

Monthly Board Meeting
Minutes
September 9, 2009

TOWN of BIG LAKE

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

On Wednesday, September 9, 2009, the Big Lake Board of Supervisors met at the Big Lake Town Hall located in the Big Lake Lions Park Community Center 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 10 people in the audience at the start of the meeting. Roll call was taken by the Chairman.

Board Members Present: Bob Hofer, Chairman
 Norm Leslie, Supervisor
 Jim Stahlmann, Supervisor
 Larry Alfords, Supervisor
 Mike Hayes, Supervisor
 Ken Warneke, Treasurer
 Laura Hayes, Clerk
 Kristie Woolard, Deputy Clerk

Todd McLouth, Township Engineer
John Norgren, Township Rep. Sherburne County
 Planning Advisory Commission

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

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

Supervisor Sanford motioned to approve consent agenda items: a) Approval of Minutes: Regular Monthly Meeting 8-12-09, & Second Monthly Meeting 8-26-09. b) Approve Resignation of Bob Christenson from Big Lake Fire Department. c) Approve List of Claims (Disbursement List will be Received at Meeting). Supervisor Hayes seconded. Each Supervisor abstained from approval of their payroll claim. Supervisor Hayes abstained from approval of Clerk Hayes payroll claim. All present were in favor. The motion carried.

BUSINESS FROM THE CLERK

a) Aspen Hills Homeowner's Association/Wastewater Treatment Facility Update – Aspen Hills Homeowner Association President, Caleb Hanson and resident, Ken Elrite appeared before the Board to give an update. They advised they have talked with two attorneys separately regarding the issues of ownership of outlot I. Legal Issues related

to acquisition of outlot I have been discovered during this process. Caleb Hanson advised they have contacted both developer's, Dave Reimer and Richard Whinnery. Neither feels they have the authority to sign the documents to grant ownership of Outlot I to the homeowner's association. Caleb Hanson further advised that RLK Kuusisto, the engineering firm that designed the wastewater treatment facility has not provided an as-built plan. They have advised the plans posted at the facility are the plans that were approved by the MPCA and the system was constructed as shown. Caleb Hanson advised he disagrees with this, advising the facility is visibly different than the posted plan. Supervisor Hayes inquired if the homeowner's association still intends to ask for establishment of a subordinate service district (SSD). Caleb Hanson advised the homeowner's association definitely does. Chairman Hofer advised the Township is working with their attorney gathering information and reviewing concerns. It would be helpful if the homeowner's association could provide the Township with a facility construction plan. Supervisor Stahlmann advised the homeowner's association should keep in contact with the County so they know how this is proceeding. Supervisor Alford's they should also continue to attend the Township Board meetings. Clerk Hayes advised the next Board meeting is September 23, 2009 at 7:00 p.m. Sherburne County Commissioner, Ewald Petersen advised the homeowner's association should have their attorney advise the MPCA that the facility was not constructed according to the design. Caleb Hansen advised that because they are a small housing development they are not sure they want to take on the MPCA. Commissioner Petersen noted that it appears the MPCA may have some culpability as the permitting authority.

Supervisor Alford's advised the Township and the homeowner's association need to prepare for either an SSD or a special assessment. He advised the Township will need signed approval, a petition, from 100% of the property owners in Aspen Hills to do this. Caleb Hanson advised that might be difficult, noting residents who owe past due association dues may not be willing to sign. He questioned if the Township will need signatures from every homeowner in the development or from everyone who attends association meetings. Treasurer Warneke advised the Township will need a petition, signed by 100% of the property owners to do a special assessment; or, 50% to establish an SSD. He further noted an SSD will require notices and public meetings within a specific time-line. Caleb Hansen inquired if the Township would use and enforce the homeowner's association by-laws. Supervisor Hayes inquired if their attorney has reviewed the by-laws and determined if the homeowner's association has the authority to enforce. Caleb Hanson advised the homeowner's association held a meeting several months ago, and approved to shut-off delinquent accounts. However, since this meeting was held the secretary/treasurer has resigned and has not released the minutes documenting this action. Therefore, the homeowner's association has been unable to complete the action and shut-off services.

b) John Michael Adams/Eagle Scout Project Presentation – No one was present to address the Board. Clerk Hayes advised she will contact John Michael Adams regarding the status of his project.

c) Call District 7 Minnesota Association of Townships Meeting September 24, 2009 at 7:00 p.m. at Anoka Ramsey Community College Cambridge Campus, Isanti County.

