

Supervisor Board Meeting Minutes
July 19, 2022

Silver Creek Township

On Tuesday July 19, 2022 the Silver Creek Board of Supervisors met at the Silver Creek Town Hall located at 3827 134th Street NW, Monticello, Minnesota 55362, Wright County, and State of Minnesota. The meeting was tape recorded for transcribing purposes only.

Chair Mike Ludenia called the meeting to order at 7:00 p.m. There were 7 people in the audience at the start of the meeting and 2 on zoom.

Board Members Present:

Mike Ludenia Chair	Sandy Forsman, Supervisor
Barry Heikkinen, Supervisor	Chris Newman, Supervisor
Dan Ness, Supervisor	Julie Urbatch, Clerk

All present stood and recited the Pledge of Allegiance to the Flag.

OLD BUSINESS

Fire Protection Levy: Lindsey Meyer was here from Wright County to talk through the changes that they are making at the County in their property tax area. She explained how they have been handled and the changes will be an additional charge. As they were going through that review, they discovered that they have not been charging for Fire Assessments for some time. It is on their fee schedule for \$1.75 per parcel per year for a set-up fee plus an additional \$.40 per parcel each year that the Special Assessment is on. For all Special Assessments that are coming forward from all of the Townships that do any assessments whatsoever, they will be charging according to the fee schedule. Our other option is to change to a levy. A levy is minimal effort on her staff time. The consequences of that to Silver Creek Township taxpayers are we would be shifting the cost. When we think about a Special Assessment, the Township has contracts with Monticello Fire Dept and Maple Lake Fire Dept, 631 parcels with Monticello at a fee of \$60 per parcel and 479 parcels with Maple Lake at a fee of \$85 per parcel. Total amount being assessed, at least for 2022 was \$78,575. If we were to change to a levy, it would spread it across all parcels, not just those that we've been selecting to charge. We currently are not charging equally amongst all parcels within our Township. Our total parcels that are being special assessed are 1,110. Total parcels within our Township are 1,750. Levies are spread based on value. She talked about the spreadsheet she emailed to us earlier. For the impact on our Top 15 taxpayers, this is based on value only. If we were to look at this for 2022, in reverse, about half of our Top 15 don't pay for Special Assessments. Northern States Power Company would be footing the bill for \$1,224.75 of our total \$78,575 assessment or our fire contract charges. On the right hand side of the sheet she provided, there is an impact by estimated market value. In the difference column there, it's calculated by an average assessment. They chose an average for comparative purpose and what this is telling us is that between 350,000 and 400,000 value on a Homestead property, it's kind of a 'break even' point where whether we do an assessment for them or we change it to a levy. For those homes that have a value of higher than \$400,000, that's where they're going to start paying more than what

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we've assessed in the past. For those homes that have a value of less than \$400,000, they're going to start paying less. The fees due, if we continue doing Special Assessments, is \$2386.50. If we were to levy our \$78,575 fire charges, Northern States Power Co would pick up \$1,224.75 of those former assessments. That's the portion they would be responsible to pay. It has nothing to do with the fees of the County. The \$78,575 would be distributed amongst ALL of the parcels within the Township. You will collect that levy and then you'll still pay the \$78,575 to Monticello and Maple Lake. We need to go through the proper channels to make sure that we get our overall levy approved properly. As long as we have the appropriate final levy to Lindsey's office by 12/31/2022, she's okay. If we choose to do Special Assessments, her office will send out an email probably October/November. Lindsey recommends that we refer to our legal counsel, but her understanding is that as long as we hold an additional public hearing in a timely manner, it's not an issue.

Lindsey needs our preliminary levy by the end of September, that's when we set our preliminary levy, that is a "not to exceed" so we can't go any higher, but we can go lower between your preliminary levy and final levy. All Wright County townships are affected by this and approximately half of them are in a levy status and the remaining half are in a Special Assessment status. Question was asked how far back did you look to find out when the last change of that fee schedule was implemented. Lindsey went back into the Board minutes, back to 1999, to find that no discussion of it changing anything and don't believe we were charged. She can't go back in the financial records that far. She doesn't know when the last time that fee schedule was actually acted on for this type of assessment.

