

TOWN OF SILVER CREEK

April 19, 2016

The regular meeting of the Town Board of the Town of Silver Creek was held on Tuesday, April 19, 2016 at the Town Hall. Present were Supervisors – Mike Hoops, Greg Hull and Larry Guentzel; Clerk – Kristina Pirsig; Deputy Clerk – Frederick Whitney; Treasurer – Jamie Pellman; Deputy Treasurer – Bobbi Salakka (absent); Town Foremen – Rick Grupe (absent) and Eric Warnecke

Hoops called the meeting to order at 7:01 p.m.

CONSTITUENTS CONCERNS:

Sharon Wycoff presented photos and a description of the Beaver Valley Road from last fall and this spring, on behalf of the residents located on the Beaver Valley Road. They are concerned with the present condition of the road for several reasons but one mentioned was that an emergency vehicle could not reach all the residents located on the road. The residents are currently doing the maintenance of the road but they are all financially not in a position to be able to continue maintaining the road and its condition continues to decline.

Hull explained that the Township has looked at the Beaver Valley Road. The following questions need to be answered before the Township can continue to look into the possibility of taking over the road:

- Who built the Road in the first place?
- Whose name are the easements in?
- What's the legal status (classification) of the road?

It was explained that before the Township can legally assume any road it must be improved to 5-ton road standard.

Motion by Hull, seconded by Guentzel directing Town Foreman and staff to go out and look at Beaver Valley Road and come up with rough cost estimate, including survey fees and legal fees to bring the road up to said standard. Motion passed unanimously.

Hull also encouraged the residents go to the Lake County Board and make the same presentation to them. They should also explore the possibility of forming a homeowner's association. Residents should talk to some private contractors and find out what it would cost to repair the road.

Hoops asked if there are any other constituent concerns. None were presented.

Hoops called the meeting to recess at 7:51 PM.

Hoops called the meeting back to order at 7:58 PM.

Hoops presented a letter to the Board regarding the Stewart River Sewer Project. This would be a mass mailing to the residents within the sewer district, asking them to support the project and mail in postcards, pre-addressed, to members of the House and Senate.

Matt Miller- Lake County Assessor's Office: Was not present.

REVIEW MINUTES:

03.15.2016 Regular Meeting

Motion by Guentzel, second by Hoops to accept the Regular meeting minutes of March 15, 2016 as presented. *Motion Carried*

04.05.2016 CDSSD Meeting

Motion by Hull, second by Guentzel to accept the CDSSD meeting minutes of April 5, 2016 as amended. *Motion Carried*

TREASURER'S REPORT:

Treasurer's Report for March 2016:

TTOSC checking: \$50,681.81 and TTOSC savings: \$774,761.35 for a total of \$825,443.16.
Outstanding Checks: \$1,283.78 .CTAS balance: \$824,159.38.

Treasurer requests to transfer \$30,000 from savings to checking.

Motion by Hull, seconded by Guentzel to accept the March Treasurer Report. *Motion Carried.*

READING OF THE BILLS:

Current month's bills were read; Claims 4862 - 4889, payrolls and electronic transactions thru 04/21/2016.

Motion by Hoops, second by Guentzel to transfer an additional \$35,000 from savings to checking as per the Treasurer's request. *Motion carried.*

Motion by Hoops, second by Hull, authorizing payment of the bills and electronic funds as presented. Motion carried unanimously. Guentzel abstained from voting on disbursement #0331201642 and 0408201642. Hoops abstained from voting on disbursement #0408201609.

ROAD & SAFETY:

Town Foreman Eric Warnecke reported they are grading roads. Larry and Ken are working on quonset building. Road crew is waiting for the road bans to come off. They are preparing equipment to haul gravel and trying to maintain roads until they gravel can be hauled.

Discussion about the step ditches on the roads. Warnecke would prefer not to grade that way. Town Board agreed that the water needs to be off the road.

Discussion about the Beaver Valley Road and the task assigned to Warnecke. Hull states that the Township needs a realistic idea of the cost including: materials, wages, equipment, etc. before the next meeting.

Hoops advised Warnecke that he will do his performance evaluation when he gets back with the intention of releasing him from probation - retroactive to May 1st.

