



**SYLVAN TOWNSHIP**

## **REGULAR BOARD OF SUPERVISORS MEETING MINUTES**

**SEPTEMBER 05, 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 Greg Bennett, John Wulff, Arlene Schmit (arrived 7:10 PM), Greg Booth, Yvette Adelman-Dullinger, and Clerk/Treasurer, Faith Broberg. Sign – In Sheet Attached.

**Agenda:** Supervisor Wulff **moved to approve the amended agenda**, seconded by Supervisor Adelman-Dullinger and the motion carried.

### **Clerk/Treasurer's Report –**

**Minutes Regular Board of Supervisors 8-15-2019** – Supervisor Bennett **moved to approve the minutes as amended**, seconded by Supervisor Adelman-Dullinger and the motion carried.

**August 2019 Financial Balances** – Supervisor Adelman-Dullinger **moved to approve the August 2019 Financial Balances**, seconded by Supervisor Wulff and the motion carried.

### **Public Input**

**Scott Everson of Searcyville along with Jennifer Decker and Lena Seidl** presented the Town Board with a petition requesting the Township to address the need for a Speed Limit sign, Children at Play sign and a Deaf sign in the Searcyville area for safety reasons. There are three entrances into the Searcyville area; one off State Highway 210, and two off Upper Sylvan Road SW.

Chair Booth explained that the Speed Limit is govern by a Minnesota State Statute with certain conditions that would need to be met and the lowest speed would be 35 MPH. The Board will look into these requests to see what they can do.

**Jesse Strege** – 13610 Happy Go Lucky Road SW. Jesse is interested in moving his business, an Auto Body Shop to his residence on Happy Go Lucky Road, SW. He has two employees and would access his business off County 36. He will need to come into the Town Hall and obtain an application for a Conditional Use Permit and Planning Commission Chair, Dave Johnson will call him and meet with him at the location.

### **Old Business/Reports –**

**Road Projects Report** – Bryan Drown of Bolton & Menk was present to give this report. **Camp Jim Road Project** – the pre-construction meeting was held here at the Town Hall on August 29, 2019. Anderson Brothers are planning on starting next Monday, September 9, 2019 and their plan is to be done in three weeks. Anderson Brothers will start on the east end of the road. Crow Wing Power will start on the west end, working on relocation for their underground wire and then they will work around

each other when they meet in the middle. Crow Wing Power will be done with their work in 1 week.

Supervisor Bennett was in contact with David Lindahl (at the end of the road on the East end) regarding his parcel and he expressed his thanks that the Town Board did not push them in agreeing to sign an Easement Deed. They have now decided to go along with the Road Project and will sign the Easement Deed.

It is possible that the improvement for Camp Jim Road SW could be completed by October 4, 2019.

Bryan reported that **Soil and Water** had met today, and they have the Pillager Dam Road culvert on their agenda so we should hear from them soon regarding getting financial assistance to replace this culvert.

**Shady Hollow Road SW** – Bryan will be providing the Township with a Cost Estimate for bringing up Shady Hollow Road to Township Road Standards and will have that at our next meeting.

**Brad Person, of Breen & Person LLC, Brainerd, MN** is present to discuss Assessment Agreements for improving a road. Supervisor Bennett had been in discussion with Mr. Person and has asked him to explain to the Board this method of financing the cost for residents improving their road and the Township taking it over to maintain. Mr. Person had talked with Cass County and the County prefers that the Township use this method for residents improving their road and the Assessment Agreement would not require a public hearing. Residents would just come in and sign the Assessment agreement. The Township would pay for the improvement and the residents along that road would be assessed their portion of the cost, added to their property taxes for the improvement, paying for it over a period of time with the Township eventually getting repaid.

If 2 or 3 residents' holdout and don't sign the agreements, then the project can be dropped. Another way would be if the neighbors' chip in and pay for the neighbor's portion or the Township covers that cost and then someone gets the improvement free.

