Meeting of the Windemere Township Board - August 9, 2018

The meeting was called to order at 6:32 PM by Chairman, Pete Steen. Others present were Supervisor, John Wesely, Treasurer, Ron Mossberg, and Clerk, Scott Danelski. Absent, Supervisor, Dale Kirkeby.

CLERK’S REPORT :

The Clerk’s report was read and corrected. Motion made by Wesely, second by Steen to approve Clerk’s report. Motion passed, 2 Aye – 0 Nay.

TREAURER’S REPORT :

Treasurer’s report was read. Motion by Wesely, seconded by Steen to approve the Treasurer’s report. Motion passed, 2 Aye – 0 Nay. Treasurer stated that the first half of the property tax levy totaling $456,942.89 was received from Pine County and that the township should expect the 2nd half of the property tax levy to come from Pine County sometime in December 2018. The treasurer stated that there is a traditional Capital Bank CD maturing on September 10th, 2018 and an investment strategy will need to be discussed later in the meeting. The Treasurer made note that as of the July 2018 monthly board meeting, Windemere Township had exceeded 3 million dollars in revenue.

ROOF QUOTES :

At 7 PM the town board opened the sealed bids for the Windemere Town Hall roof repairs. Three bids were submitted. Todd’s – Miller’s Roofing quoted $5900.00, Beaver Roofing quoted $7280.00, and Lampert Lumber quoted $8000.00. Motion by Steen, seconded by Wesely to accept the quote of $5900.00 from Todd’s – Miller’s Roofing to replace the roof of the Windemere Town Hall. Any additional costs over and above $5900.00 will need to get prior approval from Building Supervisor, Dale Kirkeby, prior to the start of construction. Windemere town hall roof repairs to be completed by October 31st, 2018. Motion passed, 2 Aye – 0 Nay.

PUBLIC INPUT :

Gary Johnson was present to discuss Island Lake Road. Gary questioned the lack of maintenance of Island Lake Road. Gary requested that the culvert repair by Swanson’s Point, pot holes, and the edge of the road caving in by the culvert between Island Lake and Little Island Lake be addressed. Gary also inquired as to why Island Lake Road was never striped after getting paved. Road Maintenance Department to address all issues.

Dick Herzog was present to discuss moving the Windemere Township elections from March to November. Dick expressed concerns that March elections do not get the highest electorate turn out due to many residents being absent during the March elections. He also expressed concerns of holding the township’s elections on the same day as the township’s annual meeting. Dick was informed that the topic was on the agenda and would be discussed later on in the meeting.

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Tom Albrecht was present to discuss the litigation between Windemere Township and Mike Buetow. Tom asked the board the question as to why the legal action was started in the first place, and what has been the total cost to the township due to the litigation. Since a Global Resolution has been reached he asked if the township would provide a total cost to the constituents so that this matter can be put be put to bed. No action taken at this time.

Gary Paulus was present to discuss Paulus Road. Gary requested that Paulus Road be repaired. Gary explained that the first approximately 900’ of Paulus Road is maintained very well, but the last approximately 250’ of Paulus Road needs to be graded and additional class-5 gravel needs to be placed. Mike Buetow and Road Supervisor, Pete Steen to discuss and the Road Maintenance Department will address the issue.

John Dietz was present to discuss the Balsam Road Culverts. John was informed that the topic was on the agenda and would be discussed later in the meeting.

Al Hartman was present to discuss the streets Lakeview Lane and Cliff Drive and stated they are named incorrectly on the map on the township website. The Zoning Administrator corrected his paperwork.

ROAD MAINTENANCE POLICY :

No update to give at this time.

WINDEMERE TOWNSHIP WEBSITE :

An update was given on the new Windemere Township website. The template has been completed by the vendor [www.MunicipalImpact.com](http://www.MunicipalImpact.com) , but the treasurer stated that the website is still a work in progress as both the Treasurer and the Clerk need some training as how to administer the new website and also to complete the customization of the new website to make it applicable for Windemere Township. The Treasurer asked if the Windemere township residents had any township photos that could be used for the customizing of the website.

EXTERNAL AUDIT :

The first draft of a management letter from the audit firm Abdo, Eick, & Meyers was sent to the township on August 9th, 2018. The report letter listed areas that the township could improve their processes and also listed recommendations as to how Windemere township could achieve those improvements. The township officers to review the report and reply to the recommendations of the audit firm. The audit firm is expected to present a formal report to the town board in either September or October 2018.

