

TOWN OF SILVER CREEK
REGULAR MEETING
AUGUST 21, 2012

The regular meeting of The Town Board of the Town of Silver Creek was held on Tuesday August 21, 2012 at the Town Hall. Present were Supervisors – Mike Hoops, Greg Hull, Larry Lampart; Treasurer – Bobbi Gilbert; Clerk – Laura Kleive; Deputy Clerk – Fred Whitney; Town Road Foreman – Rick Grupe; Pete Morris; Eric Blasing; Linda and Jim Weckman.

Hoops called the meeting to order at 6:00 p.m.

CONSTITUENTS CONCERNS:

Linda and Jim Weckman raised their concerns with the Burlington Road ditches adjacent to their property, the contours of the road and the lack of maintenance. The contour of the road causes rain water to run onto their property causing damage. The overgrown ditches and the contour of the road need work and adjustment. Hoops had visited the site in early June, but due to the storm and then the excavator breaking down, maintenance work hasn't been able to proceed. Linda Weckman would like the work to be completed and the maintenance to be performed before the end of the season. The engineering of the road when it was redesigned was discussed. It was noted that all road work and its engineering was performed by the City of Two Harbors through annexation; the Town of Silver Creek wasn't involved. Rick believes that the work will get done yet this year, only after the replacement work of six culverts that were destroyed by the storm is completed.

CROSS CARTWAY:

The Town has been requested by Timothy Costley to set a hearing date for the Cross cartway petition. It was determined that the petition is sufficient to schedule a hearing. The applicants will need to prove their case and The Board will need to find for the petitioner's ownership, that there is sufficient lot area, the route presented is the most reasonable, and whether or not this property is in fact landlocked. It was noted that even though the land may, or may not have been sold as a landlocked parcel, a cartway can still be granted. The Board will need to make a determination as to the granting of a cartway, or not. After discussion, Hoops made the motion to set the hearing date of Monday, September 24, 2012, 6:00 pm, at The Town Hall, second by Lampart. Carried unanimously.

CLARK ROAD ENCAMPMENT RIVER BRIDGE:

Discussion was held regarding compensation to the property owners – Staples, Holm and Witlief – for the easements required in order to construct a bridge on the Clark Road over the Encampment River. Hoops explained how he developed his suggested offers to each land owner.

Hoops obtained a listing of vacant land sales over the last two years, less than ten acres, from Jack Renick, Lake County Assessor. Both the highest and lowest sales were eliminated. The remaining sales were then utilized to develop an average per acre price; \$11,622 per acre. The square footage for each easement was then converted to an acreage amount to determine the amount of monies required for each easement. Hoops met with the property owners. Discussion was held regarding all potential offers and the proper language for the easements. "Restoration to preconstruction condition" will become a part the easement language that Morris will draft. Proposals are as follows:

Charles and Elizabeth Holm - \$1,224 for a permanent easement of .1054 acre, including the timber on the land. \$500 for a temporary easement of .1370 acre including the restoration to preconstruction condition of any damage caused during the timber removal, to the existing driveway on the south side of Encampment River, and to the parking spot on the north side of Encampment River. Pictures of both sites will be obtained prior to construction.

Hull moved the adoption of the proposal regarding the compensation for the easements on the Charles and Elizabeth Holm property regarding the repair of the Clark Road, second by Hoops. Carried unanimously.

Martin Staples - \$1,441 for a permanent easement of .1240 acre, including the timber on the land. \$500 for a temporary easement of .062 acre. Per Hoops, the \$500 is more for the disruption of their lives during construction. This easement will include the restoration to preconstruction condition of any damage during the timber removal. The restoration of the driveway on the north side of Encampment River per plans submitted for this project. The Town of Silver Creek will plant Spruce seedlings on a ten foot basal area behind the crash barrier of the soils disturbed on the East side of the Clark Road and the South side of Encampment River in the spring of 2013, or as soon thereafter of the grading and turf establishment.

Hoops moved the adoption of the proposal regarding the compensation for the easements on the Martin Staples property regarding the repair of the Clark Road, second by Lampart. Carried unanimously.

Milton and Norbert Wittlief - \$200 for a temporary easement of .0137 acre. This easement will include the restoration to preconstruction condition of any damage during the timber removal. Material to install a driveway into their property including a 12" x 30' corrugated pipe with aprons, 30 cubic yards of class five gravel, up to 200 cubic yards of fill material. Property owner to assume the hauling and placement of above materials and the construction of said driveway. All material will be made available to the owner by September 15, 2012 with owner's possession being completed no later than June 15, 2013.

Hoops moved the adoption of the proposal regarding the compensation for the easements on the Milton and Norbert Wittlief property regarding the repair of the Clark Road, second by Hull. Carried unanimously.

Hoops moved to have the Clerk prepare separate checks for the easements and that Morris creates the easement documents, second by Hull. Carried unanimously.

TIDBALL PROPERTY:

Discussion was held regarding the property's three building permit violations and the delinquent sewer payments. Hoops indicated that he drafted a letter to Wells Fargo regarding this matter, copying both Julia Byrnes, personal representative for the Tidball estate and Judy Nelson, a prospective buyer of the property. Morris indicated that there are three written statements of claim filed against the estate. Hoops indicated that there was a sheriff sale on the property on August 9, 2012. On August 29th, Hoops and Morris will be meeting to discuss the enforcements of our permits. Per procedures, both a delinquent notice and a certified shutoff notice have been sent. The certified shutoff notice, which indicated a date of August 21, 2012 to meet with The Board to discuss, was returned signature refused. Morris indicated that we will file a claim in probate court and file against taxes. Morris will prepare both the claims and certification to taxes.

