

TOWN OF SILVER CREEK  
REGULAR MEETING  
December 18, 2012

The regular meeting of The Town Board of the Town of Silver Creek was held on Tuesday December 18, 2012 at the Town Hall. Present were Supervisors – Michael Hoops, Greg Hull, Larry Lampart; Clerk – Frederick R. Whitney; Treasurer – Bobbi Gilbert; Town Road Foreman – Rick Grupe; Tim Costley and Larry Saur.

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

**CONSTITUENTS CONCERNS:**

There were none.

**CLARK ROAD ENCAMPMENT RIVER BRIDGE:**

Rick Grupe indicated that the bridge is done and open for use. There does remain some concrete seal-coating work, a few trees need to be planted behind the guardrail, and some repair work on a driveway; all will be done in the spring. There are many happy constituents now that it is complete.

**STEWART RIVER SUBORDINATE SERVICE DISTRICT:**

Nothing needed to be reported other than the special meeting that was held on December 11, 2012. Minutes were reviewed and approved later in the meeting. The plant and filter system versus our pond system was briefly discussed. There are other communities that utilize the plant system; they do work.

**Recessed meeting:**

Hull moved that we recess the regular meeting in order to reconvene the Cross cartway hearing. The motion was second by Lampart. Motion carried unanimously at 6:13 pm.

**Reconvened meeting:**

Hoops called the meeting back to order at 7:05 pm.

**REVIEW MINUTES:**

Motion by Hull, second by Lampart to accept the 11/20/2012 Regular meeting minutes as amended. Carried unanimously.

Motion by Hoops, second by Lampart to accept the 12/03/2012 Cross cartway reconvened hearing minutes as amended. Carried unanimously.

Motion by Hoops, second by Lampart to accept the 12/04/2012 Castle Danger Subordinate Sewer District meeting minutes as amended. Carried unanimously.

Motion by Hoops, second by Hull to accept the 12/08/2012 Cross cartway site tour minutes as amended. Carried unanimously.

Motion by Hoops, second by Hull to accept the 12/11/2012 Stewart River Subordinate Sewer District meeting minutes as presented. Carried unanimously.

## **TREASURER'S REPORT:**

Ending balance of \$373,965.10 with \$24,323.07 in outstanding checks, for a total of \$398,288.17. Two checks, #12291 and 12992, were missing from the check box. They were not voided, and have not been used. The Clerk was instructed to place a stop payment on both checks in the morning. (Stop payments were placed Wednesday, December 19<sup>th</sup>).

FEMA payments for the June flood were discussed. The Clerk reported that he is tracking the submission dates of each repair project. While we received a \$20,660.58 payment on November 6<sup>th</sup>, it is time that we receive our largest project payment. The Clerk will contact FEMA and the State in the morning.

(The Clerk can confirm that a \$156,845.59 payment was received on December 7<sup>th</sup>. MN Revenue had not sent a confirmation, so we were unaware of this deposit).

Motion by Hoops, second Lampart to transfer \$60,000.00 from savings to checking as per Treasurer's request. Carried unanimously.

Motion by Hull, second by Lampart to accept the Treasurer's report as presented. Motion carried unanimously.

## **READING OF THE BILLS:**

Current month's bills were read; Claim #3197 thru 3235. Motion by Hull, second by Lampart authorizing payment of the bills and electronic fund transfers. Carried unanimously.

## **CORRESPONDENCE:**

- MPCA – 2014 Project priority listing memo.
- Lake County Conditional Use – Fitzgerald - Approval.
- Lake County Variance request – Denied.
- MAT Newspaper
- The Clerk passed on a Thank You from Brent Melquist for the Clark Road bridge completion.

## **ROAD & SAFETY:**

Rick Grupe indicated that the Rustic Inn meter is still not working. He has been in contact with Rasmussen Drilling in order to move it along. The Stone's estimate work is progressing. The component estimate is \$6,500, but additional monies need to be estimated for surveys, engineering, easement recording, survey easement, MNPCA survey and connection permit. Grupe indicated that the Township's welding machine is in for repairs. Four of the nine surveillance cameras and recording DVR donated by Whitney have been installed. Roads are being sanded as needed.

## **OLD BUSINESS:**

Hoops indicated that he is setting up a meeting with the County regarding their financial commitment to us regarding the initial background work for the Stewart River Subordinate Sewer District project. The agreed upon amount of \$28,000 hasn't been paid as yet.

The Board formally accepted the letter from constituent Frederick R. Whitney to The Board regarding the Tidball property encroachment issues and land use violations. This letter is also

being sent to Wells Fargo, the mortgage holder, and now owner of the property, after the Sheriff Sale's redemption period is over.

A copy –

December 17, 2012

The Town of Silver Creek  
1924 Town Rd.  
Two Harbors, MN 55616

Wells Fargo Bank NA  
Attn: Foreclosure Dept X7601-013  
3476 Stateview Boulevard  
Fort Mill, SC 29715

RE: Estate of Charlotte A. Tidball and the property located at –  
2734 Highway 61  
Two Harbors, MN 55616  
PID# 29-5451-32100

To The Town Board of Silver Creek, and to whom it may concern at Wells Fargo:

I am writing today to officially notify you that the property identified above has a structure that is encroaching upon my property line. I understand that there has never been a side yard/lot setback variance filed for or obtained and I want the structure removed at once. It is both encroaching upon my property, and is a health hazard and a safety risk.

Additionally, the property inhabitants, prior to their passing or being vacated from the property, have discarded items on my property. These items, consisting of but not limited to – cement blocks, drain tile hoses, garbage, bricks, wire, wiring, ladders, sheet metal, and broken glass, I want removed at once. They are both on my property, a health hazard and a safety risk.