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PALON ROAD :

The Palon Road Improvement Project (TP 17-01) was discussed. The vendor, Casper Construction, has contacted the township and stated that the construction will now begin after Labor Day. The Windemere Road Maintenance Department should finish up their portion of construction on Palon Road by approximately mid-week of next week. A question was posed as to how long the township expects the road to be closed to traffic as the new school year is coming up and some bus drivers use Palon Road during their bus routes. The board informed constituents that Palon road will most likely be closed through the end of October 2018.

BALSAM ROAD CULVERTS :

Balsam Road culverts were discussed. A proposal for a total cost $15,000.00 to complete the engineering and design work needed for replacing of the existing culverts on Balsam Road with a box culvert was given to the township board by Erickson Engineering. Motion by Wesely, seconded by Steen to accept Erickson Engineering’s quote of $800.00 to complete the revised hydraulic analysis portion of the engineering proposal. Motion passed. 2 Aye – 0 Nay. Once the revised hydraulics portion has been completed a plan can be submitted to Pine County and MnDot to see if the existing culverts are hydraulically deficient. If the existing culverts are hydraulically deficient, funding can be authorized and reimbursed by MnDot to Windemere township for all engineering costs in excess of $10,000.00 and for all construction costs in excess of $10,000.00. Once funding is approved, the total out-of-pocket cost for the township would be $20,000.00 to complete the project. Dick Herzog also inquired as what the total cost was to the township for replacing the culverts in the fall of 2017.

MAINTENANCE OF TOWNSHIP ASPHALT ROADS :

Jason Pearson from Fahrner Asphalt Sealers was present to present two proposals to the town board for preservation of their existing township asphalt roads. Motion made by Steen, seconded by Wesely to accept Fahrner Asphalt Sealer’s Proposal #1 – Flex-Patch Crack Repair of $17,110.00 to blow out and clean cracks with compressed air and heat lance. Then, flood area with Flex-Patch to repair as necessary and cover immediately with 1/8” pre-coated trap rock on the following roads. (Island Lake Road, Sturgeon Island Loop, Sturgeon Island Road (Hill Street Loop), Majestic Pine Drive, and Sunny Beach Road). Motion passed. 2 Aye – 0 Nay.

Farhner Asphalt Sealer’s Proposal # 2 – Surface Treatment of the following roads (Island Lake Road, Warloe Road, Twilight Lane, Sturgeon Island Road (Hill Street Loop), Majestic Pine Drive, and Sunny Beach Road (approximately 5 miles of roadway) consisted of two options. Option #1 – GSB-88 Thoroughly clean the existing surface with a self-propelled broom. Apply GSB-88 and immediately cover with slag sand for a cost of $50,000.00. Option #2 – Chip Seal Followed by a Fog Seal Thoroughly clean the existing surface with a self-propelled broom. Apply 170 degree emulsified asphalt by a full-width spray distributor. Apply cover aggregate and spread uniformly over surface with full-width self-propelled chip spreader. Roll with pneumatic-tired roller. Sweep off excess chips and apply CSS-1h diluted for a total cost of $100,000.00. No action taken for Proposal #2 at this time.

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WARBLER LANE :

Dennis Stockamp was present to discuss Warbler Lane. Dennis explained that Warbler Lane continues to flood and wash out. Dennis stated that the problem has worsened since the new parking lot at Doc’s Sports Bar has been constructed. Pete Steen will have conversations with Straightline Surveying, MN Association of Townships (MAT) attorneys, and the owners of Doc’s Sports Bar to determine what should be done to alleviate the problem. Warbler Lane will be added to next month’s old business to follow-up with the concerns.

CAR DAMAGE :

An individual from another township contacted the Windemere town board and stated that they were traveling on Palon Road and that their automobile suffered significant damage. They felt that Windemere Township was responsible and wanted the township to pay for the damage to the automobile. No action taken.

PARKVIEW DRIVE :

Parkview Drive was discussed. Sheila Bjorklund contacted the town board requesting as to when the repairs to Parkview Drive would take place. The town board approved the repairs back in September 2017 and there has been a continuing problem of the road washing out. The board informed the Moose Lake Golf Course Board that the repairs would not be able to take place in 2018, but stated that Parkview Drive should be placed on the priority list of roads to be resurfaced in 2019. The Road Maintenance Department will use cold mix asphalt to address the current road repair issues. The board requested Mike Buetow to contact the Pine County Engineer, Mark LaBrun, and request that Pine County place Parkview Drive on their list to be engineered for 2019. An individual inquired as what can be done about cars parking in the roadway next to the golf course. Steen to speak to the Moose Lake Golf Course regarding the issue and members using the Golf Course’s parking area.

