Meeting of the Windemere Township Board - September 13, 2018

The meeting was called to order at 6:32 PM by Chairman, Pete Steen. Others present were Supervisors, John Wesely & Dale Kirkeby, Treasurer, Ron Mossberg, and Clerk, Scott Danelski.

CLERK’S REPORT :

The Clerk’s report was read and corrected. Motion made by Wesely, second by Kirkeby to approve Clerk’s report. Motion passed, 3 Aye – 0 Nay.

TREAURER’S REPORT :

Treasurer’s report was read. Motion by Wesely, seconded by Kirkeby to approve the Treasurer’s report. Motion passed, 3 Aye – 0 Nay.

PUBLIC INPUT :

Charles Asp was present to discuss his sewer located at 33454 Gardenview Drive. Charles explained that his sewer line is holding water and freezing up in the winter. Zoning Administrator, Ryan Clark, to follow up on the issues with the Pine County sewer inspector.

GRAVEL CRUSHING QUOTES :

At 7 PM the town board opened the sealed bids for the 2018 Windemere Township Gravel Crushing Project. Four bids were submitted – Rydberg & Sons, Inc., Rocon Paving, Hammerlund Construction, Inc., & Dresel’s Aggregate. Rydberg & Sons submitted quote was $2.59/Cubic Yard for crushing Class-5 gravel, $2.99/Cubic Yard for screening sand, and $2.79/Cubic Yard for crushing recycled blacktop. Rocon Paving submitted quote was $3.00/Cubic Yard for crushing Class-5 gravel, $2.50/Cubic Yard for screening sand, and $5.25/Cubic Yard for crushing recycled blacktop. Hammerlund Construction, Inc. submitted quote was $5.10/Cubic Yard for crushing Class-5 gravel, $16.00/Cubic Yard for screening sand, and $5.10/Cubic Yard for crushing recycled blacktop. Dresel’s Aggregate submitted quote was $2.73/Cubic Yard for crushing Class-5 gravel, No Bid for screening sand, and No Bid for crushing recycled blacktop. Motion by Steen, seconded by Wesely to accept Rydberg & Sons, Inc. submitted quote of $2.59/Cubic Yard for crushing Class-5 gravel, $2.99/Cubic Yard for screening sand, and $2.79/Cubic Yard for crushing recycled blacktop. Motion passed, 3 Aye – 0 Nay. The board members questioned to when the vendor could be notified and start work on crushing Class-5 gravel due to the Palon Road Improvement project was about to start soon. A representative from Rydberg & Sons, Inc. was in attendance at the board meeting and stated they could begin crushing gravel the following week.

Page 1

PUBLIC INPUT :

Dick Herzog was present to inquire whether the board would make a motion to have discussions with the Pine County Attorney to discuss losses incurred during the township litigation with Mike Buetow. No action taken.

Tom Albrecht was present to discuss the litigation between Windemere Township and Mike Buetow. Tom asked the board the question as to why the legal action was started in the first place. Why did the township get a lawyer involved instead of starting at lowest level and try to work out differences amongst the township and Mike Buetow. Tom also inquired as to if the attorney hired for the litigation had been paid in full. The board acknowledged that the lawyer had been paid in full. No action taken.

Dave Arneson was present and questioned the board as to what started legal action between Windemere township and Mike Buetow. Dave inquired to if there might have been any open meeting violations during the dispute. Dave also inquired about Supervisor Kirkeby’s attendance record at township meetings. No action taken.

Mark Salmon was present and requested that the board hold a special meeting to answer all of the constituents’ questions regarding the litigation between Windemere township and Mike Buetow. No action taken.

Ron Buetow was present and asked the board the question as to what started legal action between Windemere township and Mike Buetow. No action taken.

Tom LaBathe, 88952 Sturgeon Island Road, was present and requested that the town board place speed limit signs to reduce speeds on Sturgeon Island Road, Hill Street Road, & Laketown Road. Pete Steen to contact Minnesota Association of Townships (MAT) attorney, Steve Fenske, to discuss what the township can do with the speeding issue.

WARBER Lane :

Pete Steen contacted both the Minnesota Association of Townships (MAT) attorney and the township attorney to discuss what the township can do to alleviate the ponding issues on Warbler Lane near Doc’s Sports Bar. At this time the township has not heard back from the attorneys. No action taken.

EXTERNAL AUDIT :

Bonnie Schwieger from Abdo, Eick & Meyers, LLP was present to discuss with the town board supervisors the first draft of their report on the external audit for Windemere Township. The auditor’s responsibility is to offer the township a clean unmodified opinion of the township’s finances and operating procedures, and to provide recommendations to the town board on areas Windemere township can make improvements. Board supervisors and township officers to review the draft and recommendations.

Page 2

TOWN HALL ROOF :

The construction repairs have been completed on the Windemere town hall roof.

ROAD MAINTENANCE POLICY :

No update to give at this time.

