

Supervisor Board Meeting Minutes
December 15, 2020

Silver Creek Township

On Tuesday December 15, 2020 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.

Chairman Ness called the meeting to order at 7:00 p.m. There were 12 people in the audience at the start of the meeting. Roll call was taken.

Board Members Present

Dan Ness, Supervisor	Barry Heikkinen, Supervisor
Chris Klein, Supervisor	Sandy Forsman, On Phone
Mike Ludenia, Supervisor	Nancy Betzler, Clerk/Treasurer

Absent: None

All present stood and recited the pledge of allegiance to the Flag of the United States of America.

OPEN FORUM: Robert Fink732 101st NW was present to discuss a holding tank they are planning for the property and will be 4 or 5 feet from the property line and wanted approval to put it that close to the property line. After discussion there was a motion by Supervisor Ludenia to allow the tank to be that close to the line, second by Supervisor Klein. Amended to add that home owner wave’s liability to Township if tank is damaged with tile repair. Motion carried 4-0-1 abstained by Sandy Forsman. Question asked what the 2021 road maintenance work will include, 101st and 97th St? The Board will be discussing what roads will be considered in the near future and that area is some of the highest priority roads.

APPROVAL OF THE AGENDA: Motion by Supervisor Heikkinen, second by Supervisor Ludenia to approve agenda approved 5-0.

Approval of the Consent Agenda: Regular meeting minutes 12/01/2020 and List of Claims (List of Disbursements presented to Board at Meeting) – Included check numbers 16628-16680 in the total amount of \$95,660.12. Motion by Supervisor Klein to approve consent agenda items, second by Supervisor Heikkinen. Motion carried 5-0. Affidavit of Official Interest in Claims – Motion to approve claim by Supervisor Ludenia, second by Supervisor Heikkinen. Motion carried, 4-0-1 abstained, Chris Klein interested party.

Audit of Claims: 16646 Center Point	\$	357.25
16651 Independent Testing		1,490.00
16665 Towmaster		935.00

Motion by Supervisor Heikkinen to approve, second by Supervisor Ludenia. Motion carried, 5-0

Clerk/Treasurer’s Report:

Balance as of November 30, 2020

Revenue Account:	\$118,468.43	Fire Fund	\$ 25,906.83
Road & Bridge Acct:	<u>143,991.81</u>	Contingency Fund	9,116.17
Total Available	262,460.24	Checks Out	36,833.48
		Checking	24,554.14

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Motion by Supervisor Klein to approve report, second by Supervisor Heikkinen. Motion carried 5-0.

MAINTENANCE REPORT

Supervisor Ludenia gave report. Loader was checked out and they suggested we have the valves adjusted, everything else checked out fine. Will check on getting the work done. They have been cutting brush on 123rd St. Sent pickup to be fixed and they found the transmission needs to be fixed. Motion by Supervisor Klein to spend up to \$4500 on fixing the pickup, second by Supervisor Heikkinen. Motion carried 5-0. Thelens came and did pit reclamation. They got most of the big hole filled, they hauled about 5000 yards. Got the gravel uncovered, cut trees and moved most of the black dirt and bill was \$13770. They got the cutting edges switched and got heat in the truck.

Old Business:

Internet/Phone: We can get better service to upgrade to 100 meg for \$99.00. Discussed changing the maintenance and the office phone number around because the shop gets a lot of calls for the office. Supervisor Heikkinen made a motion to spend up to \$99.00 a month to upgrade our internet + onetime fee of \$14.95 and have TDS come out and repair the phone line and switch the phone lines. Second by Supervisor Forsman. Part of the motion was withdrawn, but kept have TDS come out to repair the phone lines. Will continue to the January meeting and have the maintenance department run an ethernet line and see if that improves the internet service. Motion carried 5-0.

Zoom Meetings: Motion by Supervisor Heikkinen to upgrade to the \$149.00 plan for a year of Zoom, second by Supervisor Ness. Motion carried 5-0.

Selection of Chair and Vice Chair: Motion by Supervisor Klein for Sandy as Chairman and Barry for Vice Chair to be effective the first meeting in January. Second by Supervisor Ludenia. Motion carried 5-0.

Selection for Road Boss: Supervisor Heikkinen nominated Mike, second by Supervisor Forsman. Motion carried 4-0-1 abstained Chris Klein.

Name Newspaper used for legal ads: Motion by Supervisor Klein to keep Maple Lake Messenger for legal ads, second by Supervisor Ludenia. Motion carried 5-0.