CD MATURING & INVESTMENT STRATEGY :

Township investment strategies were discussed. A Traditional Capital Bank CD of approximately $250,000.00 will be maturing on September 10th, 2018. The Treasurer informed the town board that by the September 2018 monthly board meeting that the township would have approximately $725,000.00 in cash for the Road & Bridges Fund. Motion by Steen, seconded by Wesely to move approximately $250,000.00 in funds from the Traditional Capital Bank CD to the First National Bank of Moose Lake. Motion passed. 2 Aye – 0 Nay. The passed motion is not a conflict of interest for Supervisor, John Wesely.

Motion by Steen, seconded by Wesely to reinvest the maturing three Treasury Bills totaling approximately $502,000.00 from a 30-day investment vehicle to a 60-day investment vehicle. Motion passed. 2 Aye – 0 Nay.

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TAX EXEMPT FORMS :

Tax exempt forms to vendors was discussed. The Treasurer stated that in this month’s claims, the township made payments to vendors for sales tax in excess of $500.00 even though the township has tax exempt status. The clerk will work with vendors and set up accounts and send the vendors the Department of Revenues Certificate of Exemption Form (ST3). Vendors stated that once the Certificate of Exemption Form is on file they will credit back Windemere Township for any sales tax they charged.

ELECTION JUDGES :

Election judges were discussed. The clerk asked the board to approve an additional election judge. Motion by Steen, seconded by Wesely to approve Clarissa Ellis-Prudhomme as an election judge for the General Election which will be held on Tuesday November 6th, 2018. Motion passed. 2 Aye – 0 Nay. Clarissa attended election judge training on August 8th, 2018.

GRAVEL CRUSHING :

The township’s gravel supply was discussed and the township will soon be running out of crushed Class-5 gravel. Motion by Steen, seconded by Wesely to post for Windemere Township to accept sealed bids for the following : 1) The crushing of 10,000 cubic yards or more of Class-5 gravel with a minimum of 6% binder material content located at the Windemere Township pit. Windemere Township to supply the binder material. 2) The screening of 2000 cubic yards or more of screened sand located at the Windemere Township pit. 3) Crushing of 3000 cubic yards more or less of recycled asphalt located at the Windemere Township pit. Bids to list pricing itemized separately by cubic yard and placed on the same bid sheet. Bids due no later that Friday August 31st, 2018 and will be opened at a later township meeting. Motion passed. 2 Aye – 0 Nay. Postings to be placed at the town hall, township website, Star Gazette & Evergreen papers, Quest CDN website, and the Duluth Builders Exchange website.

TOWNSHIP ELECTIONS :

The moving of Windemere Township’s elections from the Township Annual Meeting date of the 2nd Tuesday in March to the date of the 1st Tuesday after the 1st Monday in November was discussed. Motion by Steen, seconded by Wesely to approve Windemere Township Resolution # 2018-2B which will move the township’s general elections to November on even numbered years beginning in the year 2020. Passing of resolution 2018-2B places a ballot question onto the ballot for Windemere township’s next annual election held in March of 2019. The electorate can vote either yes or no on whether to move the date of Windemere Township’s elections to November. If passed by electorate, existing officer’s terms will be extended, and a new term length of a 4-year terms for each officer will be established. Motion passed. 2 Aye – 0 Nay.

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LITIGATION :

Dave Arneson was present to discuss the litigation between Windemere Township and Mike Buetow which concluded on August 7th, 2018. Dave presented a letter to the town board requesting that the board pass two motions regarding the dissemination of information of the concluded litigation, in which he and Tom Albrecht will use to prepare a report for the town board meeting held in October 2018.

Dave suggested that the board consult with the MAT’s attorney and also the township attorney regarding his requests. Request #1 – The town board send out certified letters to Supervisor, Dale Kirkeby, and former Board Chairman Supervisor, Abe Mach, requesting their attendance at the September 2018 monthly board meeting to explain the reasoning for pursuing legal action against Mike Buetow and the Union in 2017. In addition, that they bring all written and audio material in their possession related to the matter and also provide a content of their testimony before the Bureau of Mediation. Dave also requested that questions from township residents and board members in attendance should be allowed. Request #2 – That the town board authorize the Township Treasurer and Clerk to meet with Dave Arneson and Tom Albrecht for the purpose of reviewing any correspondence and costs related to the legal action against Mike Buetow and the Union. Dave requested that the meeting take place no later than two weeks after to the September 2018 monthly board meeting. Dave also invited Deputy Treasurer, Paul Horgen. No action taken on request #1. Motion by Steen, seconded by Wesely for the township Treasurer and Clerk to attend a meeting with Dave Arneson and Tom Albrecht at a date to be determined later, to review any correspondence and costs related to the legal action between Windemere Township, Mike Buetow, and the Local #49 Union, pending the results of consult with the MAT attorneys and the township attorney. Motion passed. 2 Aye – 0 Nay.

