

MINUTES OF CLITHERALL TOWNSHIP BOARD
October 1, 2009
EAGLE LAKE LUTHERAN CHURCH
6:00 P.M.

The meeting of the Board of Clitherall Township opened at 6:10 p.m. with the Pledge of Allegiance, led by Chairman Donald Davenport.

Board members in attendance included Donald Davenport, Lyman Trutna, Polly Berg and Jan Eitzen. Also in attendance was Jeff Stabnow, township engineer and Nate Seeger, township attorney.

Approval of September Minutes:

A resident asked for a wording change in the August minutes. The minutes stated she "complained". She asked that the wording be changed to "questioned." Motion by Davenport to make the change. 2nd Trutna. MC/U
September minutes. The meeting minutes for September 17 were titled September 10. Correction made to the minutes. Motion by Trutna to approve the September minutes. 2nd Davenport. MC/U

Committee Reports:

Motor Patrol: Davenport asked about the contract, but Grewe was not in attendance to respond. Trutna gave an explanation of the Motor Patrol.

Fire Dept: Trutna responded he didn't have an update. He stated the contract is in the middle of being written.

Road Inspections: Trutna reported that Grewe is lining up some trappers to take care of beaver problems at culvert on 405th.

Per Trutna, 190th was opened approximately 1st of September.

Grass cutting: The board discussed thistle cutting.

Road Improvement Projects:

Antler Lane: This road involves three areas; two areas the road is built in the wrong place and encroaching on resident properties and the other area a resident is requesting a road move. Christensen quotes the project and estimated that 2/5 of the project cost would be associated with the Lindholm area, 2/5 to Molitor area and 1/5 to the Vipond/Hough area. Motion by Trutna to allocate cost according to this split with the township paying 1/2 of the Lindholm and 1/2 of the Vipond/Hough cost. 2nd Davenport. MC/U. The board discussed previous road moves with residents. Stabnow gave an update; the county is boring at the edge of the slew to determine the condition of the bottom of the slew. The township is waiting on results. A residents at the informational meeting asked if the road could be straightened while they were working on the road. Stabnow stated that he could modify the DNR request could be modified. The board asked Stabnow to determine extra costs for that modification.

S. Clitherall Lake Rd: One property owner's attorney has been corresponding with township attorney Seeger. The only update is that the attorney was notified that the parcel is zoned Agricultural.

Grant Update: Davenport informed residents that the grant is now for 80% but has not been selected for the grant funds.

Crane Lake Drive: Three property owners have sewers in the right-of-way. Davenport researched this in county records and found three recorded notes regarding these. Seeger has copies of these and will adjust the wording to include that the township has no liability for any damage to the systems.

Town Line Agreements: Davenport gave an update on the Nidaros town line agreement. He briefed the residents about the proposal for Clitherall to assume the sections on 405th and thus would maintain the road. The board will discuss this with Seeger.

Ditch 16: No update

FEMA: The township received a packet from FEMA with forms requiring signature.

Culvert Additions: Christensen has the bid for this work and has four completed. The board discussed with Stabnow the appropriate size for a culvert at Bonnie Beach. The board agreed to put in two 18" rather than on 24". The board intends to put a 60' culvert in 365th Ave.

Townhall:

A resident addressed the board regarding the townhall election. He spoke on behalf of a few residents and expressed their being in favor of the townhall but expressed reservations about the cost of the townhall. He stated the notice to residents did not state that a vote would be taken. He also stated that someone voted that was not a resident. Additionally he stated that the March meeting stated it takes a 2/3 vote of the voters to approve a site location. He stated that a vote was taken at that time for \$125,000 and failed. He further asked about voting twice on the same issue. He asked about the board's intention on moving forward. He suggests that the board make the vote null and void. He expressed concern about the proceedings. He recommends a committee to work on picking the townhall site and moving forward.

