



REGULAR MEETING  
WEDNESDAY APRIL 10<sup>TH</sup>, 2019  
6:00 pm

The Town of Big Lake Board of Supervisors met in regular session, at 6:00pm, on Wednesday April 10, 2019 at the Town of Big Lake Town Hall, located in the Big Lake Township's Lions Park, at 21960 County Road 5 NW, Big Lake Township, Sherburne County, State of Minnesota. The meeting was called to order by Chair Aubol and the Pledge of Allegiance was recited. Chair Bruce Aubol, Supervisors Larry Alford, Bob Hofer, Norm Leslie, Steve Pflieger, Treasurer Ken Warneke, Clerk Brenda Kimberly-Maas, Deputy Clerk Jayme Swenson, Town Engineer Ross Abel, Fire Chief Ken Halverson and nine audience members were in attendance.

#### **Approval of Meeting Agenda**

Motion/Second to accept the presented Agenda by: Hofer/Pflieger. All present Supervisors approved. Motion Prevailed. The meeting proceeded in accordance with the Agenda.

#### **Approval of Consent Agenda**

The Consent Agenda consists of: a) Approval Minutes – Regular meeting of 03/27/2019. b) Approval of the List of Claims & Payroll.

Motion/Second to Approve Consent Agenda by: Leslie/Pflieger. Approved by Alford, Aubol, Hofer, Leslie and Pflieger. Opposed: None. Motion Prevailed.

#### **Open Forum**

None

#### **Business from the Clerk**

Clerk Kimberly-Maas requested ratification of the 7% pay increase she gave to Deputy Clerk, Jayme Swenson, effective March 27, 2019.

Motion/Second to ratify 7% wage increase given to Deputy Clerk, Jayme Swenson by: Leslie/Pflieger. Approved by Alford, Aubol, Hofer, Leslie and Pflieger. Opposed: None. Motion Prevailed.

Clerk Kimberly-Maas and Deputy Clerk Swenson informed the Board that they had attended the MAT sponsored Spring Short Course. At the training they learned the Town's practices in place for the clerk, deputy clerk and treasurer positions are in line with MAT recommendations. They also learned that the Minnesota Supreme Court sided with the city of Proctor, in the Annexation issue in Midway Township. Midway Township has an orderly annexation agreement with the city of Duluth, but none with Proctor. The ruling could adversely affect township's which have Orderly Annexation Agreements with one bordering city, but not another. MAT provided a link for interested Town persons – officials and residents, to email their State representatives, to voice their concern with this decision and request support for legislation that clarifies the intent of the current language of the statutes, to protect township's lands when any annexation agreement is in place. The link had been sent to supervisors via email.

Clerk Kimberly-Maas presented to the Board the list of tax forfeited land, which will be for sale by Sherburne County Auditor's office. The PID #s included in the listing were: 10-121-3202 adjacent to the east property line of Cargill property, 10-130-4205 adjacent land to City of Big Lake street named Meadow Lane and 10-403-1140 a small land-locked parcel located in the plat of Birch Lake Beach. She informed the Board that they can pull any of the parcels from the sale, if they felt the property would be beneficial to the Town for the purposes of a park or other public use. The Board did not feel any of the parcels would benefit the Town residents and instructed the Clerk to fill out the information survey requests and send them to Amy Rowan, Tax Specialist in the County Auditor's office.

Clerk Kimberly-Maas presented the City of Big Lake's concept plan for a parcel located on the east side of the City of Big Lake. The parcel id is 65-546-0060 and has been zoned Innovative Industrial District. The city received an application to sub-divide and develop the parcel. The city's planner, Michael Healy was looking for any comments the Board might have on this proposal. The Board had no comments on the plan.

Clerk Kimberly-Maas presented WEEBS Simple Plat to the Board for comment. The WEEBS simple plat will divide PID# 10-106-3102. WEEBS Plat will consist of one block and one lot, the remainder of PID# 10-106-3102 will remain a metes and bounds parcel. The proposed lot of WEEBS Plat has a permanent easement, for an existing driveway which serves the residence on PID# 10-106-3101. The easement will be transferred to the new parcel, which will serve the new parcel of WEEBS as the access to County State Aid Highway 5 (County Rd 5). The Board had no concerns with the proposed plat and recommended approval contingent that all County requirements are met.

Motion/Second to recommend approval by: Alford/Hofer. All Supervisors Present Approved. Motion Prevalled.

