

**BOARD OF SUPERVISORS  
REGULAR MONTHLY MEETING  
October 10, 2017**

Present: Don Hales, Jon Steblay, Carol Pundt, Justin Smith, RaeJean Anderson

Absent: None

Community members present: Clay Crowther, Bruce Breun, All Stark, Renee Stark, Debra Flam, Jane Richert, Chris Pence, David Harmening, Carl Biederman, Carla Biederman, Ginny Knudsen

Don Hales called the meeting to order at 7:00 p.m. The Pledge of Allegiance was led by Justin Smith. A motion was made by Jon Steblay and seconded by Justin Smith to approve the agenda moving the AIS Special meeting Update to the November meeting. All voted in favor of the motion.

A motion was made by Jon Steblay and seconded by Justin Smith to approve the minutes of the regular monthly meeting of the Board of Supervisors held on September 15, 2017 as amended to correct the spelling of Curt Veith's name in the cemetery report. All voted in favor of the motion.

A motion was made by Justin Smith and seconded by Jon Steblay to approve the Treasurers Report subject to audit. All voted in favor of the motion. The ending balance as of September 30, 2017 was \$228,069.31.

A motion was made by Jon Steblay and seconded by Justin Smith to approve the claims as submitted. All voted in favor of the motion.

Road Report: Don Hales gave the Board an updated road expense report.

Minimum Maintenance Roads Up Keep/Don Hales: A motion was made by Jon Steblay and seconded by Justin Smith to pass a resolution dedicating Main Road as a minimum maintenance road. All voted in favor of the motion.

Eastwood Road: Virginia Knudson, the Township attorney and Chris Pence, from Crow Wing County Land Services were on hand to answer questions. Don Hales started out the discussion by saying that the Biederman's will be donating the boardwalk to Bay Lake Township for use by the public. He also read off a list of use requirements (board walk usage policy) with two additions of: no one will be allowed to go off the boardwalk; there will be quiet time from sun down to sun up.

The following is a summary of what Renee Stark discussed with the Board. Renee did not feel that there had been an open discussion between the Board and the public. She felt that due process had not been done. She did not feel the Board allowed people to voice their opinions. People were not being notified. She wanted to know who would be enforcing the board walk usage policy. She also felt that property on either side of the board walk will be devaluated.

Virginia Knudson wanted the minutes to show that all the agendas and minutes were posted for the public to view and read. Minn. Stat. Section 164.07 does not apply when a town makes an improvement to a road within the boundaries of the legally described cartway. The road has been surveyed and the town has been keeping all of the work within the legally defined boundaries of the cartway. There is no reason to begin proceedings under section 164.07. Regarding the illegal nuisances occurring on Eastwood road, the Town does not prosecute any criminal offenses within the township. If the property owners believe there is criminal activity taking place on the road, they should contact the Crow Wing County Sheriff's Department. Regarding the concerns on how the development of Eastwood Road might affect neighboring properties and property values. The Town Board had the discretion to weigh, balance and consider when deciding to take the actions it took. The Board has broad discretion in making those determinations.

Chris Pence said Crow Wing County had delineated that the site was a wetland in 2013. When asked to see the records, said he would have to look for them. The records may only be a statement, but, he told everyone the County had been on the site to make that determination. A certified wetland survey was not done. The County does not do requests for wetland surveys. But, he believed if the Township or the residents in the area wanted to request one, the DNR would be able to do one for a price. Generally a certified wetland survey costs around \$1,000.

A summary of Jane Rirchert's statements to the Board are as follows: Jane agreed with Renee Stark that the hearings and meetings were not posted for public notification. There should be a cease and desist with everything regarding Eastwood Road and that the Township needed to go through proper notification. The Township owes the Bay Lake community a chance to have a voice. She did not feel due process was followed. The road survey was done at a cost to property owners which was unreasonable. People using the lake should be orientated to the public access on the lake.

