

Turtle Lake Township Monthly Board Meeting February 3, 2020 held at 19143 Lake Julia Drive NW, Bemidji, Minnesota

The meeting was called to order at 7:01 PM by Chair Cynthia Haskin. In attendance were Supervisor Billy Ayers, Supervisor Tanja Bennett, Supervisor Bill Barthelemy, Treasurer Gail Dockendorf, Clerk Catherine Wingard. Supervisor Fulton Gallagher was not in attendance. The Pledge of Allegiance was recited.

Public Attendees: Signed in: Michelle Anderson, Wade Thoring, Kristy Roberts, Howard Schultz, Dana Lee, Bryan Lee.

Approve Agenda: Supervisor Ayers made a motion to approve the draft agenda with topic additions as discussed of Fee Schedule, Movil Lake Access and Conflict of Interest. Second by Supervisor Bennett. Motion carried unanimously 4-0.

Approve and Sign Minutes of Regular Meeting January 6, 2020: Supervisor Bennett made a motion to approve the draft regular meeting minutes of December 2, 2019 as written. Second by Supervisor Ayers. Motion carried unanimously.

Approve Treasurer's Report: Supervisor Ayers made a motion to approve the Treasurer's Report as printed. Second by Supervisor Bennett. Motion carried unanimously.

Approve and Sign Claims and Payroll: Claim forms and invoices were reviewed by the board as well as the CTAS Net Pay Report and individual expense reports. Supervisor Ayers made a motion to approve the reports as printed with second by Supervisor Bennett. Motion carried unanimously 4-0.

COMMEMORATION OF THE 18 YEARS OF SERVICE TO THE TOWNSHIP OF RUSSELL L. BENNETT: Chair Haskin read aloud a summary of Russell L. Bennett's 18 years of service to the township. (Attachment A.) A moment of silence was held to acknowledge Russ' recent passing. Former chair and long-term board member Howie Schultz shared Russ' advice to him as a new board member to promise only what you can deliver, and that coffee and baked goods were a good way to facilitate communication on difficult topics. Kelly Booge, Michelle Anderson and Wade Thoring also shared their memories of Russ.

OLD BUSINESS:

General Road Update: Road Supervisor Barthelemy reported stored snow at intersections has been pushed back and otherwise it has been relatively quiet in the township regarding the roads.

Township General Maintenance Report: Supervisor Ayers reported he has shoveled out town hall walkways and did plow the parking lot once after a heavy snowfall event as town hall was open to accept candidate filings. The Tower Road gates were not able to be closed due to the amount of snow piled around them, and this situation will be monitored.

Torrens Registration Matter and Application for Road Easement Dedication: James Peters, attorney for Hilton Bakker and other involved parties, was present for the discussion. Chair Haskin noted the documents related to the matter weren't received until February 1, 2020, and she did not feel that was enough time for thorough review by the board. She also mentioned her concerns about the inability of the township to make future road improvements and possible loss of insurance coverage through the Minnesota Association of Townships Insurance Trust. Zoning Administrator Kelly Booge pointed out errors in the legal description that need to be addressed prior to signing any documents.

The issues of adequate snow storage area as well as passable road width for two-way vehicular traffic with the restrictions outlined in the road easements were discussed.

James Peters stated the reason we have the five easement dedications is they give you a couple of things you might not get out of the Torrens certificate. One of the things is liability. Paragraph 6 of the conditions states there is no liability if you push snow off the area. He asked the question do you try to get an easement that will work now or take what the judge will give you later? Three of the easements are pretty much identical to the Bakker et.al vs. Turtle Lake Township court order except they contain extra language to define liability. He stated "if you nail that down you will not have liability for someone launching their boat causing an accident." The easements are a formal dedication and give more protection than standard judgement. He also discussed the 2-tier question raised by township legal counsel Jason Hill, and gave examples of court cases which allowed this.

The question was raised by a board member if the clock is ticking for a decision on the Torrens application? Mr. Peters answered the application has been submitted today to the Beltrami County Title Examiner. The abstract company also has to review it. There are also issues to consider with court scheduling.

Chair Haskin stated the board needs to make a decision for both current and future owners, and that the township is not interested in pursuing litigation but needs more time to review the issues. James Peters stated the ten days starts upon receipt of the application for the dedication of the easements. The Torrens certificate registration is a separate action but closely interrelated. However, the Torrens process will go ahead regardless of easement dedications. If the town board decides to do the easements, then you don't have to do anything with the Torrens part because the easements document rights.