Clerk Kimberly-Maas spoke to the Board about the sale of the Big Lake Fire Department's water tender that is currently in service. At the January quarterly meeting, the Fire Board was charged with presenting the sale of the tender to the Town and City governing bodies. This is because the capital equipment, land and structures are jointly owned by the Town and City and are leased to the Fire Department. Any sales of capital items must be authorized by each governing body. The current tender will be retired once the new water tender is received, in service with all "bugs" worked out. The method of sale has yet to be determined. Clerk Kimberly-Maas was looking for authorization to sell the current water tender.

Motion/Second to authorize the sale of the current water tender once the new water tender is received and fully placed in service by: Pflughaar/Hofer. Motion approved by: Alford, Aubol, Hofer, Leslie and Pflughaar. Opposed: None. Motion Prevalled.

Clerk Kimberly-Maas informed the Board that during the MAT Spring Short Course training, she and Jayme learned that when a Town makes investments, The Board should formally authorize the person who is making those investments - the Administrator of Town's Investments, to place Town money into investment funds as well as make investment fund transfers on behalf of the Town. She acknowledged that Ken discusses investment options with the Finance Committee and requested the Board take formal action to authorize the Town's Treasurer, Ken Warneke to have the ability to make investments and transfer funds, on behalf of the Town, if this is the Board's desire.

Motion/Second to name Treasurer, Kenneth Warneke the Town's Investment Administrator, granting him the ability to transfer funds and make investments on behalf of the Town by: Hofer/Leslie. Motion approved by: Alford, Aubol, Hofer, Leslie and Pflughaar. Opposed: None. Motion Prevalled.

Clerk Kimberly-Maas addressed the Board with regard to the Two Rivers Escrow account. Rob Lind, the developer of the plat was also present. Brenda informed the Board the Developer's Agreement states that a bond could be obtained as surety for the escrow. Rob had secured a Performance Bond between himself and the road construction company, which he was under impression that this would also satisfy the required surety, for the escrow between himself and the Town. Supervisor Alfords addressed the situation stating that what was needed was either a letter of credit or a performance bond between Mr. Lind and the Town. He also noted that a letter of credit is preferred. Supervisor Alfords stated that the construction bond protects Mr. Lind, which is good, but does not protect the Town. Larry requested that Rob work with Ken to obtain an acceptable escrow surety. Mr. Lind asked to address the Board. He stated that during the Town's January 10<sup>th</sup> meeting he specifically asked about the language of obtaining a performance bond. He stated that he asked if a bond was issued from the contractor would it suffice as the surety for the escrow. Comments made at the meeting that a contractor's bond would cover most of the obligation to the Town and should satisfy the surety of the escrow. With that statement, Rob spent \$4500 to obtain a construction bond thinking it would cover both him and the Town, rather than opting for the less costly option of a letter of credit. Rob expressed his concern that his development was being used to retrain the Board, at his expense, since there had been no new developments done in several years. Clerk Kimberly-Maas noted that comments and conversation was being done in the gallery about the ability of the construction bond would satisfy the requirement to secure the escrow. But the Board did not officially state that the construction bond would satisfy this requirement. The Board requested that Mr. Lind work with Ken Warneke and staff to obtain appropriate and acceptable security for the escrow. Item TABLED until acceptable surety is obtained by Mr. Lind.

Rob Lind also informed the Board that his excavating and road construction contractor, Dirtworks, had applied for an overweight permit, to get their equipment on location. He asked if the permit would be held up until he was able to get the proper surety for the escrow. Supervisor Alfords stated that the permit would be processed without delay. Clerk Kimberly-Maas was instructed to process the overweight permit and deliver it to Dirtworks.

Clerk Kimberly-Maas presented the Board a letter of resignation, tendered by Supervisor Steve Pflgebraar. The effective date of Supervisor Pflgebraar's resignation will be Tuesday, April 16, 2019. She informed the Board that Steve and Terri had purchased a home in Mille Lacs county, making him ineligible to serve on the Town Board. Brenda read the letter into the minutes. A copy of the letter is attached to the minutes. She requested formal action to accept the letter.

Motion: Supervisor Leslie, regrettably accepted Supervisor Steve Pflgebraar's letter of resignation, effective April 16, 2016. Second by: Supervisor Hofer. Motion approved by: Alfords, Aubol, Hofer, Leslie and Pflgebraar. Opposed: None. Motion Prevailed.

The Board thanked Steve for his many years of service.

Clerk Kimberly-Maas requested the Board appoint a replacement Vice-Chair effective April 16, 2016.

Motion/Second to appoint Bob Hofer Vice-Chair effective April 16, 2019 by: Pflgebraar/Leslie. Motion approved by: Alfords, Aubol, Hofer, Leslie and Pflgebraar. Opposed: None. Motion Prevailed.