CORRESPONDENCE:

- Letter from Matt Huddleston: Meeting for Greater MN Transportation Sales and Use Tax – Suggestion was made that the Clerk contact Huddleston with the possible dates of June 7, 2016 at 7pm and July 5, 2016 at 7pm.
- Lake County: Nate Eide – Classification of State Tax Forfeited Properties – The properties located in Town of Silver Creek were looked at and there were no concerns with any of them. Clerk is directed to not take action regarding the letter.
- Rinke Noonan – Public Road Seminar
- Lake County Land Use:
 - David & Lynette Arneson
 - Clayton P.A. Olson
- Weather Observation Report
- Lake County Environmental Services – Superior Hiking Trail Association Final Decision
- TTOSC Land Use Permit: Charles Linden
- MN DNR – Routine Maintenance on State Land Letter
- Lake County Assessor – Memo from MN Department of Revenue

- Gopher One Call Meeting: May 4, 2016 at 7:30 am at Superior Shores – This should be posted as Hoops and Guentzel plan on attending.

OLD BUSINESS:

- **Cedar Road Property Update:**
Hull reported that he talked to Jon Cron, who said, he would go and sign the deed. As soon as the deed is signed and registered the Clerk is directed to begin moving forward with the Levi Mickelson driveway permit.
- **Barnard Back pay:** Hoops reported that he has spoken with Town Attorney Russ Conrow and the complaint will be filed this week.
- **Stewart River Update:** Hoops reported that he met with the Township's Lobbyist Joe Gould last Wednesday in St. Paul, as well as Representative Ecklund and Representative Torkland.

NEW BUSINESS:

- **Gordon Land Use Permit:** David and Laura Gordon have requested a Land Use Permit to replace their existing deck. Discussion was had about what exactly was being replaced, removed and added. This property already has a variance on it due to an "after-the-fact" building permit. The application was unclear as to whether or not they would be working within the 20' side-yard setback. If they are going to be working within that setback then they will need to apply for a variance.

Motion by Hull, seconded by Hoops to direct the Land Use Administer to reject the Land Use Application by David and Laura Gordon and advise them to bring a plan with more specificity and clarity, so that it can be determined whether or not a Variance Hearing is needed. *Motion carried.*

It is recommended that David and/or Laura Gordon attend a meeting prepared with necessary information.

Land Use Application Fee to be refunded.

- **Hull's Sawmill Bid:** Hull presented a bid for the materials for the Pavilion. Total cost is \$7,383.50 with a deposit of \$3,500 to begin order with remaining balance of \$3,883.50 due upon delivery.

Motion by Guentzel, seconded by Hoops to accept the bid for the materials for the Pavilion. Hull abstained from voting. *Motion carried.*

June 11th will be Pavilion Work Day where people from the community will come and help work on the Pavilion.

- **Liquor Licenses in Towns:** Discussion was had about a hand out that Hoops had given out regarding Liquor Licensing in Townships. This information came from Minnesota Association of Townships.

Hoops called the meeting to recess at 10:59 pm

Hoops called the meeting back to order at 11:05 pm.

- **Elect Chairman:** Motion by Hull, seconded by Hoops to elect Larry Guentzel as Chairman. *Motion carried.*
- **Elect Vice Chairman:** Motion by Hull, seconded by Guentzel to elect Mike Hoops as Vice Chairman. *Motion carried.*
- **Legal Newspaper -** Motion by Hoops, seconded by Hull to adopt The Northshore Journal as the Township's Legal Newspaper for publication. *Motion carried.*

- **Mileage Reimbursement Rate** - Motion by Hoops, seconded by Guentzel to adopt mileage reimbursement per IRS Rules. Rate is as of 04-19-16: \$.54 per mile and if it's adjusted at any time between now and the next re-organizational meeting, by the IRS, our rate shall be adjusted.
Motion carried.
- **Compensation of Town Officers:**
 - Supervisor's wage: \$235 per month
 - Chairman's wage: \$300 per month

