

BOARD OF CLITHERALL TOWNSHIP  
MINUTES OF October 23, 2008 REGULAR MONTHLY MEETING  
7:00 P.M.  
EAGLE LAKE CHURCH

The Clitherall Township Board held its regular monthly meeting at 7:00 P.M. Thursday, October 23, 2008 at Eagle Lake Church. Chairman Donald Davenport opened the meeting at 7:07 P.M. with the Pledge of Allegiance.

Board members present were Don Davenport, Dallas Grewe, Lyman Trutna, Polly Berg, and Jan Eitzen. Also in attendance was Jeff Stabnow.

#### Approval of Minutes

Motion by Trutna to approve minutes from September meeting. 2<sup>nd</sup> Grewe.  
MC/U

#### Treasurers Report:

Month end balance is \$66,382.98  
General Fund: 2,739.93  
Road/Bridge: 63,038.36  
Fire Fund: 604.69

The board discussed transferring funds from Road and Bridge to General to cover a deficit there. Motion by Trutna to transfer \$1000 from Road and Bridge to General. 2<sup>nd</sup> Grewe. MC/U

The board discussed the need for a long term loan to cover the Westwood project. Motion by Trutna to authorize getting long term loan up to \$92,500. 2<sup>nd</sup> Grewe. MC/U

Motion by Grewe to accept Treasurer's Report. 2<sup>nd</sup> Trutna. MC/U

#### Committee Reports

##### Motor Patrol Report

Snow equipment is on trucks and they are ready to go. Motor Patrol needs authorization to add "snow plow wheels" to one plow to control the height of the plow to the road to prevent gravel being thrown into the ditches.

Motion by Trutna authorize Motor Patrol to make the addition to one plow.  
2<sup>nd</sup> Grewe. MC/U

##### Fire Dept Report

The Fire Association is requesting the township officials attend a meeting November 13, 2008, 7:00 to discuss the contracts.

##### Road Inspection Report

A spot on the shoulder on 190<sup>th</sup> road keeps caving in (East of the corner of 368<sup>th</sup> Ave. and 190<sup>th</sup>). After the rain, it is sunk in again. Trutna had gravel to fill it.

On South Clitherall Lake road past 385<sup>th</sup> Ave. there is a culvert in the road. Three sections are sunk. Trutna added a culver as a temporary fix.

Tree went down across 350<sup>th</sup>. He removed the tree.

George is still running the magnet. He has only gotten a few pieces of wire recently. Trutna suggesting running the magnet one more time after the roads dry up but before they freeze.

Trutna requested more gravel on 355<sup>th</sup> south of 170<sup>th</sup> street. East of 355<sup>th</sup> one load of gravel of added.

#### Antler Lane Status

Trees and brushes removed to east of Antler Lane. May have to dig stumps out or cut them off. West end is all cleared out too. The road will be tilted away from the lake with a culvert in the low spot. A short form notice can be used to fill the wetlands. Discussion continued regarding specifics of road project and drainage. Anderson Surveying will need board's authorization to re-establish right-of-way markers.

Motion by Trutna to authorize Davenport to sign agreement to hourly contract with Anderson to re-establish right-of-way markers. 2<sup>nd</sup> by Grewe.

MC/U

Gopher feet presented by LeRoy Anderson.

#### Crane Lake

Trutna reported that the basement has been filled in on the Didier property. Trutna will attempt to reach the property owner and get a status.

Trutna read an article from the newspaper regarding maintenance costs of tar and gravel roads.

A resident complained about the condition of the gravel on her road, South Clitherall Lake road. She says the road is “soupy” to 78. She also mentioned a sinkhole west of 405<sup>th</sup> on South Clitherall Lake road, more toward the shoulder of the road. She also mentioned big rocks in the road.

Davenport received a letter from Bump Sawyer requesting \$190 to cover repair costs of tires. The board discussed Seifort paying for tire repairs. Seifort expressed concern about knowing what caused each tire failure. Seifort will pay claims and will then take up claims with Central Specialties. Letter and invoice from Bump Sawyer was received by the Clerk and will be scanned then sent on to Seifort.

#### Engineer’s Report – J. Stabnow

##### Deutsch Addition

Stabnow presented final plat. Motion by Grewe to accept Deutsche Addition as final plat. Stabnow will record at the court house. 2<sup>nd</sup> by Trutna. MC/U. Davenport signed the plat.

##### Crane Lake Drive Hearing

Board discussed having an informational meeting. Board wants to develop a legal description that matches the plat that was never recorded. They would like to explore a cost sharing options with the residents and move the road off the lots. Informational meeting is scheduled for 6:30, January 8, 2008. **Davenport and Eitzen will draft a page to put on the website to inform residents of the options.** This web page will be referenced in the letter sent to residents.

#### Road Improvement Hearings

##### Westwood Hearing

Mark Sand and Gravel will put sealer on road.

Board discussed the plan for assessing this project. The assessments have to be in by the first of December to be applied to the resident taxes next year. The board discussed the contract for the completion of this project and the pending penalties for late completion. The board will recess to November 6, 2008, 6:00.

