

Helga Township  
Board of Supervisors  
Minutes  
September 25, 2012

**PRESENT:** Chairman Mike Smith, Vice Chair Mike Sherwood, Supervisors Jim Lyle, Bob Kleinschmidt, Treasurer Marilyn Pemble, Clerk Shannon Skime and LUA Jim Baruth.

Absent: Supervisor Steve Pemble

Chair Smith called the meeting to order at 7:04 pm. The pledge of allegiance was recited.

**APPROVAL OF AGENDA:**

The Board reviewed the agenda. Baruth asked if 6 permit applications could be added to the agenda Ruben and Megan Morrison pole building Dirk Fisher storage building, Jim Autrey driveway access permit, Gary Koller shop and personal office, Bill Maddox new home with attached garage, and Bernie Berg pole building. **Motion** made by Mike Sherwood to approve the agenda with the addition of the 6 permits requested by Baruth. Seconded by Bob Kleinschmidt, motion carried.

**ADMINISTRATIVE RESOLUTION**

Board members were given a draft of a proposed resolution to review. Mike Sherwood explains that due to recent large request by individuals for items to be added to the agenda, the Board is working on developing an administrative resolution that would set up a policy laying out how the meetings will be conducted and how the public request will be taken care of. Sherwood adds that one part that has kind of been missing in the meetings is the citizens comment area. Sherwood recommends that the Board review the draft and send any comments to him to during the month for him to compile. The attorneys from the Minnesota Association of Township provided the guidelines for the Board to review. These will be discussed at next months meeting.

**TREASURER**

Treasurer Pemble read her report which is attached and made part of these minutes. She reports that five CDs renewed at the rate of 0.695%. There is also one more set to automatically renew. These certificates are flexible as we can add to or remove half out of them without penalty.

**Motion** made by Mike Sherwood to accept the treasurer's report. Seconded by Bob Kleinschmidt, motion carried.

**Motion** to recess to review the claims made by Mike Sherwood, seconded by Bob Kleinschmidt, motion carried.

**CONSENT AGENDA:**

The Board members were provided with the following items to review prior to the meeting:

1.2-Claims lists for approval ck 7540- 7549 and 7551- 7554 /Net payroll list checks 7533 – 7539

Check #7540 replaces returned and voided check #7475 regarding donation to North Country 1<sup>st</sup> Responder.

(Old box of checks ended on 7549, new one started on 7551, ck 7550 was used to place the order for new checks)

2.Meeting Minutes of July 24<sup>th</sup>, 2012 and August 28<sup>th</sup>, 2012

3.Treasurers Reports

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After reviewing the claims the Board resumed the meeting. Mona Degestad asks the Board if a list of the items being paid is available for the public. The Board responded that a copy could be provided once it was approved. After reviewing the claims the Board resumed the meeting. Motion made by Mike Sherwood to accept the consent agenda items, seconded by Bob Kleinschmidt motion carried. Copies of the claims list for approval were made and distributed.

#### **TOWNSHIP NOTICE POSTING SITES**

Mike Smith states that currently we are posting at the town hall bulletin board, Fugate's store and the township website. Skime reports that on several occasions this year when she has gone to Fugate's to post a notice, the prior postings that are still current and relevant have been removed. The main posting stating when the regular board and planning commission meetings are has been removed again. Skime adds that the third time she reposted this notice she wrote on the notice that it was not to be removed until further notice by the clerk. She doesn't feel this is a reliable posting site. Skime reads Minnesota Statue 366.01 subdivision A states when designating a posting place the board must be sure the place is accessible after regular business hours. She reports that Fugate's bulletin board is not accessible after business hours. The town hall's bulletin board is outside and available at all hours as is the website. She adds the board is only required to have one designated posting site, but can choose to have more. Sherwood comments that Fugate's is open extended hours and have a lot of traffic through it. He feels the Board should wait until next year to make any changes to the posting sites. He offers to speak to the Fugates regarding the issue if the board so chooses to continue to use their store as a posting site. **Motion** made by Mike Sherwood to keep the posting sites as is until the first of the year, seconded by Bob Kleinschmidt. Discussion began. Smith asks if it would help to put them in a plastic sleeve. Skime adds that the space is very limited on the stores bulletin board. She actually taped the posting regarding the regular monthly meetings along side the bulletin board so it wasn't in the main area. Chair Smith called for vote. Motion carried.