Another way would be to follow MN Statute 429. This would involve more paperwork holding a meeting, having a feasibility study done and a cost estimate completed and then those who don't sign still get assessed their portion to have the road improved. The length of assessment can vary with each resident if some want to pay it all up front and not get assessed any interest or if the resident wants a longer period of time to pay off their portion.

Supervisor Bennett **moved to go ahead with the assessment procedure (as presented by Brad Person,) for the Township taking over Zebroski Acres Lane SW as a Township road following the sample assessment that was presented tonight,** seconded by Supervisor Adelman-Dullinger. The Assessment would then need to be certified with the County Auditor. The question was called, and the motion carried.

Bryan Drown brought up the fact that the numbers (costs) that were previously quoted to the residents (by Bryan Drown) was an estimate and could change if work is not completed till next year.

### **Supervisors Road Report-**

**Trees down on:** Upper Sylvan; Drive SW, 125<sup>th</sup> Street SW, Oak Ridge Drive SW and 13<sup>th</sup> Avenue SW.

**Camp Jim Road SW** – the required easement deeds have been signed.

**Salt/Sand Shed** – Mr. Shingledecker -has experience in putting up the cement blocks that we need for this building and will be sending us a quote.

**Ordinance 2019-02 – Short Term Rentals** – two minor changes that Supervisor Bennett has made, and the Ordinance is ready for signing. Supervisor Bennett **moved to have the final copy of Ordinance 2019-02 Short Term Rentals signed after the two minor changes**, seconded by Supervisor Wulff. Supervisor Wulff asked about #2.3.1.1 regarding pets. This has its own line. #2.4.3 – Complaints – complaints will be directed to either law enforcement or to the short-term rental authority designated by Sylvan Township. Sales tax was also removed. The question was called, and the motion carried.

**Commissioner Neal Gaalswyk** – District 1 – reported that the Cass County Commissioners have not discussed Short-Term Rentals as part of their agenda at this time.

Co-Road Supervisor – John Wulff had a few items to report.

**West Lake Ridge Road** – there is a large hole where a patch is needed by house number #12056. (20'X20')

**Intersection of Lower Sylvan Road SW** and Upper Sylvan Road – Needs shoulder repair on SW corner by Stop Sign.

**Lower Sylvan Road** – needs fill/shoulder repair on North side over culvert by address #12475. Culvert is east of address.

**Gregory Drive SW** – patching and overlay. Dave Johnson, Planning Commission Chair suggested that we use *Round Up* before work is done on the road as the grass will come up thru the black top.

**125<sup>th</sup> Street SW** – Supervisor Schmit asked if the Township had hired Mikes Tree Service regarding removing a tree. It could be that Brad Holmwig subcontracted it out.

**Shared Road Agreements: City of Pillager, City of East Gull Lake and Township of May** – Fairview has sent a letter and would like to meet with Sylvan regarding the Shared road agreement regarding the length that each government entity would be maintaining and revising the wording. Fairview's Road Supervisor is Tom Dechmann at 218-746-3846. Sylvan's Co-Road Supervisor Wulff will be getting in contact with Tom Dechmann to discuss the Shared Road Agreement.

Supervisor Schmit **moved to approve signing the City of Pillager, City of East Gull Lake and May Township's Shared Road Maintenance Agreements**, seconded by Supervisor Bennett and the motion carried.

**Delineators** – there was discussion on ordering more delineators from Dave Johnson, who has made some for us in the past and the Board really likes them. There was also discussion on asking Scott Hendrickson, Sylvan Planning Commission Member of what the price would be for a paved gutter on the inside shoulder of curves.

## **PLANNING COMMISSION**

The Planning Commission has not had a meeting since their last one in August.

**Sylvan Lake Park** – Dave Johnson reported that he would like to proceed with seeding at the Park. Around 23,000 square feet. Seeds would cost approximately \$420.00. He would like to spend \$250.00 to have Hengels Ready Mix take mulch to the wetland there

for erosion control. Supervisor Bennett **moved to authorize the Planning Commission to spend up to \$800.00 for hydro-seeding and spraying**, seconded by Supervisor Adelman-Dullinger and the motion carried.