NEW COMPUTER :

The township clerk’s laptop computer was discussed and the clerk stated that the computer will not always start up or turn on. Motion by Steen, seconded by Wesely to spend up to $1500.00 to purchase a new laptop computer for the township clerk. Motion passed. 2 Aye – 0 Nay.

UNION :

Pete Steen discussed the results of the Bureau of Mediation mail ballot vote. The Road Maintenance Crew voted and passed 2 – 0 to have the International Union of Operating Engineers, Local #49, AFL-CIO be their exclusive representative. Windemere Township will bargain and negotiate with the union regarding the Road Maintenance Crew’s wages. The current union contract expires June 30th, 2019. Motion by Steen, seconded by Wesely that both Pete Steen and John Wesely attend negotiations with the union. Motion passed. 2 Aye – 0 Nay.

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ROAD UPDATE :

Road Maintenance Supervisor, Mike Buetow gave the monthly road update. The Road Maintenance’s portion of construction on Palon Road will conclude sometime mid-week of the following week. Straightline Surveying to shoot the elevations of the problem culverts on Sturgeon Island Road. Road Maintenance Crew to purchase asphalt and make temporary patches to potholes on Harmony Lane. Lake Country Power was contacted regarding the large dying Cottonwood tree on Partridge Road and the power company stated it was their vendor’s (Northern Clearing) responsibility to remove the tree. Bids have been requested from vendors to get quotes for placing patches to Sturgeon Island Road on both sides of the covered bridge. It was stated that the township is responsible for repairing the road and the bridge’s base and that it is the landowner’s responsibility to repair or replace the canopy. Mike Buetow again inquired as to why the Maintenance Department was excluded from questioning by the external audit firm. Treasurer, Ron Mossberg, commented that the audit firm only requested interviews with township employees that handle the money.

ZONING UPDATE :

Zoning Administrator, Ryan Clark gave the monthly zoning update. There were eleven permit applications in July 2018. Permits included dwellings, decks, sheds, and grading and filling for lakeshore damage repair. Phil White continues to inspect setbacks. The Planning Commission met on Tuesday August 7th, 2018 and a resident of Passenger Lake inquired about getting a No Wake Ordinance for the lake. The Planning Commission gave the resident some options and suggested they speak to their neighbors about the DNR’s current 150’ No Wake Law. On August 15th, 2018 the Advisory Committee will meet at the town hall to discuss residents’ questions and concerns regarding the Comprehensive Plan. July 2018 was a relatively quiet summer month for zoning and most permits have been worked through while at the Town Hall on weekends. The Zoning Department is making progress on the township blight and they worked through all of the blight violations discussed at the special meeting held in July 2018, where the town board directed the Zoning Department to enforce three sites. The Zoning Department continues to have dealings with neighbor private property disputes in both Hogan’s Acres and Marina Beach Way.

FIRE DISTRICT UPDATE :

No update to be given. The Fire District meeting that was scheduled for Tuesday August 7th, 2018 had to be rescheduled due to the meeting date falling on “National Night Out”.

PUBLIC INPUT & RESPONSE TO MEETING GIVEN :

Tom Albrecht was present and asked if the town board could improve communication and if there was any way that the meetings could be sped up and not take so long.

Al Hartman was present and stated he would volunteer to represent Windemere Township at the Fire District meetings to help alleviate some of the supervisor’s responsibilities. The board thanked Al for his offer, but stated the Fire District meeting should be attended by a member of the Board of Supervisors.

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A/C UNIT :

The township’s air conditioner unit was discussed. The newly purchase A/C unit was delivered with damages. Motion by Steen, seconded by Wesely to have the township Treasurer to spend up to $500.00 to purchase a new window-mounted air conditioner unit and to have the damaged air conditioner returned and credited. Motion passed, 2 Aye – 0 Nay.

CLAIMS :

July 2018 claims were reviewed. Motion made by Steen, seconded by Wesely to approve July 2018 Claims. EFTs - 1818 and 1819, Checks - 11957 through 11985, & Direct Deposits - 1089 through 1096 for a total of $102,314.66. Motion passed, 2 Aye – 0 Nay.

Township mail opened and reviewed.

Motion made by Wesely, seconded by Steen to adjourn the meeting at 10:27 PM. Motion passed, 2 Aye – 0 Nay.

RESPECTFULLY SUBMITTED : APPROVED :

Scott Danelski, Clerk Pete Steen, Chairman

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