#### **TOWN HALL/GROUNDS**

##### Clay Family Trust Property-driveway/road issue.

After receiving a letter from the attorney's representing the Clay Family's Trust Mike Sherwood researched the property and driveway which goes through the townships land. In response to their inquiry, he drafted a letter stating the Board's position. The Board wishes to work with the Clay family towards a resolution. Donald Clay was at the meeting and addressed the Board on behalf of the Trust. He shares that in the letter from the Board; the Board suggests the Clays seek alternative access off of County Rd 36. Clay states that they do not have the ability to access 36, if they can not continue to use the current access they will have no access. There is some discrepancy as to whether or not front street has been vacated or not. Clay states that they own to Front Street and no farther. Sherwood says that the Board was asked to state their position as to the access and that is what they responded to. This doesn't mean that the Board is not open to working together with the Clay family towards a resolution. The property on the west end of Clay's property belongs to the township. Based on the information we have, when Front Street was vacated it became part of the township property. The Town has never vacated

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the portion of Front Street adjoining Clays. It is not that it couldn't happen, it just hasn't been done. The Board will continue to work with the Clays towards a resolution.

Eagle Scout Project- Mark Lacey letter

The Board would like to recognize the work done by Mark Lacey. Mark worked very hard to develop, raise funds and complete the bike trail connection. Mike Smith drafted a letter of appreciation recognizing his work on this project. Copies were provided to the Board. **Motion** made by Mike Smith to have the Board members sign the letter and send it to Mark. Seconded by Bob Kleinschmidt, motion carried.

Wayne Hoff

Wayne Hoff was at the hall today. He did some clean up in the upper level in preparation for photos to be taken which will be used in his efforts to gain support for the restoration of the building. He has a performance scheduled for October 6 at 2:00 for potential investors to attend. He would like to have permission to have access to the upper level for this event also. Mike Sherwood adds that it is a non-profit event and thinks the Board should waive the rental fee. Motion made by Mike Sherwood to allow Wayne Hoff to use the hall without paying the fee and to be allowed access to the upper level, seconded by Jim Lyle, motion carried.

Special Meeting Oct 16, 7:00pm regarding building a new town hall vs. fixing the old one

A special meeting has been scheduled for Oct 16<sup>th</sup> at 7pm to discuss the ballot question regarding the town hall

**CEMETERY ISSUES:**

Headstones repair

This has been started, but has not been completed.

Fencing

There is no new information at this time, tabled.

**ROAD ISSUES:**

Road Report

Bob Kleinschmidt prepared a summary report of his activity and the road issues for this month. He provided copies. The report is attached and hereby made part of these minutes. Bob also reports that the Town needs to order four minimum maintenance road signs. They will cost approximately \$65 each. **Motion** made by Bob Kleinschmidt to purchase four minimum maintenance signs, seconded by Mike Sherwood, motion carried.

Snow Plowing/Grading

The current contract with Vogt's Dirt Service allows for the extension through the 2013 snow season. **Motion** mad by Bob Kleinschmidt to extend the contract with Vogt's Dirt Service through May of 2013, seconded by Jim Lyle, motion carried.

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Kleinschmidt also reports that Dale Vogt has purchased a grader with a 16 foot blade. Barb Geller addresses the Board and says that the last few times they have graded on Union Road there have been large clumps of dirt left on the edges of the road. Gary Skime states that the operator can only fix this by doing a third pass. The grader is currently only doing two passes. Kleinschmidt says that Vogt is hoping that using the wider blade will help with this issue.

Town hall vandalism/Picnic shelter

Kleinschmidt reports that on August 30<sup>th</sup> the town hall had been vandalized. He repaired the basement window. While doing this he noticed the picnic shelter is out of plumb. He says it is in need of additional bracing. **Motion** made by Bob Kleinschmidt to seek quotes to repair the shelter, seconded by Jim Lyle, motion carried.

Storm Damage Assistance

Kleinschmidt that he contacted Hubbard County regarding the storm damage and there is state relief money available to reimburse the Town for some of the cost incurred due to storms this summers. He totaled up what we spent, \$7292. He went to Park Rapids and applied for the aid.

2013 Gravel Contract

While at Hubbard County Bob was asked if the Town intended to go with the Hubbard County gravel contract for the 2013 season. **Motion** made by Bob Kleinschmidt to go with the Hubbard County gravel contract in 2013, seconded by Jim Lyle. Discussion ensued. Some of last years gravel through the county contract was found to be substandard. The County discovered this through the testing they do as part of the contract. The Town was compensated for this. The Chair called for the vote and motion was carried.

Mowing

The mowing season for 2012 is completed.