PRESS CAMP ROAD:

Discussion was held regarding the dust control issues and our informational meetings. In realizing that our current efforts are the most economical, Hoops moved to proceed with our dust control procedures as we have in the past, second by Hull. Carried unanimously.

STEWART RIVER SUBORDINATE SERVICE DISTRICT:

Eric Blasing from Wenck Associates provided an update regarding a possible grant of up to \$600,000. However, it may require that we create an income survey. And, only if 51% of those surveyed are at, or below the moderate income level would we be able to obtain a grant. His work with the wetland and mapping work is completed. There are 40 wetlands in the area. The delineation requirement is

fulfilled. Eric will send the completed work to necessary agencies. Further discussion was held regarding our search for sufficient acreage onto which we could place the ponds and drip lines. Acres off of the Loop Road may be OK, but not for ponding. Potlatch Corporation acreage was discussed.

MEETING RECESSED:

Hull moved that we recess the regular meeting at 7:30pm in order to reopen the annual meeting, second by Hoops. Carried unanimously.

MEETING RECONVENED:

Hoops called the regular meeting back to order at 7:48pm.

STEWART RIVER CONTINUED:

Morris indicated that more information on page 11 of the SCDPE A-Z Guide regarding income levels may be obtained from census data, as oppose to conducting a survey.

Hoops moved that the Clerk's office investigate further as to what the requirements are and to discover whether or not it is worth our time to pursue the grant, Hull second. Carried unanimously.

Eric will continue to look into the "wetland" definition and where we may be able to build. He will complete the Survey and GIS information; it is 78% complete. He will send all data, as well as the access codes. All files are there for the coastal grant application.

The Clerk indicated that we have spent \$123,989 to date on the Stewart River project, while receiving grant monies of \$34,405 from the DNR.

Hoops will speak with Pete Morris regarding a special assessment for startup costs of Stewart River. And Laura will speak with Carla Sandberg regarding an amendment to our grant application.

REVIEW MINUTES:

Motion by Hull, second by Lampart to accept the 07/10/2012 regular meeting minutes as modified. Carried unanimously.

Motion by Hull, second by Hoops to accept the 07/10/2012 Reconvene Press Camp Informational meeting minutes as presented. Carried unanimously.

Motion by Hull, second by Lampart to accept the 07/23/2012 Special Public meeting minutes as presented. Carried unanimously.

TREASURER'S REPORT:

Ending balance of \$578,705.84 with \$100,428.11 in outstanding checks, for a total of \$478,277.73 balance as of 07/31/12. Discussion was held regarding the monies already spent to repair our roads due to the storm. The Lake County bill will be reduced to avoid paying sales taxes. Motion by Hull, second Hoops to accept the Treasurer's report as presented. Motion carried.

Motion by Hull, second Hoops to transfer \$50,000.00 from savings to checking as per Treasurer's request. Carried unanimously.

READING OF THE BILLS:

Current month's bills were read. Motion by Hull, second Lampart authorizing payment of the bills and electronic fund transfers except claim number 3074 to Lake County so that we can avoid paying sales taxes. Carried unanimously.

Motion by Hull, second Lampart authorizing the net payment to Lake County of \$7,656.35. Carried unanimously.

CORRESPONDENCE:

- Lake County Land Use Applications were presented
- Lake County Interim Land Use Permits were presented
- Lake County Variances were presented
- THUGS concert at The Town Hall on August 24 and 25
- Minnesota Rural Water Expo anniversary
- Lake Connections update
- Highway Department information about Encampment River
- True North Steel name change
- Please join Minnesota Warn Waste Water
 - Hoops directed Clerk to have us join this organization
 - Hoops directed Clerk to send the labor agreement to all Board members

ROAD & SAFETY:

Rick Grupe reported that the excavator is working, though it will need a turbo “very quickly”. Grupe is working on FEMA application, as well as road repairs continue. The DNR has not called back regarding whether or not the stream on East Castle Danger Road is designated as a trout stream. Grupe will get to the Burlington Road work before the frost. Grupe will finish the Press Camp Road work. Per Hoops, the emergency dialing system on the #2 lift station is now working. Sewer truck is almost done with its retrofitting work.

OLD BUSINESS CONTINUED:

The Tidball Property and Press Camp Road were discussed earlier. The Stone property was discussed, and will be addressed at the Castle Danger District meeting. Bid openings for the Clark Road bridge project is still scheduled by the County for 9:00 am at the courthouse, Monday August 27th. Our rescheduled Castle Danger Subordinate Service District meeting is set for 10:00 am at The Town Hall, on Monday following the bid opening.

NEW BUSINESS:

Hoops will not be able to attend any meetings from September 1st thru 22nd and then October 13th thru December 1st. Gooseberry Falls contacted us indicating that the State portion of their sewer bill could no longer be paid ahead for services; the residential portion. Residential sewer billings are billed a quarter ahead. Moving forward, we will bill the State portion on a month by month basis. Lake Bank needs a new signature card of approved signers. Motion by Hoops, second Lampart that the current signers are as follows: Mike Hoops, Greg Hull, Larry Lampart, Bobbi Gilbert, Laura Kleive, and Fred Whitney. Carried unanimously.

ADJOURN:

Lampart made the motion to adjourn at 10:35 pm, second Hull. Motion carried.

The next meeting of the Town Board will be held on Tuesday September 18, 2012, 6:00 p.m. at the Town Hall.

Respectfully submitted,
Frederick R. Whitney, Deputy Clerk