Clerk Kimberly-Maas requested appointments for replacements to all committees on which Supervisor Pflgebraar is seated. The Board felt that the current alternates to those committees will serve as replacement members, until further notice.

#### **Business from the Board – Committee Reports/Updates**

Supervisor Leslie reported he had obtained two quotes, from Legacy Landscaping, LLC. for projects and on-call park maintenance. The first quote is to start the irrigation system, have playground wood chips delivered

& installed and repair the retaining wall near the steps. The amount of that quote was \$3600.00 The second quote is a time and materials quote for on-call park maintenance and projects. One of the projects needing to be performed is to have five stumps ground, filled and seeded. The quoted amount is \$55 per hour, materials and one-way trip charge. The Board considered the quotes and felt they were acceptable.

Motion/Second to accept Legacy Landscaping, LLC quote in the amount of \$3600, to start the irrigation system, have playground wood chips delivered & installed and repair the retaining wall near the steps by: Pflgebraar/Hofer. Motion approved by: Alfords, Aubol, Hofer, Leslie and Pflgebraar. Opposed: None. Motion Prevalled.

Motion/Second to accept Legacy Landscaping, LLC quote for on-call park projects and maintenance in the amount of \$55/hour, material costs and a one-way trip charge by: Pflgebraar/Hofer. Motion approved by: Alfords, Aubol, Hofer, Leslie and Pflgebraar. Opposed: None. Motion Prevalled.

Supervisor Pflgebraar reported information from the Big Lake EDA meeting. He told the Board that the city has had five new construction permits issued to date and a resolution in support of AEON was passed. AEON will help with 55+ subsidized housing. This will be the City's third application for Federal Grant funds for subsidy. Steve also noted that Keller Commons is transitioning to an assisted living facility.

### **Roads**

Town Engineer Ross Abel informed the Board that bids were opened on April 3<sup>rd</sup>. There were six interested bidders for our projects. The high bid came from Park Construction and the low bid came from ASTECH in the amount of \$728,832.08. Less the amount that Orrock Township will be paying for the 229<sup>th</sup> project, the total for overlays will be about \$609,000. Ross noted that Orrock specifications required a different asphalt mix which increased the cost of that portion of the work being done on 229<sup>th</sup> Ave., by about \$8/ton. Ross requested the Board accept the bids and he recommended the project be awarded to ASTECH.

Motion/Second to accept the 2019 Overlay Road Projects bids, received on April 3, 2019 and award the contract to ASTECH in the amount of \$728,832.08 by: Alfords/Pflgebraar. Motion approved by: Alfords, Aubol, Hofer, Leslie and Pflgebraar. Opposed: None. Motion Prevalled.

Motion/Second to have the Spring Road Tour date set by the Road Committee and Public Notice be placed in the West Sherburne Tribune by: Alfords/Hofer. All Supervisors present Approved. Motion Prevalled.

### **Treasurer's Report**

\*\*\*NOTE Balances reported exclude escrow funds

Treasurer Warneke reviewed the Financial Statements and reported 2019 started with a beginning balance of \$1,253,470.41. The current cash balance of Government Funds at \$831,541. Total disbursements at \$567,898.82 and receipts at \$145,969.95, to date. The Road Fund has disbursements at \$273,632.23, receipts at \$94,056.65 with an ending balance of \$47,006.26.

Motion/Second to approve the Treasurer's report by: Pflgebraar/Alfords. Motion approved by: Alfords, Aubol, Hofer, Leslie and Pflgebraar. Opposed: None. Motion Prevalled.

### **Announcements**

Local Board of Appeal and Equalization meeting to be held on Thursday April 11, 2019 beginning at 9:00AM. Meeting will be held at the Big Lake Town Hall.

SCAT Quarterly Meeting will be held on Wednesday April 17, 2019. Dinner is being provided by Big Lake Township and will be served at 6:30PM. Meeting to commence at 7:00PM

**Adjournment**

Motion/Second to adjourn the Regular Meeting at 7:07 PM by: Leslie/Pfleghaar. All Supervisors present Approved. Motion Prevailed.

Respectfully Submitted,

Brenda Kimberly-Maas, Clerk and Jayme Swenson, Deputy Clerk

Accepted this 24<sup>th</sup> day of April 2019, by the Town of Big Lake Board of Supervisors.

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Bruce Aubol, Chair

Attest: \_\_\_\_\_  
Brenda Kimberly-Maas, Town Clerk