Mileage certification from the county

Hubbard County Highway Department has sent the annual map for mileage certification.

**Motion** made by Mike Smith to give Bob Kleinschmidt the authority to review and sign the map, seconded by Mike Sherwood, motion carried.

**FIRE ASSOCIATION:**

August fire report

The August fire report was distributed and reviewed by Mike Smith.

Resolution

The resolution was signed and sent to the Fire Association

Letter of support for Concept of using Assessments as a funding source for Fire/Rescue

No discussion

**PLANNING COMMISSION**

Open position

There has been no interest expressed to the Board at this time.

October Meeting

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The next meeting of the Planning Commission is scheduled for Oct 3<sup>rd</sup>, 7pm.  
Currently there is no new business and the meeting may be cancelled.

**LUA UPDATE & CUP ISSUES:**

LU Permits

LUA Jim Baruth presented the Board with 6 land use permits to review. Baruth reports on each permit that they are in compliance with the current LU ordinance. The board reviews the permits and votes on each one. Ruben and Megan Morrison 40x60 storage/pole building at 25119 Beltrami Line Road. **Motion** made by Mike Smith to approve the permit, seconded by Jim Lyle, motion carried. Dirk Fisher by the All Area Storage site, Dirk wishes to build a 20x24 storage building near the mobile home on site for private use. **Motion** made by Mike Sherwood to approve the permit, seconded by Bob Kleinschmidt, motion carried. Jim Autrey driveway access permits. Autrey is applying for a permit to gain access for the removal of storm damaged trees off the end of White Oak Point Trail. Baruth reports that a culvert is not necessary and the access will be permanent. **Motion** made by Mike Sherwood to approve, seconded by Bob Kleinschmidt, motion carried. Gary Kollar 48x72 shop and personal office located at 47657 265<sup>th</sup> Ave. **Motion** made by Bob Kleinschmidt to approve, seconded by Jim Lyle, motion carried. Bill Maddox new home with attached garage located at 23360 500<sup>th</sup> St. There is a mobile home on site that would need to be removed within a year from issuing of the permit. **Motion** made by Mike Sherwood to approve the permit with the condition that the mobile home is removed within one year of date of issue, seconded by Bob Kleinschmidt, motion carried. Bernie Berg 30x40 storage building located at 22626 Cty Rd 9. **Motion** made by Bob Kleinschmidt to approve, seconded by Mike Sherwood, motion carried.

Fisher Violations-No Report

Crosby: In Litigation- No Report

Township statement regarding Crosby litigation

Mike Sherwood drafted a statement to be read to the public concerning the ongoing Crosby litigation. Copies were distributed to board members to review. **Motion** made by Mike Sherwood to accept the statement, seconded by Jim Lyle, motion carried. Sherwood then read the statement to the public, which is attached and hereby made part of these minutes.

**ELECTION ISSUES**

Filed allegations with County Attorney's Office

Skime reports that there was a complaint filed by Jeanie Porter with the County Attorney's office. The County Sheriffs department investigated the complaint interviewing Skime and deputy clerk Bobbie Fadness. The investigator told Skime that the matter would probably be dropped. She has not received any information stating that the investigation is closed.

Head Judge(s) for November election

Skime reports that due to the open investigation, the amount of the responsibility and the fact that she has only served as a election judge once, Bobbie Fadness doesn't feel she should be serving as head judge for the general election. Skime will contact one of the current judges to seek their interest in serving as head judge in light of the circumstances. If that person is not

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willing to, Skime will contact the County Auditors office and inform them they need to provide one.

**OTHER**

Filed allegations with Hubbard County Sheriff's Office

Mike Smith reports that there is also an investigation regarding allegations of open meeting law violations.

**CORRESPONDENCES**

Mileage Certification 2012 from Hubbard County

LTAP seminars

Enbridge letter dated 9/6/12 containing general information regarding the company

Enbridge letter dated 9/11/12 regarding "Application for Line 67 Station Upgrade Project"

Karvako Engineering newsletter

**ANNOUNCEMENTS:**

Oct 3, 2012 7pm Planning Commission meeting (may cancel due to lack of new business)

Oct 10, 2012 8am-1pm training for LBAE at Hubbard County Courthouse

Oct 16, 2012 7pm Informational meeting regard building new hall vs. repair old.