Motion by Hoops, seconded by Guentzel to keep the Supervisor's and Chairman's wage the same.
Motion carried.
- **Treasurer – Monthly rate of pay** - Motion by Hull, seconded by Guentzel to adopt Treasurer's wage: \$275 per month, mileage reimbursement: \$25 for a total of \$300.00 per month averaging 15 hours per month. Motion carried unanimously.
- **Clerk – Monthly rate of pay**- Motion by Hull, seconded by Hoops to set the Clerk's monthly rate of pay at \$1,500 plus internet reimbursement of \$25 per month and cell phone reimbursement of \$25 per month. *Motion carried.*
- **Land Use Administrator rate of pay** – Motion by Hull, seconded by Hoops to set the Land Use Administrator's rate of pay at \$25 per hour. *Motion carried.*
- **Clerk/Land Use Administrator** – Motion by Hull, seconded by Hoops to utilize existing per diem rates for Land Use and Cartway meetings, hearings, as well as regular Sewer District meetings.
Motion carried.
- **Deputy Clerk – Hourly rate of pay**- Motion by Hull, seconded by Guentzel to set the Deputy Clerk's wage at \$12.50 per hour straight with no per diem. *Motion carried.*
- **Deputy Treasurer – Hourly rate of pay** - Motion by Hull, seconded by Guentzel to set the Deputy Treasurer's wage at \$12.50 per hour. *Motion carried.*
- **Per Diems** - Motion by Hull, seconded by Guentzel to adopt the following Per Diem Policy Rates for Special Meetings, Hearings and Sewer District meetings effective: April 19, 2016.
 - \$25 - Special meetings held 5:00 p.m. or later in conjunction with a regular scheduled Board Meeting – no paid mileage.
 - \$50 - Special meetings held 5:00 p.m. or later not in conjunction with a regular scheduled Board Meeting – mileage paid.
 - \$75 - Special Meetings held during working hours – mileage paid.
 - \$150 - All day training sessions or meetings – mileage paid.*Motion carried.*
- **Election Judge – Hourly rate of pay** - Motion by Hoops, seconded by Hull to adopt Election Judge wage at \$12.00 per hour. *Motion carried.*
- **Wastewater Treatment Facility Operator – Hourly rate of pay** – Motion by Hull, seconded by Guentzel to set the hourly rate for Wastewater Treatment Facility Operator at \$24 per hour. Hoops abstained. *Motion Carried.*
- **Wastewater Treatment Facility Operator – Annual mileage stipend** – Motion by Hull, seconded by Guentzel to set the annual mileage stipend for the Wastewater Treatment Facility Operator at \$500 per year. Hoops abstained. *Motion Carried.*
- **Heavy Equipment Operator – Hourly rate of pay** – Motion by Hoops, seconded by Hull to set the hourly rate of pay for the Heavy Equipment Operator at \$19.35 per hour. Guentzel abstained.
Motion Carried.
- **Resolution authorizing contract with Interested Officer - Conflict of Interest Resolution – Larry Guentzel**

M.S. § 471.88, Subd. 5

WHEREAS, Town of Silver Creek, Lake County, Minnesota is seeking the performance of the following service:

Seasonal Truck Driver

WHEREAS, Larry Guentzel was hired as an employee in the position of Seasonal Truck Driver prior to being elected to the position of supervisor;

WHEREAS, Larry Guentzel is a supervisor of said Township and will be financially interested in the contract for the following described reason:

He is directly providing the service as an employee of the Township.

WHEREAS, the Town Board advertised in the Lake County Chronicle to fill the position of Seasonal Truck Driver, and Larry Guentzel was the applicant qualified for the position;

NOW, THEREFORE, BE IT RESOLVED that the Town Board, upon a unanimous vote of the supervisors, with the interested officer abstaining, finds that the contract price of \$19.35 per hour is as low as or lower than the price at which the services could be obtained elsewhere at this time;

BE IT FURTHER RESOLVED, that the Town Board, pursuant to M.S. §§ 365.37; 471.88, Subd. 5; and 471.89, does hereby authorize a contract with Larry Guentzel for a price of \$19.35 per hour. Payment to occur on the contract as agreed and upon the filing of a proper affidavit by the interested officer.

Adopted the 19th day of April 2016.