Dave Johnson also wants to talk with Craguns (just bought Landsburgs property up on 120<sup>th</sup> Street SW). Dave wants to see if they have any trees they might want to get rid of and maybe they would want to give them for use at Sylvan Lake Park.

Supervisor Bennett brought up the fact that there is a new teacher at the Pillager Schools. She is into agricultural studies and very interested in the project in the park.

Dave Johnson also talked about the History Series is being held here at the Town Hall. The project is going almost “too good.” At the last one, there were 108 in attendance. He would like to know if the Board is interested in doing a 2<sup>nd</sup> History Series next year?

**Information Sharing** – Dave Johnson would like to have a get-together with Pillager, E. Gull Lake, Baxter Sylvan and Cass County to have discussions and share information. It had previous been thought that we would have them twice a year. He would like to have one this October. Todd Holman, Baxter City Council suggested reaching out to Region 5 and have them orchestrate it. The Town Board is agreeable to Dave reaching out to Region 5.

In talking with Todd Holman, regarding the Veterans State Trail – the northern portion is a long way off, and the corridor needs to be pinned down. There will be a meeting Wednesday September 18, 2019 at the Town Hall.

**Sylvan Commercial Ordinance Review** – a committee met at the Town Hall to go over the Commercial ordinance. The Consensus is that they need to work on the Home Business and Home Occupation sections and get those cleaned up.

**Rasmussen CUP Public Hearing** – Eric Anderson is applying for an after-the-fact Conditional Use Permit for his Auto Body Shop and the building of a storage building. Dave Johnson presented this application. Originally, this was permitted through Cass County. The main plan is to permit the storage building and to clarify the Auto Body Shop. Supervisor Bennett **moved to set the Public Hearing for Rasmussen Conditional Use Permit for September 19, 2019 at 6:00 PM with the Regular Meeting following immediately**, seconded by Supervisor Wulff and the motion carried.

**Pillager Lake Park** - Supervisor Schmit reported that the Park Camp Host will be leaving on September 15<sup>th</sup>. The Park Board wants to purchase some signs for the Park.

**Fire Report** – Supervisor Adelman-Dullinger reported that the meeting is going to be Wednesday, September 11, 2019. The Fire Association is going to have a special guest presenting information on calendars for a fund raiser.

**Kramer Lake** – the Township received a draft letter from Kim Berns-Melhus of the Conservation Fund that needs to be signed by the Chairman of the Board so the acquisition of Kramer Lake can move forward. Supervisor Bennett **moved to authorize the signing of the letter**, seconded by Supervisor Wulff and the motion carried.

**New Business** –

**Approval for work on the tower at 13083 21<sup>st</sup> Avenue SW by Trillium Tower Development**- the Board reviewed the plan and a permit is not required for this maintenance. Supervisor Schmit **moved that an additional permit is not needed for**

**this maintenance work**, seconded by Supervisor Adelman-Dullinger and the motion carried.

**Repeal of the Moratorium Ordinance #2019-01 on Short-Term Rentals.** It was decided that this is not needed as it was addressed in Ordinance #2019-02 on Short-Term Rentals.

**District 11 Report** – Supervisor Adelman-Dullinger reported that a new state law requires that employees get paid every 30 days. The Planning Commission have been getting paid quarterly. So, this procedure will change, and the Planning Commission Members will now get paid monthly.

**Minnesota Association of Township Insurance (MAT)** – It was decided that we should have a representative from MAT to come and assess what the Township needs to have covered with insurance. Supervisor Schmit will call and set up an appointment for this.

**Noxious Weeds-** there will be updates scheduled every year.

#### **Other Township Business**

##### **Correspondence –**

**Sandy Johnson – Shady Hollow Road SW** – she just wanted the Town Board to know about an incident across the road from her where there was a huge pile of garbage that the property owner set on fire and the fire department and law enforcement came out.

**Land Use Planning Session – Essential Element** – September 18, 2019 in Staples from 1:00 – 4:30 PM. Some of the Planning Commission members might be interested in this training as they are new to the Planning Commission.

