



## REGULAR BOARD OF SUPERVISORS MEETING MINUTES

NOVEMBER 07, 2019

*(Recorded for Transcription Purposes Only)*

**Call to Order/Pledge of Allegiance/Roll Call:** Chair Booth called the meeting to order at 7:00 PM and the Pledge of Allegiance was said. Those present: Supervisors Yvette Adelman-Dullinger, John Wulff, Arlene Schmit, Greg Booth, Greg Bennett and Clerk/Treasurer Faith Broberg. Sign in sheet attached. Gabe Smith, Holmwig Excavating, employee.

**Agenda** – Supervisor Schmit **moved to approve the amended agenda**, seconded by Supervisor Wulff and the motion carried.

### **Clerk Treasurer's Report**

**Minutes** Regular Board of Supervisors Mtg 10-17-2019 – Supervisor Schmit **moved to approve the minutes of 10-17-2019 as amended**, seconded by Supervisor Adelman-Dullinger and the motion carried.

**October 2019 Financial Balances** – Supervisor Schmit **moved to approve the October 2019 Financial Balances**, seconded by Supervisor Adelman-Dullinger and the motion carried. It was noted that the *Fund Park Acquisition and Development for Sylvan Lake Park* – on the Interim Financial Report – Monthly Comparison for the end of October 2019 that the receipt of \$10,000 as a transfer of funds and the sale of investments for \$3,739.40 is recorded twice giving a wrong total for the 404 Park Acquisition but on the October Cash Control Statement the amount received is correct.

**Public Input** – None at this time.

### **Old Business/Reports -**

**Road Projects Report** - Bryan Drown, Bolton & Menk, gave this report. He presented the Partial Pay Estimate No. 1 for the work done on Camp Jim Road SW by Anderson Brothers Construction. Total work completed \$232,182.44. A retained percentage of 5% (\$11,609.12) is being withheld till spring to see if the seeding grows. Supervisor Wulff **moved to pay the Partial Pay Estimate No. 1 in the amount of \$220,573.32**, seconded by Supervisor Adelman-Dullinger and the motion carried. The Clerk will write a check on the Bremer Bank (Township's Money Market Account) payable to Sylvan Township in the Amount of \$220,000.00. A Township check will be written out to Anderson Brothers Construction for the road improvement done on the Camp Jim Road.

**17<sup>th</sup> Avenue SW** - Bryan has been in contact with BNSF (Burlington Northern Santé Fe) regarding the railroad crossing on this road. The Town Board has previously discussed

paving the portion that is the Township's road that runs up to the Gull River Cemetery. Bryan reported on information he received from BNSF to move forward on this project:

- A permit is needed for any engineering work that takes place within the railroad ROW.
- The Township would have to sign an agreement to reimburse BNSF for the cost of installing the longer crossing surface, relocation or replacing signs.
- The roadmaster for that territory says that the existing crossing would benefit from a full group-up replacement as well. This expense would be shared by the railroad and the road agency.
- The Township's contractor will need to meet certain requirements to work near the tracks.
- The Township would need to obtain a highway easement from the railroad at fair market value as the Township does not have one. There would need to be an appraisal process.

This information was copied to Rick Wagner with MnDOT to see if they would have an interest in the new crossing.

The 17<sup>th</sup> Avenue SW running to the south end of the cemetery would be around 900 feet at an estimated cost of \$50,000.

Supervisor Bennett has talked with some of the residents on that road and feels they might be interested in paying for paving that portion of the road that is not Township road.

#### **Road Supervisor's Road Report -**

Supervisor Wulff reported that he has been in discussion with Fairview Township regarding **Gregory Drive SW and West Lake Ridge Road and a road agreement** – shared roads. Fairview Township mows twice a year and would ask for \$50.00 each mowing. They also proposed \$17.50 per event for plowing. There had been discussion previously that it might be easier coming up with a definite cost that Fairview would charge Sylvan for their work on roads that are in our Township then trying to divide up the footage done by each Township. Fairview does have the benefit of using our turnaround for their equipment and Sylvan plows a portion of their road. It was decided that Supervisor Wulff would attend Fairview's meeting and have more discussion.

**Beaver Dam Road SW** – washouts need to be filled on north side of road, several from east side of swamp to last culvert. East and middle culvert not flowing well. West culvert is flowing.

#### **Crow Wing Circle Drive SW –**

Supervisor Wulff reported that north of Bigwater Drive SW west side – yield sign and post in the ditch. The culvert under Crow Wing Circle should have a capped 3" or 4" PVC pipe placed through it with a standard pipe just below the road surface height. To be opened in late winter/only spring to drain water that backs up.

**17<sup>th</sup> Avenue SW Engineering** – Supervisor Wulff asked about locating the power to streetlight on south side of State Highway 210. There was discussion regarding the Power Pole and whether it would be impacted by work done on this road. Bryan doesn't think it will be a problem.