Name Posting site for Township: (Posting board outside Town Hall and Silver Creek Website) Motion by Supervisor Heikkinen to keep the same; second by Supervisor Forsman. Motion Carried 5-0

Adopt schedule for meetings: (First & Third Tuesday of the Month & P&Z the first Tuesday of the month) Motion by Supervisor Ludenia to keep the same; second by Supervisor Heikkinen. Carried 5-0

Designate a Bank: (CorTrust Monticello): Motion by Supervisor Klein to keep the same bank; second by Supervisor Ludenia. Carried 5-0.

Set Dates:

Audit Meeting: Set for February 2, 2021 at 6:30pm.

Township Cleanup: Will hold May 22, 2021.

Road Tour: Will continue to second meeting in March.

Committees:

Library: (Sandy) Motion by Supervisor Ness, second by Supervisor Heikkinen for Sandy to stay on the Library Committee. Motion carried 5-0.

Fire Dept.: Motion by Supervisor Ness that Chris be the representative for the Maple Lake Fire Dept. Second by Supervisor Ludenia. Motion carried 5-0.
Motion carried 5-0.

CMRP: (Barry & Chris) Motion by Supervisor Ludenia we continue with it, second by Supervisor Ness. Motion carried 5-0.

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Pay rates:

Supervisor: (\$275.00 per month, rate for training day \$100.00, special meetings \$50.00, hourly rate \$20.00. Motion by Supervisor Heikkinen to stay the same, second by Supervisor Ludenia. Motion carried 5-0.

Planning and Zoning: (\$60.00 per meeting, \$15.00 per hour for site inspections.) Motion by Supervisor Heikkinen to stay the same, second by Supervisor Forsman. Motion carried 5-0.

Election Judges (\$18.00 per hour \$20.00 Head Judge, no mileage for travel). Motion by Supervisor Klein to stay the same, second by Supervisor Ludenia. Motion carried 5-0.

Hourly rates for appointed positions: Continue to later meeting.

Mileage Reimbursement Rate: Motion by Supervisor Ness to adopt the rate appointed by the IRS, second by Supervisor Klein. Motion carried 5-0.

Board Policies: Will work on a social media, fund balance, eft policy, and internal controls at later meetings.

Conflict of Interest (Resolutions): Supervisor Ness read the following

RESOLUTION NO. 2020-12-15A
RESOLUTION AUTHORIZING CONTRACT WITH
INTERESTED OFFICER UNDER
Minn. Stat. § 471.88, subd. 5.

WHEREAS, the Board of Supervisors (“Town Board”) of Silver Creek Township (“Town” or “Township”) rely on a Town Supervisor to perform various tasks for the Town that the Town does not otherwise have adequate staff to perform on its behalf, including, but not limited to, the following:

1. Miscellaneous items of work to keep the Town’s roads and right of ways free from debris and fallen limbs, etc.; and
2. Inspection of roads; and
3. Grading, snowplowing, and general maintenance of roads; and
4. Equipment operation, maintenance, repairs, grounds and building maintenance and repairs and general labor required for the position.

WHEREAS, Minn. Stat. § 366.01, Subd. 1, reflects the broad roles that Supervisors play in the functioning of a Township by stating that Supervisors shall have charge of “all town affairs not committed to other officers by law”; and

WHEREAS, Silver Creek Township wishes to retain the services of the Supervisor Chris Klein to perform various maintenance work on behalf of the Township.

NOW, THEREFORE, BE IT RESOLVED that the Town Board, upon a unanimous vote of the Supervisors with the interested officer abstaining, finds that the hourly rate of \$ \$26.00 plus full time benefits plus overtime as accrued in the Employee Policy Handbook that Supervisor Klein receives for his work performing road maintenance and general public works duties for the Township public works department as assigned by the Township Road Boss is as low as, or lower than, the price at which the services he provides could be obtained from other sources.

BE IT FURTHER RESOLVED, that the Town Board, pursuant to Minn. Stat. §§ 471.87-.89 does hereby authorize Supervisor Chris Klein to perform road maintenance and general public works duties for the Township public works department as assigned by the Township Road Boss at the hourly rate of \$ \$26.00 plus full time benefits; the first payment for such services to occur upon the filing of a proper affidavit by the interested officer.

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BE IT FURTHER RESOLVED, that this resolution shall be effective from January 1, 2021 until December 31, 2021.
Adopted this 15th of December, 2020.

Motion by Supervisor Ludenia to accept the resolution, no second received. Motion died for lack of second. Audience member asked what does that mean and it was stated that he will not be able to work in the maintenance department.

