

Helga Township  
Board of Supervisors  
Minutes  
December 20, 2011

**PRESENT:** Chair Mike Smith, Supervisors Dave Christianson, Jim Lyle, Mike Sherwood, Treasurer Marilyn Pemble and Clerk Shannon Skime. Also present was Planning Commission Chair Steve Pemble. Absent were Supervisor Jim Autrey and LUA Jim Baruth

Meeting was called to order at 7:01pm. The pledge of allegiance was recited.

**APPROVAL OF AGENDA:**

The Board reviewed the agenda and added Rebecca Whelan, Jim Autrey's resignation. **Motion** made by Mike Sherwood to approve the agenda with the stated additions. Seconded by Dave Christianson, motion carried.

**LUO/PLANNING COMMISSION UPDATE**

Planning Commission Chair Steve Pemble highlighted some of the recent changes to the LUO. The Public Hearing of for the final changes to the Land Use Ordinance had been held on December 7<sup>th</sup>. One recommendation of the Commission was to allow up to 240 square foot free standing structure to be built without a LU Permit. The Commission felt that smaller structures did not warrant the time and expense of the LUA. Another change to the LUO was to have the Ordinance refer the reader to the current township fee schedule rather that list the actual fees in the ordinance. This will allow the Township to make changes to the fee schedule without having to update the entire Ordinance. The Board reviewed the proposed LUO.

Resolution R-12-20-2011-1 titled "A Resolution Adopting Ordinance No 12-20-2011-1 Amending the Helga Township Land Use Ordinance" was read into record. **Motion** made by Mike Sherwood to adopt the resolution R-12-20-2011-1, seconded by Dave Christianson. In favor were Mike Smith, Mike Sherwood, Jim Lyle, and Dave Christianson. There were none opposing. Motion carried.

Summary Resolution No R-12-20-2011-2, titled "Resolution Approving Summary Language For Publication of the Ordinance Amending the Helga Township Land Use Ordinance and Resolution Adopting a Fee Schedule" was read into record. **Motion** made by Dave Christianson to approve Resolution R-12-20-2011-2, seconded by Jim Lyle. In favor were Mike Smith, Mike Sherwood, Jim Lyle, and Dave Christianson. There were none opposing. Motion carried.

**LUA UPDATE & CUP ISSUES**

*Policy/process for LUA to follow in issuing a Cease & Desist.* Chair Smith had prepared an outline of suggested policy and procedures for the LUA to follow. The Board reviewed them and made some suggested changes. Motion made by Mike Sherwood to approve the policy and procedures for the LUA to use when a Cease and Desist order is needed. Seconded by Dave Christianson, motion carried. *The document is made part of these minutes.*

*Doug Crosby.* Doug Crosby was discussed. It was noted another violation had occurred in moving gravel from the site. A letter from township attorney Troy Gilchrist was sent to Crosby outlining the violation and what he must do to correct it.

Doug was in attendance at the meeting. He started by saying he had tried to reach Baruth for a week and was just called back that day. Smith said he had talked with Baruth and the first message Baruth received, his wife had taken on Monday (the day before the meeting). Baruth

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said he was working till after 8pm on Monday and Tuesday worked till 5. Crosby called again after 5 and discussed with Baruth getting together to review Crosby's plan. They have set Tuesday December 27<sup>th</sup> to meet at Crosby's site.

Crosby also said he left a message on the Clerks voicemail and was never called back. Shannon explained she got the call on her voice mail about the refund check. She talked with Baruth and Jim called Doug back. Shannon apologized for not returning the call herself but said Baruth did call him back on the matter. Doug referenced that he had called Chair Smith for clarification on when the refund would be processed.

Smith explained that the recent violation is the 3<sup>rd</sup> violation from Crosby on the Land Use Ordinance. Smith detailed the process that Crosby must go through before proceeding on his project. First is the meeting with Baruth. Baruth is to review the proposal, assure all documentation is complete. Determine whether the request will require a CUP, IUP or possibly both. Pass the documentation along with Jim Baruth's recommendation to the Planning Commission. The Planning Commission would review the request and if they agree with the proposal and all the documentation is in order and agree with Baruth's recommendation they would schedule a public hearing on the request. After the public hearing the documentation along with recommendation and comments from the public hearing will be forwarded on to the Board for a final determination.

The board discussed the timing of the request stating that we had just chosen to cancel the January meeting of the Planning Commission and the next scheduled meeting was February 1, 2012. Crosby stated that should work as most of the proposed work wouldn't begin until spring.

Crosby brought up the issue of 470<sup>th</sup> Street not being correctly placed on the property line again. He stated that he had discussed this with his attorney. Smith clarified that this is a separate issue from the existing violations and the Board would not be combining the two. He further clarified that this has been discussed at 2 prior meetings. Smith explained to Crosby that it his decision on whether he chooses to pursue it.

Crosby stated he had tried to make a call to the Township Attorney Troy Gilchrist. Smith said he had received an e-mail from Troy on this just prior to the meeting. Smith explained that Troy wouldn't be returning the call. That taking calls directly from residents would be inappropriate.