**Hardy Lake Road SW** – Jenny Boyer had requested Cass County Sheriff's Department to patrol the road (she gave them the times of day when the traffic was at its worse) to help with the speeding on the road. She hasn't seen any patrol cars on the road.

Supervisor Bennett reported that he has ordered the trailer sign – (we will have training on it) and (2) radar signs. They haven't arrived yet. The first one installed will be on Hardy Lake Road SW by the Boyer residence. There are only 4 delineators left out there. Originally there were less rocks on the road after the delineators were installed. Jenny Boyer would like to see permanent delineators installed.

The shouldering has been done on the Township roads.

**Crow Wing Circle Drive SW – # 4116** – Supervisor Schmit has noticed activity at this parcel that looks like they will need a driveway permit.

**Holmvg Billing** – There was discussion on one of the invoices and Supervisor Schmit would like more information included on the invoices. Gabe Smith, Holmvg Excavating Employee was in attendance and the Board met him for the first time.

**Beavers** – a resident reported that the beavers were active in the creek that runs into Little Red Sand Lake. The Township notified our beaver trapper Mark Mortensen and he broke up the dam and caught (2) beavers. It was mentioned that there is a beaver in a pond by Crow Wing Circle SW.

**Dustin Polkow – Crow Wing Circle Drive SW – Native Grasses.** Dustin had been asked by the Town Board to not plant in the Road ROW so that the Road Maintenance Contractor can mow. Dustin has asked the Board to reconsider their decision. Chair Booth went out and viewed the property and didn't see any weeds and talked with Dustin. Dustin has a plan that he follows in keeping the weeds out of plantings and after gathering the seeds he mows the area himself. Every 4 years he burns that area. Chair Booth did not see a problem if Dustin takes care of the weeds and doesn't cause a visibility problem.

**Areas That Could Have Problems** – 43<sup>rd</sup> Avenue SW – Nice masonry mailbox, Tacky Junk cars – (without current licenses) Crow Wing Circle – east side. The County would have to enforce (junky cars, losing fluids into a swampy area).

#### **Planning Commission –**

**Commercial Ordinance** – Dave Johnson, Planning Commission Chair was here to see if the Board has any questions regarding the proposed revisions to Sylvan Township's Commercial Ordinance (SCO) 2017-08.

Cass County has an *abatement of public nuisance* in one of their ordinances and Dave has rewritten it to fit Sylvan's Commercial Ordinance. Most of the revisions are regarding the Home Occupation and the Home Business designations – clarifying them. Another area we haven't addressed is regarding grandfathered-in businesses that are starting to spread out or expand into other areas of business.

Supervisor Adelman-Dullinger brought up the fact that the Township needs to (in all their ordinances) include a "provision to cure" certifying cost language.

Chair Booth explained that after the Region 5 meeting here on Monday the 4<sup>th</sup> of November, Cheryal Hills, Region 5 Executive Director offered to have someone at Region 5 review the Township's Commercial Ordinance that is being revised. Supervisor Wulff **moved to have a draft copy of the Township's Commercial Ordinance (2017-08) sent to Region 5 for reviewing**, seconded by, Supervisor Bennett and the motion carried. There was discussion on sending the proposed draft

copy of the Commercial Ordinance to Region 5 right away and then after the final copy is complete, we would send it to the Township's attorney.

**Discussion on Grandfathered- In Commercial Businesses** – Businesses that are grandfathered-in do not need a permit if they continue as usual but they would have to comply with the Abatement of Public Nuisance portion of Sylvan's Commercial Ordinance (SCO) and if they discontinue or expand their business or if they violate the Public Nuisance portion of the SCO they would then need to apply for a Commercial Business Permit.

Supervisor Schmit brought up that on 43<sup>rd</sup> there appears to be a Commercial business and we should send them a letter to come in and fill out an application for the business.

Chair Booth continued with more information that was discussed at the Region 5 meeting:

- Cass County had done a housing study and Jan Loftis, City of Pillager mentioned that the City of Pillager has a housing shortage.
- Developing ordinances that would coordinate more with surrounding government entities.
- City of East Gull Lake brought up an issue they have with the Pillager Fire Association and believe that there needs to be a third-party arbitrator. It was decided that this should be discussed at a meeting of the Pillager Fire Association.

The next Region 5 round table discussion has been set for Monday, April 6<sup>th</sup>, 2020.