Supervisor Bennett stated the township is willing to negotiate but must make decisions based on the best choice for the whole township. The board extensively discussed the pros and cons of continuing the regular board meeting or calling a special open meeting. Billing per the township fee schedule for a special meeting was discussed at length. Supervisor Ayers made a motion to carry over the current meeting with second by Supervisor Barthelemy. A vote was taken with 2 ayes from Supervisors Ayers and Barthelemy and 2 nays Haskin and Bennett. Supervisor Bennett made a motion to hold a special open meeting on February 13, 2020 at 7 PM with second by Chair Haskin. A vote was taken with 2 ayes from Supervisors Bennett and Haskins and 2 nays Ayers and Barthelemy. The board continued to discuss the issues related to the Torrens Registration and Road Easement Dedications. Chair Haskin made a motion to hold a special open meeting on February 13, 2020 at 7 PM at town hall allow for

further review of the documents presented to the Town Board and township legal counsel. Second by Supervisor Bennett. Motion carried with 3 ayes from Supervisors Haskin, Bennett, Barthelemy, 1 nay Ayers.

The meeting will be posted and published in the Bemidji Pioneer in compliance with open meeting laws.

Review Township Fee Schedule: The current fee schedule was reviewed and discussed. No changes were made at this time. The need to re-establish an active Planning Commission Board was also discussed and will be addressed at future meetings. Supervisor Ayers raised the question why additional fees are being charged in addition to what taxes residents pay for the township levy.

Movil Lake Access: An individual contacted Chair Haskin with questions about Northern Township's decision to build a public access on Movil Lake, and whether Turtle Lake Township would have any rights under the Joint Powers statutes regarding the decision. The issue was discussed by the board. Supervisor Barthelemy stated with Turtle Lake Township owning 2/3 of the lakeshore on Movil Lake we should have had a greater voice in the decision. It was acknowledged Northern Township has taken definitive actions to proceed with the project.

NEW BUSINESS:

2020 Census Boundary Map: Chair Haskin presented a 2020 Census Initial Boundary Validation Map for review by the board. The accompanying form sent by the U.S. Census Bureau validating the legal boundary is correct was signed and will be submitted.

Approve and Sign Assessment Agreement Resolution Beltrami County: The yearly agreement for a mutual covenant between Beltrami County and Turtle Lake Township for property assessment services was reviewed and signed. Payment of \$13,106 was also approved by the board.

Bemidji Rural Fire Association Meeting Report: (Supervisor Ayers) The January 23, 2020 Annual Meeting of the Bemidji Rural Fire Association was summarized. The total levy proposed was \$775,000, 42.25% of the overall Fire Department budget plus the Capital Improvement Plan. These amounts include proposed personnel changes, a new build leased fire station in Northern Township negotiated raises for existing Fire Department staff, and contract required CIP. The levy amount for Turtle Lake Township is \$68,732.00. Supervisor Bennett made a motion to approve the levy amount with second by Chair Haskin. Motion carried unanimously.

2020 Elections Update/Approval Expense Estimate: The clerk presented an estimate of costs for the March 3 and March 10 Presidential Nomination Primary and Township Elections. In addition, the board will consider purchasing additional folding chairs for the March 10 Annual Meeting. An amended resolution adding Karen Gaasvig as a PNP election judge and alternate judge as needed was signed.

Conflict of Interest: Supervisor Bennett sought advice from MAT legal counsel Steve Fenske regarding the conflict of interest issues regarding her payment as an election judge raised at the last board meeting. His email response will be sent to all board members. The board must pass a resolution

allowing the conflict using the affidavit. Supervisor Ayers stated the vote must be unanimous as stated in the Minnesota Association of Townships Information Library document C6000.


Legal Descriptions: Zoning administrator Kelly Booge requested permission to consult with Widseth, Nolting and Smith about his concerns with the legal descriptions and survey results in the easement dedication documents discussed in the application for road easement dedication. Supervisor Bennett made a motion to approve the consultation with second by Supervisor Barthelemy. Motion carried unanimously with 4 ayes.

CORRESPONDENCE: Donation requests were received and presented from Support Within Read and North County First Responders and an email from township residents Steve and Kathy Quamme thanking Road Supervisor Barthelemy for making their road safer for travel.

PUBLIC AND OTHER: Chair Haskin asked if there were any additional comments, and there were none.

ADJOURN: Being no further business, Supervisor Ayers made a motion to adjourn at 9:10 pm with second by Supervisor Barthelemy. Motion carried unanimously 4-0.

Approval of these Minutes of the February 3, 2020 Turtle Lake Township Regular Board Meeting

Approved  Date 3/2/20