OPEN FORUM

Tom Vanek: Mr. Vanek passed out three pages of three different meetings regarding the Williamson encroachment license. It states there was a \$250 fee to put a water line under a road. Did that fee become an ordinance for the Township? Then later, the \$250 fee was dropped to \$150. Mr. Vanek wanted to know if that was in effect and if there is a permit application to do that. Chair Ludenia stated there is an application to put something in the right-of-way. The Township has a form, just like a driveway permit. Maintenance goes out, looks at it. Williamson had to put his line in a sleeve. That's part of it. If you go underneath, you have to put it in a sleeve. I think we waived the fees on that too. There was talk about an annual fee and all that and I think we waived all that at that time. Right now, if you're going to work in the right-of-way, you come in and complete an application and it goes to Maintenance to be kept on record and then the resident is responsible for anything that happens with underneath the road. All fees were waived. At that time the Board decided to just do away with it, as long as they get the right-of-way permit filled out, it would be approved by the Road Boss and/or Maintenance. It does say there is a permit fee due, but the Board never collected that. There was discussion about making it zero. I don't think it ever got changed on that form that the attorney wrote up at the time. Vanek inquired if there was a permit issued for the Nelson Acres. Maintenance said a permit was issued, pictures were taken, inspected it and marked it. He had the understanding that the roads are rebuilt and if there is any work that we have to do on that right-of way, he is responsible for any additional expense or any expenses associated with that. The pipeline is sleeved.

Mrs. Chris Fuller: Inquired about Bishop Avenue. Chair Ludenia said that we will be talking about that in the Maintenance Report coming up.

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REVIEW AND APPROVAL OF AGENDA

Supervisor Newman made a motion to approve the agenda. Seconded by Supervisor Forsman. Discussion to move Keith Lammers of All Elements, Inc. to the next item after agenda. Carried 5-0.

OLD BUSINESS (continued)

All Elements, Inc.: Keith Lammers was asked to come to answer concerns about the new roof:

- Snow Guards – removed but not replaced. Never in contract, although he believes it was discussed. We may not need them. The membrane doesn't hold snow like metal does. They can always be added at any time. Recommends we wait and see if we even need them.
- Gutters – concern that because the way we had to fill the valleys on the metal that now it's elevated a little bit. Easy rain might fall into it, but a real heavy hard rain might go over the top of it. Maintenance said the Township has not had any heavy rain since the roof was done, but had heavy dew that some went into the gutters but most went over the gutters onto the sidewalk. John Thurber (owner of All Elements, Inc.) was in attendance and suggested they have someone come out and do a water test and video tape what the water does.
- Venting – Coverage of the ridge vent. Keith brought a couple of photos. One shows the ridge that's on the hall. That's a profile matching ridge cap. It is screwed directly down and sealed onto the metal panel, so there's no venting there at all. So there was nothing covered up on that. This is a photo before we did the job of the ridge cap on the shop. It stands higher, but underneath that ridge cap is what they call 'closure strips'. Those are foam strips that match the profile of the metal panel, that's sandwiched down underneath the ridge cap. That prevents rain from getting underneath there and it is not designed to vent. Shop also doesn't have soffits., There's no way for it to be a venting system, certainly not the ridge, like most other metal buildings that we've done retrofits on. There is a PRV out there, which I assume was installed to vent the shop. Those were never installed to vent your buildings. Those were installed to create basically the membrane, create equilibrium between the area underneath the membrane and the outside air, so when the air blows really hard the membrane doesn't start flapping. That helps hold it steady. Chair Ludenia stated it does flap and assumed it would be a lot tighter. Keith said it will flap to a certain degree and it is covered under the warranty. The wrinkles are fold wrinkles, when the membrane rolls up, they call them fold wrinkles. Typically they take about year or two before the sun can flatten that relaxes the membrane. Supervisor Newman was wondering about the wrinkles that up the side onto the shop. Keith had not seen that. It's not fully glued down so you will see some wrinkles here and there. There was discussion about concern of condensation leaking down in the walls and the warranty stating that consequential damage is covered by the warranty. All Elements stated that condensation inside the building is not covered. What's covered is if the membrane itself leaks and comes down inside, that would be covered under consequential damage. Also to address the condensation, the two-way vents that were put on there, they are not to vent the building, they are to vent the membrane. There was previous discussion in a meeting but it was not

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addressed in the contract about putting snow vents on. If the Board wants them now, All Elements is able to do it. All Elements is not sure why they did not include snow vents in the proposal after the previous discussion in the meeting.

