

TOWN BOARD REGULAR MEETING, TUESDAY, October 12, 2021 6:00 PM, CROW WING TOWN HALL

Board Members Present: Chairman Tucker Schuety, Supervisor Doug Kern, Supervisor Paul Stephany, Treasurer Diane Stephany, and Clerk Sue Kern.

Tucker called the meeting to order at 6:00 pm and the Pledge of Allegiance was recited. Residents were reminded to sign the roster.

There were no gopher bounties.

Diane recited the Treasurer Oath of Office. Sue recited the Clerk Oath of Office.

Tucker asked if there were any changes to the agenda. Brad Arnold wanted the flagpole variance moved up to the beginning of the agenda and allow resident Wade Tomberlin to speak following that. Doug wanted a Cemetery report added to the agenda. Tucker made a motion to change the agenda as listed and Doug seconded. No more discussion. Motion passed 3-0.

Brad brought up the flag pole variance that was discussed at last night's Planning Commission Meeting. Amanda Peterson, Township Planning advisor, attended that meeting virtually. Amanda emailed a report to the board earlier regarding the variance. The Planning Commission showed support for variance V-01-21 3 to 1, with Dan opposing support. The email contained finding of facts of pro's and con's and was in the Supervisor's packet. This is a unique circumstance that has as many reasons to support it as the ordinance has to oppose it. The ordinance has a height restriction for building structures even though the flag pole is a structure, the ordinance is geared towards buildings of 35 feet. The applicant did a lot of research including a drone study showing trees and vegetation at a height of 40-60 feet and light pole at 60 feet. The applicant is wanting to put the 75' flag pole at the furthest location from the all surrounding property owners in the far NE corner of the site further distancing it from the neighbors. They have also identified the ability to use some materials which were shown to the board. There will be vinyl coated clasps and covered lanyard with internal cables to make things as quiet as possible. There was a resident from a nearby property in the audience that showed support. Of the 23 notifications sent to neighboring properties, there was no response except for the email that came late Sunday and that party that had three concerns. Two of the concerns were already addressed. Those being gravel in lieu of pavement and it was always shown as to be impervious. The other concern was they opposed the coloration of the building although the applicant was restricted and had to reduce from his requested color palette in lieu of the earth tone colors. Yes, there was some color allowed but it was reduced from what the requested. The other comment was that he opposed the flag from a site/sound stand point, however, he is quite a distance away and shielded by vegetation and trees. At one of the previous meetings, there was a resident who was closer to the property but when it was explained the actual desired location of the flag pole, they were much appreciation of the accurate information and was no longer in opposition. With that said, the Planning commission showed support 3-1, with the one opposed with only a desire to follow the ordinance. As a whole the Planning commission showed support of the variance. Doug commented that with the one resident pulling back his complaint once accurate information was given to him and with the added materials to the clasps and cables to cut the noise back, Doug made a motion to approve the variance for the flag pole. Tucker mentioned the applicant would have to follow all of the MN DOT light guidelines. Tucker seconded the motion. No further discussion. Motion passed 3-0.

Wade Tomberlin came in to discuss the ongoing situation with the neighbors. The situation is that of a civil domestic dispute that has been ongoing for 10 years. It is a "he said, she said" scenario with neighbors dumping debris on his property. They have been to court and will be going back to court. There were concerns of escalation of the problem. Wade very cordially invited Brad to stop in any time but he has been unable to stop in yet. There was discussion of possible solutions to the problem. Brad suggested separating the driveway. Doug suggested moving to the other end of the property. Wade said he tried to build a fence to give more privacy and separation but finances are limited. To date, nothing seems to have worked. Wade's company has felt threatened at times. Wade was very cordial, cooperative and responsive to suggestions. The board appreciated the fact that Wade came in to discuss the matter. Brad will follow up with both parties and make observation of the situation so if the Sheriff calls him he can describe what he has seen. Wade said his Fire# has been taken down by someone and put under his mailbox.

There was a complaint on 11149 Town Hall Street. Brad and Amanda have talked with the owner. He is in the middle of a major remodel and has moved most of the business items complained about. He cannot burn the brush pile until the snow comes for safety reasons. The owner is cooperative and in the process of taking care of his business.