BUSINESS FROM THE SUPERVISORS/COMMITTEE REPORTS

Sherburne County Commissioner, Ewald Petersen advised the County has reduced their budget by \$2.77 million to meet their levy goal. The County's goal is to keep the levy the same as 2009.

TOWN ROADS

1) Vernon & Deloris Schwalbe/191st Street, Eagle Lake Park Road – Vernon Schwalbe appeared before the Board to request that lot corner pins for his property and neighboring properties be uncovered, following the overlay of 191st Street. He advised that approximately one year ago he left a survey map of his property with the Clerk and requested the Township review what appeared to be a road encroachment on his property. He advised this had affected the sale of lot(s) he owned, noting the potential buyer was going to need a setback variance to build his house as designed. Several weeks ago Vernon Schwalbe returned to his properties on 191st Street and found that in the process of overlaying 191st Street, lot corner pins had been covered. He advised he would like to have the pins remarked and would like to resolve the issue of the road encroaching on his property. Treasurer Warneke noted that during the February 11, 2009 Town Board meeting, he advised the Board of this minor road encroachment and advised he would work with the Township Engineer regarding this issue. There was brief discussion regarding remarking the pins. Supervisor Alfords inquired if the Township needs to draft the easement. Township Engineer, Todd McLouth advised that was correct; and the easement would address the road encroachment over lots 14 through 20, approximately. It was determined by the Board that Town Engineer, Todd McLouth, will draft the legal description and the pins will be remarked.

2) Other-Updates-Meetings – Supervisor Stahlmann reported stop sign vandalism on the corner of 170th Street and County Road 14. There was brief discussion regarding many reports of stop sign vandalism on County Roads in particular. Treasurer Warneke estimated the cost to replace vandalized signs is approximately \$100. per sign.

-Supervisor Alfords advised maintenance item list had been prepared and forwarded to contractors to address issues noted during the fall road tour.

-Mowing will begin the first of October.

-Township Engineer, Todd McLouth advised that he is meeting with Dan Ramer, Rum River Contracting on Monday September 14 at 2:00 p.m. regarding a bituminous curb to prevent future erosion on 170th Street, Woodland Hills. Mike Grund will fill ditch washout as a temporary repair.

-Clerk Hayes advised that Burlington Northern Rail Road will close the rail crossing on 172nd Street on September 10 from 9 a.m. to 3 p.m.

-Treasurer Warneke advised he is working with the County regarding painting cross walks and pavement arrows on 205th Avenue.

-Treasurer Warneke advised no pay applications have been received for 2009 Road Improvements.

CHAIRMAN'S REPORT

1) Other-Updates-Meetings – Chairman Hofer advised that the Township is waiting for the attorney's response regarding the OAA – Rail Park Resolution. Upon his review and confirmation of it's agreed upon content, the document will be signed by the Chairman and Clerk and turned over to the City of Big Lake.

BUSINESS FROM THE TREASURER

a) Monthly Report – Treasurer Warneke reviewed the cash balance statement. Total government funds of \$2,706,692.69 and escrow accounts of \$56,531.24 totaling \$2,763,223.93 were reviewed. He stated all funds have positive balances. Treasurer Warneke reviewed the 101, 102, 103, 402 and 403 funds and noted there are no issues to report. Expenditure items are on track. Treasurer Warneke reviewed the preliminary tax value report. He noted the Township's estimate of rate change of -10.65% on March 2, 2009 would be -8.1% based on the September 2, 2009 Auditor's estimate of tax values. Supervisor Hayes motioned to approve the Treasurer's Report. Supervisor Leslie seconded. All present were in favor. The motion carried.

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 8:10 p.m.

Respectfully Submitted,

Laura Hayes, Clerk