Due to the entire “goings on” with this property, I had a land survey made of my property in June 2012. In that the only survey that I had before did not include any structures, I had the surveyor identify my buildings, as well as the neighbor's structure that is on my property line; or very close to it. I have enclosed a copy of this survey dated June 15, 2012.

I have enclosed pictures of the structure, as well as some of the junk that has been thrown onto my property. Let me explain what you are seeing in the pictures.

Picture #1 – This is the lot corner surveyor's stake.

Picture #2 – This is showing the lot line, while standing over the stake in picture #1. You can see the structure beyond the trees that straddle our lot line.

Picture #3 – This shows the structure as I stand in front of the trees shown in picture #2. Please note the cinder blocks and junk on our property.

Picture #4 – This shows more of the structure and more junk on our property. Note the condition of the structure. It is falling apart, has animals living inside and underneath, and all that is leaning against the structure is on my property.

Picture #5 – This shows the stack of bricks that are on my property.

Picture #6 – This is a closer look at the stack of bricks. Please note the signage and more junk that is further on my property.

Picture #7 – This is a view looking back along the property line towards the original starting point.

While I don't believe that I can force anyone to tear down all of the structures on this property, there are a total of three, allow me to point out that all structures are in similar shape – poor quality, rundown and falling apart – as the one I have shown in the above pictures. Additionally, I am in possession of a copy of a letter dated August 3, 2012, from the Town of Silver Creek regarding this property. I understand that this letter was sent to both Wells Fargo and the estate of Charlene Tidball's executor. The letter indicates non-compliance on several levels. I have attached a copy of this letter. If the structure that I want removed never received a variance, what about the rest? Did they receive a building permit? Are they compliant? I should think they are non-compliant, and while not only dangerous to the public, can they be torn down due to non-compliance?

Finally, I request that all structures be torn down and removed before someone, some child or grandchild, is hurt or even worse.

Sincerely,

Frederick R. Whitney and Suzan R. Whitney

2768 Highway 61  
"Castle Danger"  
Two Harbors, MN 55616  
(218) 834-7168

Hoops acknowledged receipt of the letter and understands the problem. Hoops moved that the Clerk copy the letter and submit the copy, along with a cover letter from the Chairman, to the Matt Huddleston – Lake County Planning and Zoning, Pete Morris – Town Attorney, and Laura M. Auron – Lake County Attorney. Lampart second the motion. Motion carried unanimously.

A copy of Chairman's letter –

January 3, 2013

Lake County Planning & Zoning

Matthew Huddleston, Lake County Administrator  
601 3rd Avenue  
Two Harbors, MN 55616

Dear Mr. Huddleston:

At our December 18, 2012 Town Board meeting, The Town Board received the attached letter from our constituents, Mr. and Mrs. Frederick R. Whitney, located at 2768 Highway 61, Two Harbors, MN.

After discussing the letter, The Board moved to submit a letter to the Lake County Planning & Zoning Department requesting a meeting with members of the Lake County Administrative Offices, as well as any other Lake County officials you deem necessary, regarding the issues identified and subsequent requests made within the letter.

As evidenced by our letter dated August 3, 2012, (enclosed), as well as the Board's desire to move ahead in this matter, it is the opinion of The Board that a remedy and necessary action(s) be reviewed and taken.

Please contact me at your earliest convenience so that we may arrange a meeting.

Sincerely,

Michael A. Hoops, Chair  
Town of Silver Creek

CC: The Town Board of Silver Creek  
Gerald J. Morris, Silver Creek Town Attorney  
Richard Sve, Lake County Board Commissioner & Chairman  
Laura M. Auron, Lake County Attorney  
Mr. & Mrs. Frederick R. Whitney

## **NEW BUSINESS:**

Hoops discussed the Cell Tower meeting that he attended. Doc Clifford has committed to stay on the committee as a citizen and will work with the Lake County Board. AT&T is on a standstill. All work is going to North Dakota. As the fiber project progresses, the Basset Tower will be connected and will be turned on February 4<sup>th</sup>. While the fiber could handle anything, the more users accessing their cell phones, the towers themselves are limited and service will slow.

The new meeting dates for 2013 were discussed.

Final listing:

2013 BOARD MEETING DATES

TUESDAYS AT 6:00 P.M. AT THE TOWN HALL

January 15, 2013	-	Regular
February 12, 2013	-	Budget & Levy working meeting 4:00 p.m.
February 19, 2013	-	Regular (Board of Audit to meet during this meeting)
March 5, 2013	-	Castle Danger
March 12, 2013	-	Elections – Noon thru 8:00 pm ANNUAL TOWN MEETING – 8:15
March 19, 2013	-	Regular
April 9, 2013	-	Rate Hearing
April 16, 2013	-	Regular
May 21, 2013	-	Regular
June 4, 2013	-	Castle Danger
June 18, 2013	-	Regular
July 16, 2013	-	Regular
August 20, 2013	-	Regular (reconvene annual meeting if needed)
September 3, 2013	-	Castle Danger
September 17, 2013	-	Regular
October 8, 2013	-	Regular
November 19, 2013	-	Regular
December 10, 2013	-	Castle Danger
December 17, 2013	-	Regular

Hull moved to accept the meeting date listing as modified, second by Lampart. Motion carried unanimously.

**ADJOURN:**

Lampart made the motion to adjourn at 9:00 pm, second Hull. Motion carried.

The next regular meeting of the Town Board will be held on Tuesday, January 15, 2013, 6:00 p.m. at the Town Hall.

Respectfully submitted,  
Frederick R. Whitney, Clerk