APPROVAL OF CONSENT AGENDA ITEMS

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List of Claims (Disbursements). Motion by Supervisor Ness to approve. Seconded by Supervisor Newman. Discussion: Supervisor Newman wanted to clarify that the Street Study for \$8200, that was at the request to satisfy the residents. Carried 5-0.

AUDIT OF CLAIMS

Checked the disbursements for this month:

Check #	17608	C&S Welding	\$ 110.00
	17611	Central MN Dust Control	\$12,805.65
	17618	Hakanson Anderson Assn	\$ 8,200.00

Motion by Supervisor Heikkinen to approve the Audit of Claims. Seconded by Supervisor Ness. Discussion on the Mack Truck II and the sprinkler system. Question about how much our fuel costs are up this year at this point compared to last year. Look at cost and consumption. Clerk Urbatch will have information on that by next meeting. Carried 5-0.

CLERK/TREASURER'S REPORT

Balance as of June 30, 2022

General Fund :	\$ 119,171.13
Road & Bridge Acct:	677,428.35
ARPA Fund	<u>107,128.54</u>
Total R&B/GF	903,728.02
Fire Fund Total	\$ 80,326.56
Contingency Fund	9,621.32
Checks Out	525.00
Checking	24,576.91

Motion made by Supervisor Heikkinen to approve the Treasurer's Report. Seconded by Chair Ludenia. Question about Fire Fund totals and Fire Fund Administration. Clerk Urbatch will find out.

Motion was withdrawn until next meeting when we get the answers.

Clean-up Day: Any interest in having a 2nd clean-up to be held in the Fall? It was decided to just do the Spring clean-up and not another one.

New Mic System: Our mic system is old and not working well. Down to one mic. Supervisor Newman will look into options.

MAINTENANCE REPORT

Bishop Ave: Update on chip seal. The bid we received was for quantity, not the capability to shape the gravel for chip sealing, as he has no grader or no water truck. His contract stands, but he is unable to do the gravel. He's still doing the re-chipping.

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It would have to be re-bid based on what we know today. Supervisor Newman was at a meeting, filling in for the Road Boss, with Kamco, the engineer, and both of Silver Creek's maintenance staff. It was agreed, mutually, by the owner of Kamco and us (advised by the engineer) to cancel the gravel portion of the contract. It made sense at that time to part with the gravel/chip sealing and just do the chip seal overlays. Maintenance did consult with Chair Ludenia prior to the meeting on what the options were looking like and what the options for proceeding would be. It did not make sense to cancel it all and have nothing. Options today are: go with Knife River for the overlays for \$175,000 or we do nothing until next year. There was discussion about 156th Street on how it was only bid for chip sealing and it would be considered for next year, whereas Bishop was considered for both chip sealing and overlay.

There were concerns how we may be spending all this money on asphalt for one road when there could be other roads in the Township that the engineer has marked in red that needs attention in the next couple of years. You're throwing all your money on one road because the guy couldn't do the chip seal? We are following the engineer's recommendation if we approve the overlay.

Supervisor Newman made a motion that if Knife River honors the original bid, we go with Knife River and do the overlay on Bishop. Chairman Ludenia seconded the motion. Motion carried 4-1 with Supervisor Ness voting no.

Grader Training: Schedule August 24-26. Township will provide lunch for two days, approximately \$200. Rockford said they would buy one day, no commitment from the other Townships, so that would be \$200 for us. Ten meals for each day for approximately \$100 per day. Makes it easier if the people stay together during lunch when there is training rather than going off. It will come out of the \$2500 so no vote is needed.

Guard rail on Armitage: Road Boss Ludenia will take a look at it and get an estimate if we are unable to fix it.