WINDEMERE TOWNSHIP WEBSITE :

Treasurer, Ron Mossberg, has completed the training on the new township website. Ron will work with training the township clerk.

TOWNSHIP BLIGHT :

The Zoning Administrator gave an update on the township’s blight issues. Three properties have been referred to the township’s attorney to enforce ordinance violations. The township continues to receive complaints on two addition properties (Dennis Barnett & Kevin Youngberg). The Zoning Department to speak to both parties again about cleaning up their properties. No additional action taken.

PASSENGER LAKE :

The Zoning Administrator received a letter from some residents on Passenger Lake requesting the Windemere town board send out a letter to the residents of Passenger Lake reminding the Passenger Lake residents of the Minnesota DNR’s no-wake laws. The township does not have authority to enforce no-wake violations. No action taken.

PALON ROAD :

The Palon Road Improvement Project (TP 17-01) was discussed. The vendor, Casper Construction, provided the township with a timeline of construction for the Palon Road project. Construction to start the week beginning September 17th, 2018 and is expected to be completed in approximately (6) weeks depending on the weather condition. Supervisor Wesely requested that the Road Maintenance Department remove the township’s road control detour signs from Island Lake Road. Road Maintenance Department to follow up on the matter and remove the traffic control signs.

Page 3

BALSAM ROAD CULVERTS :

The culverts on Balsam Road was discussed. An updated hydraulics study is being conducted by Erickson Engineering on the Balsam Road culverts, but the updated hydraulics report is not yet completed at this time. Flooding continues on Birchview Road. Pete Steen to speak to DNR game warden, Dusty Speldrich, to get approval to remove the beavers that continue to cause the problem flooding. Road Maintenance Department to keep the culverts clean to help reduce the flooding issues.

HARMONY LANE, PARKVIEW DRIVE, STURGEON ISLAND ROADS :

The engineering for road projects on Harmony Lane, Parkview Drive, & Sturgeon Island Roads was discussed. Mike Buetow to speak to the Pine County Engineer to see if Pine County will complete engineering for the road improvement projects on both Parkview Drive and Sturgeon Island Roads. No action taken at this time by the board on these two projects. Motion by Kirkeby, seconded by Wesely to accept Erickson Engineering’s quote of $16,500.00 to complete the engineering of the Harmony Lane road improvement project. Motion passed, 3 Aye – 0 Nay.

LITIGATION :

Dave Arneson was present to discuss the litigation between Windemere Township and Mike Buetow. Dave again requested that the township treasurer and clerk meet after the September 2018 monthly board meeting to provide public information including why the litigation started in the first place, information from the attorney, and costs to the township due to the litigation. No action taken.

WINDEMERE TOWNSHIP 2019 LEVY CERTIFICATION :

The Windemere township 2019 levy certification was discussed. At the Windemere township annual meeting held in March 2018, the township constituents voted to set the 2019 tax levy at $400,000.00 ($200,000.00 General Fund & $200,000.00 Roads & Bridges Fund) which just under a 50% decrease from the 2018 tax levy. The Pine County Auditor contacted the township clerk and stated that the township should be careful about decreasing our tax levy by such a large percentage from the previous tax year.

LAKESHORE PARK ROAD :

Lakeshore Park Road was discussed and it was stated that the road is not a current township road. There is an ongoing private property dispute regarding Lakeshore Park Road. Motion by Steen, seconded Kirkeby that the township will not get involved in property disputes with Lakeshore Park proposed platted roads as the road is not a township road. Motion passed, 3 Aye – 0 Nay.

Page 4

TENTATIVE AGRREEMENT – ROAD MAINTENANCE WORKERS :

The tentative agreement with Windemere Township and the road maintenance workers was discussed. Windemere Township agrees to accept the current contract and increase the part-time road maintenance workers per hour wage to operate equipment, from $21.00 per hour to $25.00 per hour. The wage increase constitutes a 20% increase in road maintenance workers wages, approximately a $2000.00 per year increase per employee. The total increased cost to the township will be approximately a $25,000.00 per year. The $25.00 per hour rate places Windemere township’s road maintenance workers in the 70th percentile for wages when compared to other road maintenance workers. Motion by Steen, seconded by Wesely to approve the Memo of Understanding (MOU) to accept the tentative agreement between Windemere Township and the International Union of Operating Engineers (IUOE) Local #49 to increase the wages of Windemere Township’s Road Maintenance Workers to $25.00 per hour. Motion passed, 3 Aye – 0 Nay.

ROAD MAINTENANCE POSITION :

Jon Nystrom submitted a letter of resignation to Windemere township. Motion by Wesely, seconded by Kirkeby to post an advertisement that Windemere Township will be accepting job applications for the vacant part-time road maintenance worker position. Pete Steen and Mike Buetow will write up a job description and posting, and the advertisement will be posted for two weeks in both the Star Gazette and Evergreen newspapers and on the Windemere township website. Motion passed, 3 Aye – 0 Nay.