Regarding the Jillson property, Brad and Doug received calls from a neighbor. The 5th wheel that was brought in there has been dumping raw sewage. Brad said that the post office and UPS have been delivering packages to Al's house for the people living in the 5th wheel that are using Jillson's street address. Brad talked to Amanda and asked her to pull out the probation term as he thought that might be coming up. Brad will follow up with Amanda and there will be a discussion on the violation ordinances.

BMX track lease was on the agenda as they had expressed interest in extending the size of their property but they are not here tonight. No further discussion.

Brad talked about the park equipment that was being donated by CentraCare and they wanted to not be paying for storage of it any more. Brad along with the help of the contractors that installed it were able to get it here and the large apparatus is in place and three items are in storage. Hytec donated the footings/cement and some more hardware is needed to secure it and Brad may not get to this until Spring. Majestic Pine renovations did a considerable amount of work and their statement is in the claims tonight. They had requested \$5000 initially but the statement tonight is at \$2,500. There will be some ongoing cleanup to do but the major structure is in place. The value of this structure is over \$25,000 and we are getting it with some minor costs for installation. The stump has not been removed.

Brad added that Planning and Zoning is running in the black and still are where they should be. We got reimbursement back from Sourcewell and that is good. The intent is not to make money but to cover expenses.

Public comment: Gerry said the fence was up. Another discussion was had about replacing the toilet in the men's and ladies' bathroom in the town hall. Neither is working properly. Doug made a motion to replace both toilets. No further discussion. Motion passed 3-0. After discussion, Tucker made motion to issue Gerry a check for \$450 to cover costs of toilets. Doug seconded. No further discussion. Any excess money will be given back to treasurer to put back in our account. Gerry will try to get them changed out as the town hall is rented later this month for a wedding reception.

Brad informed the board that he observed and took pictures of 14-15 year old youth on 4 wheelers in the parking lot. When he told them he would call the Sheriff's department, they became very apologetic.

Payroll was reviewed and approved. The Treasurer's report and claim numbers #1608 to #1630 were reviewed and approved.

Doug reported there must have been strong winds at the cemetery and some metal rods were bent over. Also, there were cemetery plots that were purchased and now the Al Brynteson family has changed their minds on keeping them and they would be reissued a check tonight. The location was not exactly where they wanted them and that is the reason for the refund.

Doug gave the Road Report. There are still some trees that need to come down in the right of way. He mentioned that new pot holes keep happening and they discussed it could possibly be from the lack of rain this year. He will try to get matters taken care of before the snow falls.

Under Communications, there was a letter regarding the Minnesota ARP funds. The deadline to get these funds was yesterday 10-11-21. The funds could be as much as \$237,000. Originally funds were to be used for COVID expenses only with an audit in two years. Examples being hand sanitizer and masks. At the last meeting it was said funds could be used for roads and bridges, pay your cleaning staff extra wages, lap tops for the whole board for zoom meetings, or to be given to an organization, county or school district but the audit will still happen down the road and you would have to give an account of how the money was used. Many of the suggestions were really not COVID related. The deadline may or may not be extended. Roosevelt Township was the only one that stated they would not take any of the ARP

funds. Doug said he was told that money would go somewhere else if we did not take it but was not sure where the funds would go. Doug told them we couldn't really discuss it until tonight even though the deadline was yesterday. Doug asked for other to speak to the topic. Paul said not to take it. Tucker said every email we get it constantly changes as to what it can be used for and at some point when they do the audit, which email will they go by as to what the funds could be used for, and further, would we be 'nailed' for using it and then it will be determined that we shouldn't have used it for that. Further, Doug said at the MAT meeting that you would have until 2024 to use the funds and it was morphing into something it was not initially intended for. Brad made a point of reference that it looked good but there is something to be said for taking care of your own business without government funding and be strong and independent. Further Brad said he saw some businesses that took COVID funding and then later ended up getting fined. The general consensus was to not take the funds.

Of note, the legal seminar has been scheduled to Saturday, October 23rd. The township population changes sent by Debbie Erickson showed Crow Wing Township increased by 183 people or a 9.31% increase. Also, the fire incident log was available for the 3rd quarter for review.

Doug made a motion to approve the regular meeting minutes for September 14, 2021. Tucker seconded. No discussion. Motion passed 3-0.

Tucker made the motion to adjourn. Doug seconded. No discussion. Motion passed 3-0. Meeting adjourned at 7:55pm.