Seeger responded on the legal points to the resident's questions. He responded to the "illegal vote." He stated that his understanding is that the question of an illegal vote was raised to the vote after the closure of the annual meeting. He state the board researched potential legal voters and found more than one who may be not be legal voters. Seeger researched the issue and consulted with Wayne Stein, county auditor. He stated that the challenge to the voter must occur

during the annual meeting. It is taken to the election judges and moderator, not the board. After the meeting it is taken to the county auditor to determine if they should be on the voter rolls and further explained the challenge process. If the resident's want a vote to be reconsidered, it must be brought within ½ hour. Seeger further spoke to "Robert's Rules of Order." He stated that statutes don't require Robert's Rule and explained what the statutes do require. The request to reconsider was not presented within ½ hour. He responded to the statement of the 2/3 vote to select a site. He clarified that it takes a 2/3 majority vote to "change" a site. The site is not being change. He addressed the concern that the June 17 meeting wasn't notified by mail versus the September meeting that was notified by mail. He explained that the notice to the public starts in March for the first meeting. At the end of the March meeting the next meeting date is scheduled, announced and added to the minutes. Putting the next meeting information in the minutes and announcing it during the meeting satisfying the noticing requirements. Davenport responded to questions about options. He stated that the board considered the "school house" project where the school builds the buildings. He stated the resident's didn't want that option. The board then presented a stick built and a pole building option at the meeting. The next step is to get firm specs for firm quotes. Resident's asked about taking two votes in the annual meeting. Seeger explained that the votes were on two different motions. A resident asked about holding off on the building until March and revote. Seeger responded that the next action that could be taken would be at the next annual meeting. A resident asked if the board was bound to a vote at the annual meeting. Seeger responded that many votes are advisory. The board is required to get elector authority to act on some things. After further discussion, the board agreed to get specs on the building and would possibly include residents in the design process.

LADA:

Davenport discussed the C&C Consultant's bill. He has asked the City of Battle Lake for copies of the work produced that generating the invoice. Leigh Shebeck, Executive Director of LADA will be attending the next township meeting. Davenport will be meeting with Chuck Reeves, mayor of Battle Lake to discuss setting up a joint planning committee from Clitherall, Everts, and City of Battle Lake.

Planning and Zoning:

Each board member intends to select two residents to participate on an planning and zoning advisory group. Residents who have expressed an interest include:

- Richard Mekalson
- Robert Ehlert
- Al Boyum
- Paul Rolandson
- Clinton Bengston
- Craig Bengston
- Bruce Larson

Carol Farr
Trutna will be adding one more to the list tomorrow.
The board will finalize the committee at the recessed meeting when Grewe returns.

FEMA:

The board received paperwork from FEMA and will sign and return the paperwork.

Trutna and Myron Cordis discussed the road for brushing. He will start next week.

Motion to recess by Trutna to recess. 2nd Davenport. MC/U. At 9:55, the meeting recessed to October 16.

Janet Eitzen, Clerk

MINUTES OF CLITHERALL TOWNSHIP BOARD
October 15, 2009
EAGLE LAKE LUTHERAN CHURCH
6:00 P.M.

The meeting was called to order by Don Davenport at 6:15 p.m. All Board members were present except Clerk Janet Eitzen. Also present were the Township's engineer Jeff Stabnow and attorney Nate Seeger. Treasurer Berg recorded the minutes in the absence of the Clerk.

BLMP Report: Grewe indicated that the monies coming back to the BLMP are rather constant right now, so no further discussion or review of the contract has taken place; he said there is no definite plan at this time to take action to stabilize the budget of the BLMP.

Fire Department: The next meeting is scheduled for Wednesday, October 28th. Trutna indicated that the supervisors should plan to attend the meeting to discuss changes to the contract.

South Clitherall Lake Road: Virginia Delaney presented a petition to the Board relating to any improvements that might be made South Clitherall Lake Road. Property owners who signed the Petition indicated that the Township should absorb the costs of any such improvements and not assess individual property owners whose properties adjoin the road. Davenport mentioned that, in the past, property owners have specifically requested that the Board look at ways to improve the road; the Township has submitted applications to obtain grant money specifically tied to this road project because of the substantial costs involved and because the project would involve more than one township. He noted the issue was discussed at earlier meetings and certain property

owners expressed favor with the idea that the Township make needed improvements on the road in sections over a period of time.