**Jackie Price – 132<sup>nd</sup> Street SW** – Jackie received the letter that was sent out to the homeowners on 42<sup>nd</sup> Avenue SW who have petitioned the Township to take over their road. The letter had two different options regarding the cost of having the road brought up to Township standards which includes paving the road. The 1<sup>st</sup> option the approximate cost was approximately \$10,000 per homeowner. This option would be possible depending on how many years there would be for pay back. The cost for the 2<sup>nd</sup> option is approximately (which is based on the footage along the homeowner's parcel) \$38,000 for a road she does not use. She accesses her property off 132<sup>nd</sup> Street. This option would cause her to go bankrupt and lose her home.

Supervisor Bennett has offered to reply to Jackie Price's letter. The Township also needs to send a letter informing the representative (Tommy Etzler) for the residents on 42<sup>nd</sup> Avenue that there is a quicker, easier way to finance the road project (Assessment Agreement). This would not require a Public Hearing. The Township would pay for the improvement and the residents along that road would be assessed their portion of the cost, added to their property taxes for the improvement, paying for it over a period of time with the Township eventually getting repaid. Supervisor Bennett will do this letter also.

#### **Public Input**

##### **Cass County Commissioner Neal Gaalswyck – gave an update on the County-**

1. The road going over the Gull Dam will be closed. Met with the Army Corp of Engineers to proceed with the project. Work will be done with a 3-way roundabout by the East Gull Lake City Hall. This decision was made by the Army Corp of Engineers and not the County.
2. The levy was preliminary set at 3.4% (was in the paper). The budget is being reviewed to reduce the percentage to 3% or less.

3. The was discussion on re-districting with District 1 being the largest by population and the smallest by geography. There could be some problems to make another district as the district needs to be compact, contiguous, and no islands.
4. He is in a work group working on the local effects of legalized marijuana in the County. It will get complicated as a cash counter will have to be installed at the Courthouse, drug-finding dogs will have to be retired. There are many issues that will need to be addressed on this subject and please let Commissioner Gaalswyck know of any issues that you are aware of.

Chair Booth asked Commissioner Gaalswyck about the recycling at the Corner Store. There needs to be some signage on the dumpsters that there are no plastic bags allowed in the recyclables. Also, at the May Township Transfer site, Chair Booth has not received a very friendly welcome. A couple of other Supervisors felt the same way also. Commissioner Gaalswyck informed the Board that the County is going with a new vendor – Waste Partners. There are to be new bins and recyclables will need to be sorted. Supervisor Wulff reported that he has never had a problem when going to the May Township Transfer site.

#### **Review Claims -**

Supervisor Wulff **moved to approve the payroll check #'s 23609 thru #23620 in the amount of \$4,850.56 and the claims #'s 23621 thru #23639 in the amount of \$8,968.20 for a total of \$13,818.76 plus a transfer of funds for Sylvan's portion of the Pillager Lake Park Dues for 2019, of \$2000 for a total of \$15,818.76**, seconded by Supervisor Bennett and the motion carried.

**Attorney – Supervisor Bennett moved to appoint Brad Person of Breen & Person LLC, for all Township legal matters except where there are any conflicts of interest with other government entities**, seconded by Supervisor Adelman-Dullinger and the motion carried.

**Adjournment – Supervisor Bennett moved to adjourn**, seconded by Supervisor Adelman-Dullinger and the motion carried with the meeting adjourning at 9:30 PM.

Minutes submitted by,

\_\_\_\_\_  
Faith C. Broberg, Clerk/Treasurer

\_\_\_\_\_  
Chair, Greg Booth

Supervisor \_\_\_\_\_ moved to approve the claims, as presented/as amended, seconded by Supervisor \_\_\_\_\_ and the motion carried.

Amendments: Page 1 Public Input -line 4 add one (before off State) remove Scarcyville Dr both ends and insert two (off Upper Sylvan). Page 2 Shady Hollow – should read estimate for bringing Shady Hollow Road up to Township Road Standards. Page 3 – 125<sup>th</sup> Street SW add re in front of moving. Planning Commission change wetland to old pit. Page 6 Under Attorney change business to legal matters.

Date: