

TOWN OF SILVER CREEK
November 15, 2016

The regular meeting of the Town Board of the Town of Silver Creek was held on Tuesday, November 15, 2016 at the Town Hall. Board Members Present were: Supervisors – Mike Hoops, Greg Hull and Larry Guentzel; Clerk – Kristina Pirsig and Treasurer – Jamie Pellman

Others Present: Town Attorney – Russ Conrow

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

CONSTITUENTS CONCERNS:

NONE

ROAD & SAFETY:

Tabled until Town Foreman Eric Warnecke arrives.

REVIEW MINUTES:

09/06/2016 CDSSD Meeting

Motion by Hull, seconded by Hoops, to approve the September 6, 2016 CDSSD Meeting Minutes, as amended. *Motion carried unanimously.*

09/12/2016 Conditional Use Hearing

Motion by Hoops, seconded by Guentzel, to approve the September 12, 2016 Conditional Use Hearing Minutes, as amended. *Motion carried unanimously.*

09/13/2016 Regular Meeting

Motion by Hoops, seconded by Hull, to approve the September 13, 2016 Regular Meeting Minutes, as amended. *Motion carried unanimously.*

6:27pm Hoops answered a phone call from Town Foreman Eric Warnecke.

10/11/2016 Regular Meeting

Motion by Hoops, seconded by Hull, to approve the October 11, 2016 Regular Meeting Minutes, as amended. *Motion carried unanimously.*

Hull requested Town Attorney Russ Conrow discuss pending legal issues. Conrow apologized for not keeping the Board apprised of his work. Conrow offered to provide the Board with a monthly update, prior to the Regular Meeting.

Conrow reported the Mickelson Driveway Permit is drafted. It has been on hold because Levi Mickelson's ex-wife is still listed on the deed. Discussion occurred about the potential liability to the Township because of the existing driveway and problems with the culvert. Discussion also occurred regarding differences between an easement for a driveway and a driveway permit.

Motion by Hull, seconded by Hoops, to grant an easement, rather than a permit, to the relevant property owners on the Cedar Road. *Motion carried unanimously.*

Discussion occurred regarding the Hwy 3 land purchase from Lake County. Conrow reported supporting documents indicate the County is selling the north portion, not the entire 24 acres. The original intent of the Town Board was to purchase the entire portion. By consensus the Board directed Conrow proceed with the purchase, of the entire 24 acres, allowing the County the portion needed for their pending road project on Hwy 3.

Conrow reported that he received an amended order of identification of judgement debtor/creditor for Jason Barnard. Conrow explained the legal process for collecting on the judgement by garnishment of wages. Conrow advised the Town could also start the process to place a lien on Barnard's property. The Board directed Conrow to only pursue garnishment of wages at this time. Conrow advised the Township should begin receiving funds within a month.

7:32pm Conrow left meeting.

Motion by Hull, seconded by Hoops, to take a 5 minute recess at 7:33pm. *Motion carried unanimously.* Guentzel called the meeting back to order at 7:39pm.

TREASURER'S REPORT:

Jamie Pellman presented the Treasurer's Report for October 2016:

TTOSC checking: \$303,918.82 and TTOSC savings: \$608,305.52 for a total of \$912,224.34.
Outstanding Checks: \$39,150.28. CTAS balance: \$873,074.06.

No transfer request for this month.

Motion by Hull, seconded by Guentzel, to accept the October Treasurer Report as presented. *Motion carried unanimously.*

READING OF THE BILLS:

Current month's bills were read; Claims 5099-5155 payrolls and electronic transactions thru 11/15/2016.

Motion by Hoops, seconded by Hull, authorizing payment of the bills and electronic funds as presented. Hoops abstained from voting on disbursement: 1021201609 and 1102201609. Guentzel abstained from voting on disbursement: 1021201642 and 1102201642. *Motion carried unanimously.*

ROAD & SAFETY:

Hoops reported, on behalf of Town Foreman Eric Warnecke, that they have been preparing equipment, roads and the sewer pond trails for winter.

Discussion occurred about Trillium Road and its steep slope onto the Gun Club Road. Decision was made to contact Krysten Foster, Lake County Highway Engineer, to generate a plan of action.

CORRESPONDENCE:

- ADT Security – Requested to have their business listed under helpful links on Town website. Board consensus was that it doesn't belong there.
- Lake County – Land Use:
 - Patricia Rossbach & Clayton Tolonen
 - Phil & Louane Kaupa
 - Carey Johnson
 - Robert & Sheila Bissell
 - Agate Bay Gun Club
 - Mike Erickson

OLD BUSINESS:

- **Beaver Valley Road:** Clerk reported that Beaver Bay Township declined the request to attend a TTOSC meeting. Hull reported that the petition is finished but hasn't been delivered.
- **Driveway Permit Application:** Clerk presented Application for Access Driveway Permit for review.

Motion by Hoops, seconded by Guentzel, to adopt the Application for Access Driveway Permit [full text on file]. *Motion carried unanimously.*

- **Resolution 2016-8: Authorizing Contract with Interested Officer – Hull:** Goods and Services need to have separate resolutions. Board was in agreement that a separate resolution was needed for each Supervisor. *Tabled until December meeting.*
- **Town Accounting Policy:** Clerk presented Accounting Policy.

Motion by Hoops, seconded by Hull, to adopt the Accounting Policy [full text on file], as amended. *Motion carried unanimously.*

- **Alcohol in the Pavilion:** Discussion occurred about allowing alcohol consumption at the Pavilion. Clerk had contacted Steve Fenske, Attorney – MN Assoc. of Townships, and he had the following response: “Whether the catering company has a liquor license has no effect on the town’s liability for an injury related to alcohol. The license is a power to sell alcohol, nothing more. If the town wanted to allow alcohol, it could demand insurance from the renter in the amount of \$1.5 million, which is the most the town could be forced to pay in a personal injury lawsuit. The town would need proof of coverage from the applicant. I believe the renter also needs to provide a licensed peace officer at the event if they are going to have alcohol available. The town would want to require these things by contract...” Board directed Clerk to research what other cities have done in regard to alcohol consumption and keep a log of people interested in renting the Pavilion and Town Hall, but refuse due to the current policy. *Tabled until December meeting.*

NEW BUSINESS:

- **Chapel:** Clerk received a phone call from Arlene Svir regarding the condition of the Chapel, specifically the back door and siding. Decision was made to remove the back door and steps, then reset the footings. In the spring the drainage problem will be looked into. Board directed Clerk to contact Svir and update her with decision.
- **North Shore Management Board:** Hoops presented the North Shore Management Plan and advised the Board there are no changes to the plan, except for definitions. Motion by Guentzel, seconded by Hoops, to adopt the NSMP changes. *Motion carried unanimously.*

Board directed Clerk to send North Shore Management Board a letter advising them of the adoption of the North Shore Management Plan.

- **Office Flooring:** Hoops presented a cost quote from Ryan Hutten for flooring in the new office. Cost would be approximately \$13,680 at \$9.50 per square foot. Board agreed that this was too expensive and would prefer in-house labor for the project.
- **CDSSD:**
 - **People Serve Contract:** Hoops informed the Board that the People Serve contract expired in June 2016 and there hasn’t been any communication to renew the contract. He spoke with Jody Reineccius, Owner – John’s Sanitary, and he would be interested in putting together a contract for the Township. Board was in agreement to proceed with the contract request from John’s Sanitary.
 - **Lift Station #1:** One pump is operating with a high amperage draw. This could result in a pump failure. Hoops reported there currently is not a backup pump for this station. The cost for purchasing a new pump is approximately \$20,000 with at least a 3 month delivery time.
- **Audit Findings:** Hoops expressed interest in reviewing the audit findings specifically:
 - **Special Assessments -** The Township doesn’t have records of the CDSSD special assessments. Clerk advised Board that she has been in contact with the Lake County Auditor and should have that information in the coming weeks.

Pending Business:

- **Cemetery Kiosk:** Clerk reported Dick Bohrer was going to work on the project during the winter months. Clerk advised Bohrer to contact her if he needs any assistance with information. Discussion followed about having a sign made for the Pavilion. Board directed Clerk to find out if Bohrer made the current sign for the Town Hall.

- **State Bonding Bill:** Discussion regarding the probability of the Township being able to receive funds through the bonding bill. Hoops reported that he spoke with Representative Rob Ecklund and he felt that the Township still had a chance at receiving the money for the SRSSD project.
- **Clerk's Performance of Duties:** Hull stated that the Clerk had kept track of hours. He requested, in the future, the Clerk not only keep track of hours, but add detail of what is being done during those hours. Board is interested in finding out what is being accomplished and what potential problems might be.

Hoops commented that he had an issue with past minutes. He noticed that when the Board discussed the Clerk bringing children to the Town Shop and directed her not to have her child/children at the worksite, this was not recorded in the minutes. He explained the reasoning behind having that information in the minutes is to protect the Township from liability, in the event of injury or death.

Question was raised if the minutes are actually being amended and posted as the Board has instructed. Clerk stated yes. Discussion occurred about the procedure for posting the minutes and who reviews the minutes once they are amended, prior to posting. Hoops reiterated a motion previously made and adopted that meeting minutes be approved, printed, and signed at the following meeting.

- **Rescheduled CDSSD Meeting:** CDSSD Meeting is scheduled for Tuesday, December 6, 2016 at 6pm and is rescheduled for Tuesday, December 20, 2016 at 6:30pm. Board directed Clerk to notify LeRoger Lind of the date change as well as posting at Town Hall and on website.

Adjourn:

Motion made by Guentzel, seconded by Hoops, to adjourn the meeting at 10:14 pm. *Motion carried unanimously.*

Respectfully submitted,
Kristina Pirsig, Clerk