Smith then reinforced with Crosby that we have already had 3 violations from him. If Crosby wanted a good working relationship with the Township that he needs to adhere to the provisions of the Land Use Ordinance.

Maple Ridge Golf Course, annual permit renewal. Maple Ridge Golf Course had mailed there renewal for their 3.2 liquor license to the clerk. **Motion** made by Mike Smith to approve the renewal, seconded by Mike Sherwood, motion carried.

Rebecca Whelan. Whelans had put a mobile home on their property for their father, without going through the LU permit process and without subdividing the property. They were now going through the LU permit process to add a garage on the same property. Whelan has submitted the proper paperwork for both and has provided payment including the after the fact fee at two time the normal fee. Baruth had discussed the fact with Smith that due to the

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inconsistencies in the previous LUO and the fee schedule, we had already agreed to reduce the penalty to twice the original fee for another resident in November. **Motion** to approve both LU permits with the reduced penalty made by Mike Smith, seconded by Mike Sherwood, motion carried.

Charles Bahr. The Board discussed the fact that earlier in the year Charles Bahr was also charged an after the fact penalty at the five times the original fee. **Motion** made by Mike Smith to go back and refund the difference from the five times to the two times the original fee. Seconded by Dave Christianson, motion carried.

#### **ROAD ISSUES/UPDATE.**

Snowplowing Contract/Winter Maintenance. The Contract was finalized with Vogt's Dirt Service. Dave Christianson reported that five of the roads were really in bad condition and he directed Vogt to go out today. Christianson will go out again to review the quality of these roads after the blading is done.

Hubbard County billing for 2011 gravel and magnesium chloride. The final billing came from Hubbard County Highway Department for the gravel contract and the magnesium chloride. The Township was not charged for the inferior gravel. **Motion** made by Mike Sherwood to approve the payment to Hubbard County Highway Department in the amount of \$74,724.58, seconded by Jim Lyle, motion carried.

Road Policy— Dave Christianson reported that he had discussed the road policy with Mike Karvako. The plan is to have a draft to review in January. Then have a final draft ready for the Board to review in time for the February Board Meeting. Smith explained that he would like this completed to review with the residents at the annual meeting in March.

#### **RURAL FIRE ASSOCIATION**

Study with City of Bemidji. The Association would still like a resolution from each of the townships. We have not been provided any additional information to help form a decision at this time. There is a meeting in January. Smith is planning on attending.

#### **CEMETERY ISSUES:**

Jean Williams Update. Jean Williams has turned in her voucher for her work with the cemetery during the year. It was only \$75. She also turned in a voucher for Greenwood Cemetery in the amount of \$200 to compensate for some of the cost of using their facilities, computer, paper, storage, etc. These payments have been processed and are part of the consent agenda.

Bell Tower Gate. Ron Mudge has provided the Township with a quote on building a gate to help secure the bell tower at the cemetery. The total quote is \$269.54. **Motion** made by Mike Sherwood to approve the quote from Ron Mudge, seconded by Dave Christianson, motion carried.

#### **ASSESSOR**

Deb Tuck. Deb Tuck's employment agreement was finalized and her payment through November was processed with the PERA deductions/contributions per last months Board

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decision. She submitted an additional voucher as agreed upon to bring us on track for the quarterly billing. Her voucher is part of the consent agenda.

**TOWNHALL**

RETAP Energy Assessment. Sherwood reported that he still needs to coordinate getting into the hall in order to be able to answer some of the questions on the paperwork for RETAP. He will work on getting some estimates on costs of remodeling the current building further verses building a new hall.

**YEAR END PLANNING**

Board of Audit, scheduled for January 25, 2012 at 7pm.

Budget Meeting, scheduled for February 20, 2012 at 7pm.

**HUBBARD COUNTY AUDITORS OFFICE**

Report of Outstanding Indebtedness. The report needs to be filled out by and returned to the Auditors office by the end of January. The Township has no outstanding indebtedness. The Board directed the clerk to complete the form and send it to the Auditors Office.

**TREASURER REPORT** *see attached.*

Treasurer Pemble had provided the board with her reports for the month and they are part of the consent agenda. In addition she informed the Board that the November Tax Settlement and the MN Dept of Revenue Market Value Credit came in during the month.

**REVIEW VOUCHER/CLAIMS**

The Board reviewed the voucher and claims that were presented for the month.

**CONSENT AGENDA:**

- 1. Claims List for Approval/Net payroll list**
- 2. Minutes of November 22, 2011 Regular Town Board Meeting**
- 3. Treasurers Reports**

**Motion** made by Dave Christianson to approve the consent agenda, seconded by Mike Sherwood, motion carried.

**CORRESPONDENCES:**

2011 Government Survey from the US Census Bureau—The Board directed the clerk to complete this.

Various e-mails from month

**ANNOUNCEMENTS:**

Planning Commission meeting Wed, Jan 4, 2012, 7pm

Next Regular Board Meeting Jan 24, 2012 7 pm.