Davenport also noted that the Township has received word that the latest grants would cover up to 80 percent of the total cost. He stated that the Township's application has not been acted on as far as he knows. No calculation as to any potential assessment has been made thus far because the Township is nowhere near that point in the overall improvement process. Discussion followed as to how many miles of the project fall in Clitherall Township, and Davenport explained certain provisions within the Township's current assessment policy. Trutna mentioned that the past practice of the Township has been not to assess for costs related to improvement of the roadbed.

Based on past practices, Davenport said that everyone who has legal access to the road would be assessed should the project become one involving paving. In that case, the appraiser would determine the limiting factor as part of the process of determining assessments. The grant money would offset overall costs. Davenport reiterated that there are no plans at this time to assess property owners, as the Township has no idea if it will ever get grant money for the project.

Trutna mentioned some of the road disasters the Township experienced this past spring, noting that the Township recently received a portion of FEMA funds in reimbursement of some of the expenditures made to correct those road problems.

Davenport pointed out that there are several areas in the Township where roads are being surveyed and new legal descriptions prepared because those properties were not recorded correctly with the County. This, in part, has prompted efforts relating to future road moves.

Discussion ensued about Nidaros' involvement, or lack thereof, on any work that may be undertaken on the project. Davenport discussed joint power arrangements between townships that are aimed at addressing maintenance and other problems involving townline roads.

Antler Lane: Davenport stated that part of the road move project involves getting a DNR permit. The DNR has responded that they want some sampling of the area to which the road right-of-way would be moved. According to Jeff Stabnow, Otter Tail County did some sample borings recently. The next step will be to take additional measurements now that there is baseline information that will assist in efforts to determine the placement of the road right-of-way.

South Clitherall Lake Road: Our appraiser indicates work relating to the proposed road moves is now #2 on his list of tasks.

Crane Lake Drive: Three parcels on Crane Lake Drive have drain fields or holding tanks that were placed in the right-of-way. Davenport indicated that apparently the County gave them permission to do this based on handwritten notes the Township

provided years ago (such notes actually gave permission to place fill in the right-of-way). The Board hasn't talked with the property owners yet about these issues. Nate Seeger indicated that the systems look like they are 10 to 12 feet in the right-of-way; he indicated at the time there was no set-back requirement. The Board is looking for a potential solution to present to property owners. This meeting will be recessed until 7:30 a.m. tomorrow morning at which time the supervisors will meet to inspect the road.

Townline Agreements: The Board received a letter from Nidaros' attorney concerning the grant application and Nidaros' stance on its involvement in the project. Counsel pointed out that Nidaros Township did not sign the grant application, nor does it have a joint powers agreement in place with Clitherall Township. Davenport stated that the Board has been working with Bob Meisenheimer on such applications; he will work with our attorney to prepare a response to the letter.

Culverts: The Board discussed the recent work done in replacing certain of the Township culverts and whether or not other necessary repairs will be completed this fall. According to Stabnow, the Bonnie Beach culvert repair is likely to be a two-day project. The work on the culvert located by Larry Nelson's driveway also needs to be completed. Engineer Stabnow will follow-up with Christensen regarding these projects.

Treasurer's Report: The supervisors reviewed the Treasurer's report covering the period from September 1 through September 30, 2009. Grewe made a motion, seconded by Trutna, approving the Treasurer's report. MC/U.

LADA: The director of LADA director was supposed to be in attendance tonight. This topic will be addressed at next month's meeting. Davenport will talk with the Director in the meantime.