**Fire Report** – given by Supervisor Adelman-Dullinger:

- The Fire Association is having calendars put together to use as a fund raiser. Walt Richmond, Fairview Township's fire representative has been out selling ads to area businesses that will appear in the calendar. The ads now need to be proofed before going to the printers. Walt has sold \$11,725.00 in ads. The printing and mailing will cost about \$8,000. So just from the sale of ads the Fire Association will profit \$3,000. There are letters going out with the calendars asking for donations from the residents.
- Practice Burn – postponed due to asbestos found in the house. Owner will remove and the date has now been set for November 21, 2019.
- Officers appointed at the meeting – with election at their next meeting: Greg Ringler for Fire Chief, Brett Mattheisen for Captain and Lieutenant, Trent Hockenson for Captain, and Tom Kramer for Captain and Lieutenant.
- A new contract with the City of East Gull needs to be negotiated starting with 2020.
- Walt Richmond commented that there are 350 acres in Fairview Township going up for sale and that the City of East Gull wants to annex it.
- Pine River State Bank was supposed to have had a representative at their meeting, but it has been rescheduled for their meeting in December.
- Sylvan's Short-Term Rental Ordinance – came up because in the Ordinance one of the requirements is for an annual Fire Inspection. The Fire Association wants to know what the Township's expectation is for a Fire Inspection. When Short-Term Rentals was put in Google it came up that there were 34 places in Sylvan Township. So, there was a concern if Greg Ringler would get mileage and who would pay for it and how much time this would involve. Greg Ringler will be getting certified as a Certified/Qualified Fire Inspector this coming spring.

- Mission Fire Association has a Retirement Plan \$2000/year vested at 5 years. Pillager Fire Association is vested at 10 years and receive \$5/hour where Mission gives \$15/run, plus \$18.00/hour and if they attend a Township meeting they received \$20/for the meeting.
- CPR Training - would be for all employees – need to fill out a form and contact a training officer and turn in the filled-out form to Scott Saehr of Sourcewell. Most of the Pillager Firefighters do not want a 1099 so request that when they reach \$599.00 that they don't receive any more money.

Supervisor Wulff **moved to fill out the form and send it to Scott Saehr of Sourcewell in Staples Minnesota to schedule a date for the CPR class**, seconded by Supervisor Adelman-Dullinger and the motion carried. There was discussion on the length of the class. It is thought that the classes run around 4 hours.

Runs in October were 15, Year to date 222 and last year at this time there were 228 runs.

#### **New Business -**

**Newsletter** – It was decided that articles for the Newsletter need to be turned in by November 16, 2019. Possible articles could be Road Maintenance, Speed Signs, Business Permits, Snow Plowing, Parks.

**Short-Term Rental Permits** – there was discussion that since the Town Board of Supervisors approve the Short-Term Rental Permits that the permit fee will be put in the General Fund.

**AWAIR Annual Meeting** – Supervisor Wulff **moved to set the Annual AWAIR meeting for Thursday, December 5, 2019 at 6:45 PM**, seconded by Supervisor Adelman-Dullinger and the motion carried.

**Projector Screen** – there was discussion on purchasing a projector screen especially for the Histories Series. A portable one is probably preferable. It was decided to get quotes and we might want to get a stationary one also.

**Old Mailbox** – Supervisor Wulff **moved to donate the old mailbox to Habitat for Humanity**, seconded by Supervisor Bennett and the motion carried. Supervisor Bennett will drop it off at Habitat for Humanity.

#### **Other Township Business –**

**Correspondence – Letters of Credit** – will file it in the Bremer Bank folder.

**CLA** – Clifton, Larson and Allen Engagement Letter for performing the Township's annual financial audit for 2019. Supervisor Bennett **moved to accept the engagement letter as presented**, seconded by Supervisor Adelman-Dullinger and the motion carried.

**Cass County Sheriff's Incident Report** for October 2019.

**MATIT Property Insurance** – the Township received information on the breakdown of the of the current insured limit per building as well as the current replacement cost. The Board reviewed both the "replacement cost" and the other option of an "agreed value." After review of the different options Supervisor **Wulff moved to introduce Resolution 2019-12 approving the Replacement Cost Coverage, regarding the value of property owned by the Township as listed in Exhibit A**, seconded by Supervisor Adelman-Dullinger and the motion carried.

**Public Input** – None

**Review Claims -**

Supervisor Bennett **moved to approve the payroll check #23719 to #23733 in the amount of \$4,312.63 and the claims check #23734 to 23757 in the amount of \$231,344.83 with a grand total of \$235,657.46**, seconded by Supervisor Wulff and the motion carried.

**Adjournment** – Supervisor Schmit **moved to adjourn**, seconded by Supervisor Wulff and the motion carried with the meeting adjourning at 9:15 PM.

Minutes submitted by,

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Faith C. Broberg, Clerk/Treasurer

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Chair, Greg Booth

Supervisor Bennett moved to approve the minutes as presented, seconded by Supervisor Adelman-Dullinger and the motion carried.

Amendments:

Date: November 21<sup>st</sup>, 2019