Fire Association research committee meeting Jan 5<sup>th</sup>

**OTHER:**

Supervisor Jim Autrey submitted his resignation this morning via e-mail to the members of the Board. He stated that it was for personal reasons, asking that the Board respect his decision and

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that it be effective immediately. **Motion** made by Mike Sherwood to accept his resignation, seconded by Jim Lyle, motion carried. Mike Smith noted that Steve Pemble had expressed interest in being on the Board of Supervisors in the past and in hearing that their may be a position open has already submitted a letter of interest to consider.

**ADJOURNMENT**

Motion to adjourn made by Dave Christianson, seconded by Jim Lyle, motion carried.

Meeting adjourned at 8:47pm.

Respectfully Submitted

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*Shannon Skime, Township Clerk*

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*Mike Smith, Chairman*

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**FUND ACTIVITY FOR NOVEMBER 2011  
CHECKING / MONEY MARKET**

<u>ENDING BALANCE</u> <u>NAME OF FUND</u>	<u>BALANCE</u>	<u>RECEIPTS</u>	<u>DISBURSED</u>	<u>OF</u>
BEGINNING				
<b>CHECKING</b>				
General Fund	\$ 12,891.85	\$ 5,179.91	\$ 8,533.26	\$
9,538.50				
Gas Tax Fund	\$ 16,185.90	\$ 0.00	\$ 0.00	\$
16,185.90				
Road & Bridge Fund	\$ 109,827.06	\$ 5,816.94	\$ 4,080.00	
\$111,564.00				
Fire Fund	(\$ 5,082.73)	\$ 1,374.91	\$ 0.00	(\$
3,707.82)				
Cemetery Fund	(\$ 1,037.36)	\$ 211.54	\$ 151.72	(\$
977.54)				
Town Hall Fund	\$ 1,511.34	\$ 75.00	\$ 0.00	\$
1,586.34				
Excess Funds (\$ Market)	\$ 96,028.38	\$ 0.00	\$ 0.00	\$
96,028.38				
<b>TOTALS</b>	\$ 230,324.44	+\$ 12,658.30	-\$	
12,764.98	<b>\$230,217.76</b>			

**INVESTMENTS**

<u>ENDING BALANCE</u> <u>NAME OF FUND</u>	<u>BALANCE</u>	<u>RECEIPTS</u>	<u>DISBURSED</u>	<u>OF</u>
BEGINNING				
<b>INVESTMENTS</b>				
General Fund	\$ 88,859.13	\$ 0.00	\$ 0.00	\$
88,859.13				
Gas Tax Fund	\$ 0.00	\$ 0.00	\$ 0.00	\$
0.00				
Road & Bridge Fund	\$ 52,740.44	\$ 0.00	\$ 0.00	\$
52,740.44				
Fire Fund	\$ 29,619.71	\$ 0.00	\$ 0.00	\$
29,619.71				
Cemetery Fund	\$ 8,770.42	\$ 0.00	\$ 0.00	\$
8,770.42				

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Town Hall Fund	\$	0.00	\$	0.00	\$	0.00	\$
0.00							
Center Board (Savings)	\$	2,826.73	\$	0.00	\$	0.00	\$
<u>2,826.73</u>							
<b>TOTALS</b>		\$182,816.43	+\$	0.00	-\$	0.00	
<b>\$182,816.43</b>							

**TOTAL OF HELGA TOWNSHIP  
ACCOUNTS  
\$413,034.19**

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TREASURER'S REPORT  
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TruStar Bank Bank Balance November 1, 2011 to November 30, 2011

Bank Statement Business Checking 11/1/11	\$ 139,050.26	
22 Drafts Cleared in the Amount of	-\$ 6,618.30	
TruStar Fees (Check copy)	-\$ 10.00	
1 Hall Rentals	\$ 75.00	
5 Building Permits	\$ 1,750.00	
State of MN / Market Value credits	+\$ 10,576.27	
Bemidji Coop Credit Refund	+\$ 62.15	
Country Financial Ins Refund	+\$ 165.00	
Checking Dividend Deposit	<u>+\$ 29.88</u>	
Bank Statement Balance / Checking 11/30/11	\$ 145,080.26	
(Outstanding Checks	-\$ 10,890.88)	
Helga Twsp Checking Balance on 11/30/11		
\$134,189.38		
Money Market Savings		\$ 96,028.38
Savings Account		\$ 2,826.73
6 Certificates		\$179,989.70
<b>TOTAL OF HELGA TOWNSHIP ACCOUNTS</b>		<b>\$413,034.19</b>

Respectfully Submitted by:

Marilyn Pemble  
Helga Township Treasurer

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**Procedures to Follow When Issuing a Cease & Desist**

1. LUA is to do the site visit and report the violation back to the Board Chair or Vice Chair
2. The LUA and the Chair (Vice Chair) will determine if the violation warrants a Cease & Desist
3. The Chair or Vice Chair will contact the Township Attorney to draft the Cease & Desist (Currently Troy Gilchrest)
4. The LUA will follow up with the landowner after the Cease & Desist is issued to monitor progress on correcting the violation.
5. LUA Will report on the violation and the progress to the Township Board and the Planning Commission