Residents in attendance questioned what are the issues are with him working in maintenance. Chairman stated there is an appearance of improprieties and some people consider it a conflict of interest when a Supervisor has a part in deciding what kind of work takes place and is a maintenance employee for that same Township and there is no question of his ability as an employee. Many of the residents in attendance think that Chris does a very good job in maintenance; they do not think there is an issue, who will be doing the work needed, such as snow plowing, and who will we be able to hire for the position at the same wages we are paying now. They would like us to keep track of any issues that might be a conflict for the next year and document them for review next year before a final decision is made. (See 1-05-2021 minutes for changes made)

Supervisor Forsman made a motion to have a special meeting to discuss the resolution for Chris to continue to work in maintenance or being a board member. Motion died for a lack of a second.

Motion by Supervisor Ludenia to continue Chris's contract for another year and if there are people that have concerns, they start documenting it and bring it to the Board, because it is now just hearsay. Second by Supervisor Ness. Motion restated by Chairman to accept the resolution as printed for Chris Klein and document actions over the course of the next year and revisit this the end of next year. After discussion Supervisor Ludenia amended motion to review the documentation the 1st of Nov., second by Supervisor Ness. Motion carried 4-0-1 abstained Chris Klein interested party.

Chairman Ness read these:

Resolution number 2019-12-15B Authorizing Contract with Interested Officer Mike Ludenia The Town Board unanimously approve Mike Ludenia to work on miscellaneous items of work to keep the Town's roads free from debris and fallen limbs, etc.; and Inspection of roads and conduct sign surveys; and grading, snowplowing, and general maintenance of roads; and general labor not to exceed rate of \$20.00 per hour. Resolution valid for the year 2021.

Motion to accept by Supervisor Heikkinen, second by Supervisor Forsman. Motion carried 4-0-1 abstained Mike Ludenia interested party.

Resolution number 2019-12-15C Authorizing Contract with Interested Officer Sandy Forsman. The Town Board unanimously approve Sandy Forsman to work on miscellaneous items of work to keep the Town's roads free from debris and fallen limbs, etc.; and Inspection of roads and conduct sign surveys; and grading, snowplowing, and general maintenance of roads; and general labor not to exceed rate of \$20.00 per hour. Resolution valid for the year 2021

Motion to accept by Supervisor Heikkinen, second by Supervisor Ludenia. Motion carried 4-0-1 abstained Sandy Forsman interested party.

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Resolution number 2019-12-15D Authorizing Contract with Interested Officer Barry Heikkinen. The Town Board unanimously approve Barry Heikkinen to work on miscellaneous items of work to keep the Town’s roads free from debris and fallen limbs, etc.; and Inspection of roads and conduct sign surveys; and grading, snowplowing, and general maintenance of roads; and general labor not to exceed rate of \$20.00 per hour. Resolution valid for the year 2021

Motion to accept by Supervisor Ludenia, second by Supervisor Forsman. Motion carried 4-0-1 abstained Barry Heikkinen interested party.

Read by Barry Heikkinen

Resolution number 2019-12-15E Authorizing Contract with Interested Officer Dan Ness. The Town Board unanimously approve Dan Ness to work on miscellaneous items of work to keep the Town’s roads free from debris and fallen limbs, etc.; and Inspection of roads and conduct sign surveys; and grading, snowplowing, and general maintenance of roads; and general labor not to exceed rate of \$20.00 per hour. Resolution valid for the year 2021

Motion to accept by Supervisor Ludenia, second by Supervisor Forsman. Motion carried 4-0-1 abstained Dan Ness interested party.

Board Policies: Motion by Supervisor Klein to continue to 1st meeting in January 2021, second by Supervisor Forsman. Motion carried 5-0.

Pictures Silver Creek Cars: Car were presented to the Board of cars leaking oil onto ground. Motion by Supervisor Ludenia to send pictures to the County and put them in the file. Second by Supervisor Forsman. Carried 4-1 Supervisor Ness.

Security System: Continued to next meeting

New Business:

Budget Meeting: Continued to next meeting.

Resolution Annual Polling Place: Resolution 2020-12-15 passed for polling place in 2021 will be at 3827 134th St NW. Motion to accept by Supervisor Ludenia, second by Barry Heikkinen. Carried 5-0.

Rocks to Eagle Lake Road: Will contact the County about this. Continued to next meeting

Misc.: We got a report back for the coring and condition on some of the roads. We will need to spend money with Hakanson Anderson to help work on the 5 year plan for priority for Township road work.

Adjournment: Motion by Supervisor Ludenia to adjourn, second by Supervisor Heikkinen. All present in favor. The meeting adjourned at 9:35pm.

Respectfully Submitted
Silver Creek Township Clerk
Nancy Betzler
December 15, 2020 Minutes
Approved by Board of Supervisors
01/05/2021

Approved