Town Hall Site: Davenport noted that the surveyor put in the last two pins so the survey of the Township lot is now complete. The Board wants to get a firm bid on the excavation work and prepare drawings reflecting related to the elevations. Davenport stated that the Board will work to come up with a site design, including the layout of the building, by the next regular meeting. Trutna had no update to provide as to the specifications for the Town Hall.

Planning and Zoning: The supervisors discussed their selection of residents to serve on this Committee. Davenport named those individuals who have been selected thus far. Trutna will have his second selection made shortly. Once the roster of Committee members has been finalized, a meeting will be scheduled between them and the supervisors. Davenport indicated that the purpose of the Committee will be to work to address unresolved issues, such as the proper zoning of certain areas of the Township and other provisions of the ordinance where a diversity of opinion exists in the community. The Committee will prepare and present to the Board its recommendations as to changes to the current draft of the zoning map and ordinance document.

The supervisors reviewed the claims lists for October expenses and discussed the shortfall in the Road and Bridge Fund with the payment of those claims. Davenport made a motion, seconded by Grewe, that a transfer be made from the General Fund to the Road and Bridge Fund in the amount of \$4,000.00, and that an additional transfer be made from the Fire Fund to the Road and Bridge Fund in the amount of \$10,000.00 to cover the claims to be paid from the Road and Bridge Fund. MC/U. On a motion by Grewe, seconded by Trutna, the Board approved the claims. Bills paid by checks numbered 4219 through 4237.

Davenport indicated that the Township is working on an agreement with Tordenskjold Township that addresses cost sharing on townline roads. In 2010, Clitherall Township will submit a bill to Tordenskjold for any costs incurred for gravel and mowing (one of the claims approved tonight is Tordenskjold Township's seeking reimbursement of similar expenditures it paid this year). Tordenskjold is working on the first draft of the agreement. A joint meeting between the Townships will be scheduled after the draft agreement is received. The road covered by this agreement is 435th Avenue and includes a portion of the road, which runs a distance of approximately 1.75 miles.

In readdressing the topic of planning and zoning, Lyman confirmed his second selection of a Township resident to serve on the Planning and Zoning Committee — Craig Bengtsen. One of the first items of business will be for the Committee to develop a schedule for its meetings, including a target date on which it will bring its recommendations to the Board. All three supervisors will be present at the first Committee meeting. Clerk Eitzen will send out a letter to the selected members thanking them for their willingness to serve on the Committee and notifying them of the date of the first Committee meeting. The Board scheduled the first meeting for Thursday, October 29, at 7:00 p.m.

The Board is awaiting the Petitions by which requests will be made to the Township to (1) take over the new road and (2) vacate the road on Deutsch Road Addition and Campground Road. The earliest date for receipt of the Petitions is November 5th. A tentative date for the hearing on the Petitions has been scheduled for December 3rd at 7:30 p.m. Grewe has already inspected the new road and indicated it is acceptable.

Davenport indicated he obtained information from the County as to the sections involved on 405th; he emphasized that the Township has made no decisions concerning the townline road and no discussions have taken place with Nidaros Township on this topic. One option discussed earlier was to take over maintenance of the entire stretch of 405th so repairs could be undertaken at some point on this townline road (but again that option has not been raised with Nidaros). Discussion followed that the Board may need to pursue the remedy provided by state statutes where the County is called upon to resolve any dispute between the townships concerning the town line road. Another option discussed in the past is a joint powers agreement, but Nidaros has indicated a reluctance or unwillingness to enter into such an agreement. The Board will extend an invitation to members of the Nidaros Board to attend the next regular monthly meeting on November 5th.

The next meeting of the West Otter Tail Township Officers Association will be held at the Otter Tail Power Company Community Rooms in Fergus Falls on Monday, November 23rd, starting at 7:00 p.m. The supervisors will meet at 6:30 p.m. at Davenport's house to travel together to the meeting.

On a motion by Trutna, seconded by Grewe, the meeting was recessed to Friday, October 16th, at 7:30 a.m. (for the inspection of Crane Lake Road).

Polly Berg for Clerk Janet Eitzen