Supervisor Hoops moved adoption of the foregoing Resolution, seconded by Supervisor Hull, and upon vote being taken, the same was declared duly adopted upon unanimous yea vote of Supervisors Greg Hull and Mike Hoops. Larry Guentzel abstained due to conflict of interest of being an employee and determining the wage for his position.

Michael Hoops

Greg Hull

ATTEST:

Krysty Pirsig

ABSTAINED

Larry Guentzel

- **Resolution authorizing contract with Interested Officer - Conflict of Interest Resolution – Michael Hoops**

**RESOLUTION 2016 - 4
RESOLUTION AUTHORIZING CONTRACT
WITH INTERESTED OFFICER UNDER**

M.S. § 471.88, Subd. 5

WHEREAS, Town of Silver Creek, Lake County, Minnesota is seeking the performance of the following service:

Wastewater Treatment Facility Operator – ‘C’ License

WHEREAS, Michael Hoops was hired as an employee in the position of Wastewater Treatment Facility Operator prior to being elected to the position of supervisor;

WHEREAS, Michael Hoops is a supervisor of said Township and will be financially interested in the contract for the following described reason:

He is directly providing the service as an employee of the Township.

WHEREAS, the Town Board advertised in the Lake County Chronicle to fill the position of Wastewater Treatment Facility Operator, and Michael Hoops was the only applicant qualified for the position;

NOW, THEREFORE, BE IT RESOLVED that the Town Board, upon a unanimous vote of the supervisors with the interested officer abstaining, finds that the contract price of \$24.00 per hour is as low as or lower than the price at which the services could be obtained elsewhere at this time;

BE IT FURTHER RESOLVED, that the Town Board, pursuant to M.S. §§ 365.37; 471.88, Subd. 5; and 471.89, does hereby authorize a contract with Michael Hoops for a price of \$24 per hour. Payment to occur on the contract as agreed and upon the filing of a proper affidavit by the interested officer.

Adopted the 19th day of April 2016.

Supervisor Hull moved adoption of the foregoing Resolution, seconded by Supervisor Guentzel, and upon vote being taken, the same was declared duly adopted upon unanimous yea vote of Supervisors Greg Hull and Larry Guentzel. Mike Hoops abstained due to conflict of interest of being an employee and determining the wage for his position.

Greg Hull

Larry Guentzel

ATTEST:

Krysty Pirsig

ABSTAINED

Michael Hoops

- **Appoint Board Representatives to various boards** – Motion by Hoops, seconded by Guentzel to appoint these following people to designated boards.
 - North Shore Management Board - Mike Hoops
 - Lake County Tower Committee – Mike Hoops
 - Forestry – Greg Hull
 - North Shore Technical Committee – Land Use Administrator Krysty Pirsig.

Motion carried.
- **Designated Sites for Public Notices** - Motion by Hoops, seconded by Guentzel to adopt two sites – Silver Creek Town Hall and Silver Creek Website– www.ttosc.org. *Motion carried.*
- **Town Depository** - Motion by Hoops, seconded by Hull to adopt The Lake Bank as Depository for all Town funds. *Motion carried.*
- **Town Attorney** - Motion by Hoops, seconded by Hull to appoint Russ Conrow as the Town Attorney. *Motion carried.*
- **AWAIR** - Motion by Hull, seconded by Guentzel to accept the AWAIR Book as presented. *Motion carried.*
- **Policy Manual** – Motion by Hull, seconded by Guentzel to accept the Policy Manual as presented. *Motion Carried.*
- **Resolution Book** – Motion by Hoops, seconded by Guentzel to accept the Resolution Book as presented. *Motion carried.*
- **Ordinance Book** – Motion by Hoops, seconded by Hull to accept the Ordinance Book as presented. *Motion carried.*

Road Tour is set for May 10, 2016 to begin at 6am.

Association of Lake and Cook County Township Officers meeting is set for May 4, 2016 at 6pm in Tofte.

Adjourn:

Motion made by Hull, seconded by Guentzel to adjourn the meeting at 11:50 pm. Motion carried unanimously.

Respectfully submitted,
Kristina Pirsig, Clerk