CONFLICT OF INTEREST :

Conflict of interest for Windemere township officers was discuss. Motion by Steen, seconded by Wesely to accept a Resolution Authorizing Contract With Interested Officer Under Minnesota State Statute 471.88, Subdivision 5, Appendix B that Windermere Township resolves to enter into a contract with Doreen Mossberg, wife of Windemere Township Treasurer Ron Mossberg, to serve as an Windemere Township Election Judge at a contracted price of $15.00 per hour. Motion passed, 3 Aye – 0 Nay.

Motion by Wesely, seconded by Kirkeby to accept a Resolution Authorizing Contract With Interested Officer Under Minnesota State Statute 471.88, Subdivision 5, Appendix B that Windermere Township resolves to enter into a contract with Benjamin Steen, son of Windemere Township Board Supervisor Pete Steen, to cut the grass at the Windemere town hall at a contracted price of $35.00 per mowing. Motion passed, 2 Aye – 0 Nay. Pete Steen abstained.

Page 5

ROAD UPDATE :

Road Maintenance Supervisor, Mike Buetow gave the monthly road update. Paulus Road issues have been corrected. Since the Class-5 gravel crushing bid was awarded this evening the township will need to haul clay binder material to the Windemere township pit. Motion by Wesely, seconded by Steen to authorize the Road Maintenance Supervisor to make arrangement to acquire clay binder material and haul the necessary cubic yards of clay material to the township pit to complete the Class-5 gravel crushing project. Motion passed, 3 Aye – 0 Nay.

Dobosenski & Dago Lake Road was discussed. New stop signs have been placed at the intersection, one on each road. The road ditch right-of-way for both roads need to be brushed and cleared. Motion by Steen, seconded by Wesely to accept Kim Olson Rentals quoted price of $1200.00 per week for the rental of a wood chipper for brushing of township road right-of-ways’. The wood chipper can to be rented for up to two weeks. Motion passed, 3 Aye – 0 Nay.

ZONING UPDATE :

Zoning Administrator, Ryan Clark gave the monthly zoning update. There were eight permit applications in August 2018. Permits included pole sheds, dwellings, garages and a greenhouse. Three ordinance violations were investigated. Continue to receive blight complaints for Dennis Barnett and Kevin Youngberg. Worked with the township attorney regarding a private property road dispute on Lakeshore Park subdivision located on the north side of Rush Lake. A Passenger Lake resident requested that the township mail out letters to residents reminding property owners of no-wake violations. A variance hearing to consider a minor subdivision is scheduled for 9/20/18. Moose Lake Golf Course has submitted paperwork for a variance application to build an addition to the Moose Lake Golf Course Club House. Three variance hearings to be held on October 25th, 2018. Update on Wilson variance case given, court date is scheduled for 11/14/18.

PLANNING COMMISSION UPDATE :

The next planning commission meeting is scheduled for Wednesday October 24th, 2018 at 6:30 PM to be held at the Windemere town Hall.

FIRE DISTRICT UPDATE :

There were twelve calls in Windemere township during the past month. Eight medical calls, two motor vehicle accident with injury calls, one power line down call, and one false alarm.

Page 6

PUBLIC INPUT & RESPONSE TO MEETING GIVEN :

Ron Buetow was present and stated that they are just trying to follow up on the litigation with the township and Mike Buetow. Ron also asked Supervisor Kirkeby if he listened to the audio of the prior monthly meetings since when he was not present.

Tom Albrecht was present and asked if the township was going to purchase a gift for Jon Nystrom’s ending of his years of service.

John Menke was present and stated he attended the September 2017 monthly board meeting and wanted to know who hired the attorney for the Buetow litigation and what prompted the hiring of that attorney. The board stated that there was a question about the Road Maintenance Supervisor’s contract and that is what prompted the hiring of the attorney

Paul Horgen was present and stated he is tired of hearing about the request for information on what started the dispute between Windemere township and Mike Buetow.

Ron Mossberg was present to discuss the external auditor’s summary recommendations, one of which is the township’s 2019 budget. A special meeting to discuss the 2019 Windemere Township budget was set for Monday October 22nd, 2018 at 5:30 PM located at the Windemere town hall.

Debbie White was present and asked if the township was holding a Christmas party again this year. The item will be added to the October 2018 agenda.

Supervisor Dale Kirkeby excused himself from the meeting at 9:50 PM.

CLAIMS :

August 2018 claims were reviewed. Motion made by Steen, seconded by Wesely to approve August 2018 Claims. EFTs - 1820 and 1822, Checks - 11986 through 12032, & Direct Deposits - 1097 through 1104 for a total of $61,160.20. Motion passed, 2 Aye – 0 Nay.

Township mail opened and reviewed.

Motion made by Steen, seconded by Wesely to adjourn the meeting at 10:23 PM. Motion passed, 2 Aye – 0 Nay.

RESPECTFULLY SUBMITTED : APPROVED :

Scott Danelski, Clerk Pete Steen, Chairman

Page 7