeding vehicles, particularly garbage and mail trucks, in the Swanson Woods development. She requested additional speed limit signs. Deputy Clerk, Kristie Woolard printed minimum/maximum sign requirements. Chairman Hofer will check signage. Deputy Clerk Woolard advised Jane Toleno she may want to make her concerns known to the garbage companies and post office.

CHAIRMAN'S REPORT

1) Other-Updates-Meetings – Chairman Hofer had nothing to report at this time.

SUPERVISOR'S REPORT

1) Other-Updates-Meetings – Supervisor Stahlmann advised he attended the Elk River Watershed/Benton County bus tour. Approximately 40 people attended. Supervisor Stahlmann advised the board he received a booklet regarding the tour sites, which will be routed to all Board Members to view.

-Supervisor Leslie advised he, Chairman Hofer and Clerk Hayes met with representatives from the Big Lake Youth Soccer Association, Baseball and Football associations to discuss field use, facilities available here at Lion's Park and the coordination of use of the fields. The ball associations were advised they would need to work among themselves to schedule field use. There is no charge to use the fields. The soccer association inquired if the Township has any other property that might become available for use. It was noted that the Township owns 2.6 acres in Knick Knack Knoll. Chairman Hofer has since looked at the property and estimates that it could accommodate a small soccer field. It was noted that at a previous meeting, a family from Meadowlands inquired about the possibility of constructing a park in the area.

Supervisor Leslie further noted that the Girl Scouts are making progress on residing and shingling their storage building.

Supervisor Leslie advised Supervisor Hayes sprayed herbicide on the new ballfield site, August 23rd. Boy Scout, Dan Aubol has received approval for his Eagle Scout Project. The second Eagle Scout project by John-Michael Adams is in process.

BUSINESS FROM THE TREASURER

a) Other-Updates-Meetings – Treasurer Warneke had nothing to report at this time.

OTHER BUSINESS FROM THE BOARD

Sherburne County Commissioner, Ewald Petersen advised that Becker Township will no longer be using Sherburne County Zoning as their zoning authority. They will be using the City of Becker. He further noted that this will remove Vonco from the County's jurisdiction.

ADJOURNMENT

A motion was made by Supervisor Hayes to adjourn the meeting. Supervisor Leslie seconded. All present were in favor. The motion carried. The meeting adjourned at 8:40 p.m.

Respectfully Submitted,

Laura Hayes, Clerk