A summary of what Ginny Knudson, the Township attorney, told everyone in attendance is as follows: Eastwood Road was dedicated to the public in 1926 and labeled a road. Minn Statute 164.7 only applies when the Town wants to take a road that is private and make it public, vacate or move a road which is not the situation with Eastwood Road. The Township even has the right to pave a gravel road with asphalt without formal public notification. Crow Wing County approved permits for the board walk and ice ridge modification.

Jane Richert still felt that since the road had been dormant for a long time that the public needs to be notified if it is being altered.

Renee Stark felt the trees that had been cut down in 2012 was an illegal action. She felt there should be some action by the Board regarding damages.

A summary of what Al Stark said to the Board is as follows: He said Don Hales told Shelia Mason that she would be notified of any changes to the board walk. He has concerns and issues with decisions being made outside the meeting with riparian owners.

Ginny Knudson, the Township attorney, told everyone attending the meeting. No decisions were made, regarding Eastwood Road, outside a public meeting. It is up to the Board to make tough decisions. The Town Board is not responsible for illegal use of the area. It is up to the residents of the area to report illegal actions to the Crow Wing County Sheriff's office.

A summary of Carla Biederman's statement was that all she was hearing were incidents that happened four years ago. She said the Board meetings have been publicly posted.

Al Stark wanted to know why or how did this all start. Teresa Bunger wanted access to the lake. What is going to be done regarding the trees that had been removed?

Carla Biederman asked about options for Eastwood Road. The Township can do whatever it wants to do...even to the point of filling in the wetland and putting in a road to the lake.

There was another statement requesting due process and findings of fact by starting from the very beginning. That it is essential for public notification for residents living in the area, around Brighten Point Road and Bay Lake.

The Township is not going to request a certified wetland survey. Justin Smith told the Board he would be interested in a wetland survey because the reason for the boardwalk was because the Board was told the area was a wetland by the Crow Wing County Land Services Department. If residents in the area want to have one done, it will be at their request and cost. The Township will be requesting estimates for the installation of the board walk and removal of a portion of the ice ridge as approved through Crow Wing County permitting process.

Fall Road Inspection: A motion was made by Justin Smith and seconded by Jon Steblay to approve the fall road inspection report. All voted in favor of the motion. Because the brushing budget is \$1,100 over budget, Brad Holmvig will be asked not to do any more brushing for the Township in 2017. Justin Smith will e-mail Brad the road report letting him know to take the brushing request out of the report. All voted in favor of the motion.

Township Mileage Certification: A motion was made by Don Hales and seconded by Jon Steblay to approve the mileage certification for the Township as reported in 2016 (Ann Dosh CWC Engineering) for 2017. All voted in favor of the motion.

Variance Requests: A motion was made by Don Hales and seconded by Jon Steblay to recommend for approval the variance request for Charles Roeser with the following condition that the side set back of 7 feet is denied. All voted in favor of the motion.

MLEC Lace Utility Permit: A motion was made by Justin Smith and seconded by Jon Steblay to approve the utility permit for Wilson Lake Drive from Mille Lacs Electric. All voted in favor of the motion.

Cemetery Report: Curt Veith told Jon the landscaping around the cemetery plot discussed at the September meeting would cost around \$1,200. He will be able to complete the project this fall. A motion was made by Don Hales and seconded by Justin Smith to move and replace the flag pole with a solar pole at a cost not to exceed \$1,000. All voted in favor of the motion. The Board will need to discuss where the new flag pole should be placed.

Town Hall Update: At the present time the Board has decided not to take down the pine tree adjacent to the Town Hall.

Recycling: Recycling pick up is down to one pick up a week.

Board Conflict of Interest Policy: A motion was made by Justin Smith and seconded by Jon Steblay to approve the conflict of interest policy for the Township. All voted in favor of the motion.

Other Business:

All correspondence and e-mails received by the clerk were read.

A motion was made by Justin Smith adjourn the meeting at 8:37 pm. All voted in favor of the motion.

Supervisor\_\_\_\_\_

Supervisor\_\_\_\_\_

Supervisor\_\_\_\_\_

Clerk \_\_\_\_\_