Oct 23, 2012 7 pm Next Regular Board Meeting

Schedule of Association Meetings: 7:30 pm

**2012**

Nov. 19th-Farden Township

**2013**

January 28th-Straight River Township (4th Monday)

March 18th-Hart Lake Township

Before closing Jim Lyle asks resident Gary Skime if he had something he wished to discuss with the board. Skime states that he pushed up windrows at Donald Clays about 5 to 6 years ago. He would like to take them off but I guess with all this trouble of taking off. Mike Sherwood says that he should discuss the issue with Baruth. That is how the process works. Baruth will help determine if it's substantial or not. Skime says that it's been there about 30 to 40 years. Clays says probably more than that. Baruth takes Skime's phone number and will contact him.

Motion made by Bob Kleinschmidt to adjourn the meeting, seconded by Mike Sherwood, motion carried.

Meeting adjourned at 8:37pm.

Respectfully Submitted

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*Shannon Skime, Township Clerk*

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*Mike Smith, Chairman*

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On August 31, 2012, the district court denied the Township's motion for a temporary injunction against Douglas Crosby and also dissolved the temporary restraining order that had previously been issued by the court in favor the Township on July 6, 2012. Although the Town Board is extremely disappointed with the court's ruling, it is our intent to continue to aggressively pursue the Township's enforcement action against Mr. Crosby

The Township has never objected to Mr. Crosby, or for that matter anyone else, from picking and/or piling rocks on their private property for purposes of attaining tillable fields or pastures. However, contrary to Mr. Crosby's contention, the Township does not consider the excavation and removal of over 1,800 yards (approximately 150 to 180 truckloads) of materials from a resident's property (some of which was used as fill at a nearby road construction project) as a common agricultural use or accessory use to farming under the Township's Land Use Ordinance. Instead, such removal of materials from a property requires a permit from the Town Board in order to ensure that appropriate conditions are in place to help protect neighboring owners, to promote public safety, to avoid damage to public roads, and to make sure that the land is properly restored.

The Township's excavation provision is consistent with the language of similar ordinances enacted by towns and cities throughout the State and represents a reasonable exercise of the Township's statutorily granted authority to establish reasonable land use regulations within the Township. Ongoing enforcement of the Land Use Ordinance is necessary to maintain the integrity of the Township's land use restrictions as well as the Town Board's overall authority to govern. In the end, the Township is confident that it will ultimately prevail on the merits of its claims against Mr. Crosby as well as each of the counter claims asserted by Mr. Crosby against the Township.



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Helga Township Road Review September, 2012      9/25/12

1. Drove to Hubbard Co. Highway Dept. @ Park Rapids to pick up signs and met with Herb McCormick /Marv V. on road maintenance.
  - Heavy rains in the early summer were not helpful to chloride roads.
  - Minimal on blading but must keep ruts and potholes smooth.
  - Some washboard and rough areas are results of poor gravel.
  - Second applications are essential.
2. Hubbard County doesn't have any Minimum Maintenance signs. I would need to order through a supplier like M & R sign Company. The cost is \$65.64 each plus shipping (4 = approx. \$280.00).
3. I replaced a reverse curve right sign on Balsam Beech Road. (219<sup>th</sup> Ave).
4. I reviewed the Township's current snow removal contract with Dale Vogt. It allows extending the contract through 2013 season. I would make a motion that we extend the snowplowing contract with Vogt Dirt Service, LLC through May of 2013.
5. Dale Vogt stated he has bought a motor grader with a 16 foot wide blade which should help cleaning up the edges. They will be blading on Wednesday.
6. I repaired the vandalism-kicked in basement window well.
7. I also noticed the picnic shelter leans east and needs additional bracing.
8. Talled up the costs for cleanup of the July 2<sup>nd</sup> storm cleanup and submitted a request to Hubbard County Emergency Management for \$7,292.00.
9. Hubbard Co. will be requesting certified township road mileage and requests information on the Township plans for gravel and chloride in 2013-on Hubbard County contract? I would make a motion that we go with the County contract in 2013 and the roads to be determined on our annual road review.
10. We need to complete an annual road review-date?