#### Statesboro Hearing

Davenport gave a status on getting the borrow. The board discussed other options, including getting borrow from some land owned by Stabnow's brother. The board will continue to look at options and will re-evaluate next spring.

#### Area Redevelopment Authority & LADA Contract

##### JobZ

Recommendation by Dan Malmstrom is not to pursue this right now until we have a business interested in moving to Battle Lake area.

##### LADA Joint Task Force

Eitzen presented information from LADA Joint Task Force meeting. Board needs more information.

##### Public assistance for township residents

Don will find the contact for this again.

#### Officer Training Meeting

Meeting scheduled for October 28, 2008 in Ottertail City. All board members plan to attend.

#### Township website

Board would like a map of the township roads put on the website. Davenport requested the signed ordinance document replace the ordinance doc that is up. Board discussed sending a postcard to all

township residents to notify them of them the website. Motion by Trutna to send postcard to all residents. 2<sup>nd</sup> Grewe. MC/U

#### Planning and zoning

Davenport gave update from his meeting with Kahler and Howzer from the county . Davenport and Seeger approached the county about a joint powers agreement. Davenport and Seeger presented that they would like the requirement that all new developments be required to be blacktopped. They also discussed rural conservation districts. The county attorney will look at the statutes affecting these considerations. Davenport meets with the county again 10/24 to continue discussions.

#### Review Compensation Resolution

Berg updated the Compensation policy to reflect the motions passed in the September 2008 minutes. Davenport and Eitzen signed the resolution.

#### MasTec

Davenport signed a permit from MasTec to bury a telephone cable.

#### Lakes Area Community Center

Al Domke mentioned that the Lakes Area Community Center is open and has meeting space available.

#### Election

Board discussed set up of election area.

#### Payment of current bills

Grewe made motion by to pay bills starting with check number 3974 and ending in check number 3991. 2<sup>nd</sup> by Trutna. MC/U

Motion by Trutna to recess to October 28, 2008, 6:30 for Ottertail Officers Meeting and further recessed to November 6, 2008 at 6:00. 2<sup>nd</sup> by Grewe. MC/U. Meeting recessed at 11:28.

BOARD OF CLITHERALL TOWNSHIP  
MINUTES OF November 6, 2008 RECESSED MEETING  
6:00 P.M.  
EAGLE LAKE LUTHERAN CHURCH

The Clitherall Township Board held its recessed meeting at 6:00 P.M. Thursday, November 6, 2008 at Eagle Lake Lutheran Church. Chairman Donald Davenport opened the meeting at 6:08 P.M.

Board members present were Don Davenport, Dallas Grewe, Lyman Trutna, and Jan Eitzen. Also in attendance was Jeff Stabnow.

Engineer Jeff Stabnow spoke with Davenport today and informed him that the Westwood road project is done. The board discussed a some spots that the board may want to look at in the spring and evaluate.

The board discussed options for assessing the penalty against Mark Sand and Gravel for late completion of the job.

Option 1 is to assess the penalty, reducing the overall cost of the project and passing the savings on to the taxpayer.

Option 2 is to use the penalties to negotiate a later payment date so the payment of the project could be pushed to next year and closer to the date that payment could be received from assessments.

Greg Marcus spoke on behalf of Mark Sand and Gravel regarding the late completion of the project. The board discussed the contract and the specifics of determining the completion date. The contract specifically stated completion and acceptance of the project, while Mark Sand & Gravel argued for substantial completion and stated weather conditions causing a delay.

The contracted completion date was October 11. The shoulder was completed on October 14 and the sand seal completed on October 29. The days between the 10<sup>th</sup> and the 14<sup>th</sup> were rainy, delaying the shoulder work, which would have been completed before the deadline. Deficiencies were noticed on the 14 but a decision on correction wasn't made until the 23<sup>rd</sup>. Davenport suggested a compromise delay penalty of 5 days at \$500 a day.

Trutna made a motion to reduce the delay penalty to \$2500. 2<sup>nd</sup> by Grewe. MC/U

The board discussed with Mark Sand & Gravel the ability to waive the \$2500 penalty with an understanding of delaying the payment on the full invoice

amount of \$79,389.94 until the end of March 2009. Mark Sand & Gravel agreed to these terms.

Davenport made a motion to waive the \$2500 penalty and delay payment of the full invoice amount of \$79,389.94 until the end of March, 2009. 2<sup>nd</sup> Trutna. MC/U

South Clitherall Lake Road

The board discussed the status of moving this road.

The board discussed options for a townhall. The discussion included conversation about the election held at Eagle Lake Lutheran Church and its conflict with the Stew Feed offered by the church the same evening. The board will continue to look at options to resolve the conflict. Trutna will review the previous design for a townhall and determine dimensions.

The board discussed putting out replacement road signs.

Motion by Trutna to recess to November 13, 2008, 7:00 for Joint Powers Agreement discussion with Fire Dept and further recessed to November 20, 2008 at 7:00 a.m. for oral arguments for court case at Fargo Court House. 2<sup>nd</sup> by Grewe. MC/U.

Meeting recessed at 8:53.