Sand blast & paint fuel barrel: Maintenance will get quotes. Bad paint job 6-8 years ago.

Doors: Maintenance will get more quotes for the doors. Chairman Ludenia will get more quotes by the next meeting.

Pit Reclamation: Chair Ludenia said we have prices from Thielen in the office

Right-of-Way: 14339 Duffield Ave NW (rock landscaping) and 10778 Bolton Ave NW (lilac bush and grapevine growing over so their mailbox is completely enclosed) should get letters.

Tile holes in ROW on 150th: Chair Ludenia will take a look at it

Chloride: is complete, allotment is used. See how it goes.

OLD BUSINESS (Continued)

Resolution for Public Hearing Vacation of portion of 97th St NW: Clerk Urbatch and Chair Ludenia read Resolution No. 2022-07-19. Motion made by Supervisor Heikkinen to accept Resolution No. 2022-07-19. Seconded by Supervisor Ness.

Discussion: public hearing date of 19th day of May 2022 needs to be changed. It will be changed to August 16, 2022 at 7:00 p.m. Open up our regular Board meeting and make a motion to continue the Supervisor Meeting until after the Public Hearing for Vacation of a Portion of 97th Street NW.

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Motion was made to amend the motion to change the date of the Public Hearing in #2 in the Resolution No. 2022-07-19 to read August 16, 2022.

Motion carried 5-0.

Feedback for Chris Klein: Road Boss Ludenia: we argue a lot, there's more than one way to do everything, you're very persistent, which isn't a bad thing, but would like him to be more open-minded to other thoughts. Chris feels like he is progressing and being more open-minded and showing examples of that but you look at it differently and arbitrarily. We are at odds, then it is used against me that I am not open-minded, as an example. Road Boss thought he wanted this for moving forward and maybe I am just assuming you need to be more open-minded and you think you are already. Chris said generally if you have something you want to become better at then fairly clear steps or goals or process on how to get to that point so that it is not arbitrarily.

Supervisor Newman wanted the Board to know that when he was in the meeting with Kamco, the engineer and the maintenance staff, that very specific instance when he interacted with Mr. Klein as an employee, he thought his communication was excellent. He thought it was very detailed, it was very timely, it was what was needed and expected. It was very good and was extremely prepared for the pre-construction meeting. He had all of his concerns, questions all ready to go. He knew exactly what was in the contract. He knew exactly what the problems were and relayed them to the engineer and the owner of Kamco very clearly, and corrected the owner multiple times and ensured that he was understanding it correctly and when it appeared he didn't, he corrected him. After that meeting, Bill had a conversation with Chris Klein and then came to talk with Supervisor Newman and thinks that kind of goes with what Mike was saying, in terms of more than one way to do things. Bill is newer, is intimidated. He doesn't want to make a decision because Chris Klein has your way of doing things, and that's how it was put to me. While that's okay while a person learning, Bill has to be able to say "I feel comfortable making a decision based on what I'm learning here" but he has to get to a point that he can make those decisions. If he's not capable of making those decisions, then it's a training issue. It's hard to judge. What Chris Klein is hearing Supervisor Newman saying is that Chris Klein is making the decisions without any involvement from Bill. That is what Supervisor Newman wants to make sure isn't happening. Chris Klein doesn't feel comfortable about the past comments that reflected on his performance that he has communication issues, as stated by Supervisor Ness. Chris Klein asked the Board to consider removing that from his record and from the minutes. He feels very strongly that those comments were made and based on my interactions with him as a Board member and not as an employee. Ness said that he would strongly argue against deleting it from the minutes. After discussion, since the minutes were approved, they will stand as is.

NEW BUSINESS None

MISCELLANEOUS

Investigation: is still pending

Unemployment: Supervisor Heikkinen would like any documents pertaining to Check No. 17515, dated 5/17/22 for \$4,165.00 for MN Unemployment.

Approved

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ADJOURNMENT

Motion made by Supervisor Forsman to adjourn. Seconded by Supervisor Ness. Carried 5-0.

Respectfully Submitted,

Silver Creek Township Clerk
Julie Urbatch
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Approved 08-02-2022