Submitted by:

Bob Kleinschmidt  
Township Supervisor

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TruStar Bank Bank Balance August 1, 2012 to August 31, 2012

|   |                  |                     |
|---|------------------|---------------------|
| Bank Statement Business Checking 8/1/12   | \$ 207,753.39    |                     |
| 15 Drafts Cleared in the Amount of        | -\$ 6,768.74     |                     |
| 2011 PILT Settlement / Hubbard County     | +\$ 484.22       |                     |
| 2 Building Permits                        | +\$ 150.00       |                     |
| 11 Candidate Filing Fees                  | +\$ 22.00        |                     |
| Checking Dividend Deposit                 | <u>+\$ 42.80</u> |                     |
| Bank Statement Balance / Checking 8/31/12 | \$ 201,683.67    |                     |
| (Outstanding Checks                       | -\$ 19,640.31)   |                     |
| Helga Twsp Checking Balance on 8/31/12    |                  | \$ 182,043.36       |
| Money Market Savings                      |                  | \$ 96,398.06        |
| Savings Account                           |                  | \$ 2,829.86         |
| 6 Certificates                            |                  | <u>\$182,631.71</u> |
| <b>TOTAL OF HELGA TOWNSHIP ACCOUNTS</b>   |                  | <b>\$463,902.99</b> |

Respectfully Submitted by:

Marilyn Pemble

Helga Township Treasurer

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**FUND ACTIVITY FOR AUGUST**

**CHECKING / MONEY MARKET**

| ENDING BALANCE           | BEGINNING           |                 |                  |           |
|--------------------------|---------------------|-----------------|------------------|-----------|
| <u>NAME OF FUND</u>      | <u>BALANCE</u>      | <u>RECEIPTS</u> | <u>DISBURSED</u> | <u>OF</u> |
| <b>CHECKING</b>          |                     |                 |                  |           |
| General Fund             | \$ 22,944.69        | \$ 586.83       | \$ 12,425.17     | \$        |
| 11,106.35                |                     |                 |                  |           |
| Gas Tax Fund             | \$ 37,163.12        | \$ 0.00         | \$ 283.05        | \$        |
| 36,880.07                |                     |                 |                  |           |
| Road & Bridge Fund       | \$ 136,187.35       | \$ 251.83       | \$ 6,575.00      |           |
| \$129,864.18             |                     |                 |                  |           |
| Fire Fund                | (\$ 17,804.18)      | \$ 122.15       | \$ 78.82         | (\$       |
| 17,760.85)               |                     |                 |                  |           |
| Cemetery Fund            | \$ 19,873.78        | \$ 76.83        | \$ 23.34         | \$        |
| 19,873.78                |                     |                 |                  |           |
| Town Hall Fund           | \$ 2,026.34         | \$ 0.00         | \$ 0.00          | \$        |
| 2,026.34                 |                     |                 |                  |           |
| Excess Funds (\$ Market) | \$ 96,398.06        | \$ 0.00         | \$ 0.00          | \$        |
| <u>96,398.06</u>         |                     |                 |                  |           |
| <b>TOTALS</b>            | \$ 296,789.16       | +\$ 1,037.64    | -\$              |           |
| 19,385.38                | <b>\$278,441.42</b> |                 |                  |           |

**INVESTMENTS**

| ENDING BALANCE      | BEGINNING      |                 |                  |           |
|---------------------|----------------|-----------------|------------------|-----------|
| <u>NAME OF FUND</u> | <u>BALANCE</u> | <u>RECEIPTS</u> | <u>DISBURSED</u> | <u>OF</u> |
| <b>INVESTMENTS</b>  |                |                 |                  |           |
| General Fund        | \$ 90,026.91   | \$ 236.46       | \$ 0.00          | \$        |
| 90,263.37           |                |                 |                  |           |
| Gas Tax Fund        | \$ 0.00        | \$ 0.00         | \$ 0.00          | \$        |
| 0.00                |                |                 |                  |           |
| Road & Bridge Fund  | \$ 53,372.46   | \$ 0.00         | \$ 0.00          | \$        |
| 53,372.46           |                |                 |                  |           |
| Fire Fund           | \$ 30,008.97   | \$ 78.82        | \$ 0.00          | \$        |
| 30,087.79           |                |                 |                  |           |
| Cemetery Fund       | \$ 8,884.75    | \$ 23.34        | \$ 0.00          | \$        |
| 8,908.09            |                |                 |                  |           |
| Town Hall Fund      | \$ 0.00        | \$ 0.00         | \$ 0.00          | \$        |
| 0.00                |                |                 |                  |           |

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|                        |              |            |          |    |
|------------------------|--------------|------------|----------|----|
| Center Board (Savings) | \$ 2,829.86  | \$ 0.00    | \$ 0.00  | \$ |
| <u>2,829.86</u>        |              |            |          |    |
| <b>TOTALS</b>          | \$185,122.95 | +\$ 338.62 | -\$ 0.00 |    |
| <b>\$185,461.57</b>    |              |            |          |    |

**TOTAL OF HELGA TOWNSHIP  
ACCOUNTS** **\$463,902.99**