

### Mission Township Regular Town Board Meeting Agenda July 14, 2025

*Please note:* Meetings are conducted via Zoom so please limit private conversations. The materials considered by the board are usually available for public viewing on our website prior to the meeting and in the binder at the board table.

### Call to Order & Pledge of Allegiance

**Open Forum** (Members of the public are invited to address the town board on any non-agenda item)

### Approval of the Agenda

**Presentations:** None.

**Consent Agenda** (Items on the Consent Agenda are usually available on our website prior to the meeting and reviewed in advance by the board. Any supervisor can request discussion of any item. The items on the consent agenda are approved by a single motion and vote.)

- 1) Minutes: June 9, 2025, Regular Meeting, May 28, 2025 & June 9, 2025, Fire Chief Interviews, & June 23, 2025, Funk Cartway Petition Hearing
- 2) Clerk Report & Correspondence
- 3) Treasurer's Report
- 4) Claims for Approval
- 5) Park Maintenance Expenditures for Approval
- 6) Crosslake Monthly Police Call Report

### **Town Operations Reports:**

- 1) Mission Fire Department
- 2) Roads & Roads Committee
- 3) Planning & Zoning
- 4) Park & Park Committee
- 5) Cemetery
- 6) Transfer Station

### **Discussion/Action Items:**

- 1) Ordinance 2025-01-An Ordinance Amending the Mission Township Subdivision Ordinance regarding Administrative Subdivisions Consider Adoption
- 2) Resolution 2025-06-Publication of Ordinance 2025-01 Consider Adoption
- 3) Ordinance 2025-02-An Ordinance regulating Driveway Accesses on Town Roads Consider Adoption
- 4) Resolution 2025-05-Publication of Ordinance 2025-02 Consider Adoption
- 5) Mission Township Firefighters Relief Association Resolution 2025-07 Consider Ratification of Bylaws Amendments
- 6) Town Facilities Security Plans Update & Approval of Action Plan
- 7) Funk Cartway Petition Update & Approval to Research Possible Routes 2 & 3
- 8) Bolton & Menk Proposal for Engineering Services-East Bass Lake Road Project Consider Approval
- 9) Use of Facilities Policy Discussion & Board Direction on Policy Development
- 10) Town Board 2025 Key Initiatives Update
- 11) Closed Meeting To evaluate the performance of the Town Clerk, an individual who is subject to the Board's authority per Minn. Stat. § 13D.05, subd. 3(a).

12) Hourly Increase for Town Clerk – Consider Adopting increase to \$22/hour effective 7-1-2025

Future Agenda Items & Schedule (Reference Town Board Master Calendar for action items)

- 1) August Regular Board Meeting August 11, 2025 @ 7:00 PM
- 2) Funk Cartway Hearing (Continued)—August 12, 2025 @ 6:00 PM

### Adjournment

### **Regular Township Meeting Minutes**

**Present** – Chair Jon Auge; Supervisors Bob Steele and Erik Lee; Acting Fire Chief Tim Yeager; Treasurer Mary Zabilla and Clerk Naomi Scott. Jen Twombly, Bret Mattheisen, Shane Johnson, Jill Allord, Eric Anderley, and Timothy Moody signed the attendance log.

**Zoom** – Attending was Road Committee Chair Dave Hauser, Terri Havir, Bob Kalten, and a citizen identified as Deb.

**Call to Order, Pledge of Allegiance & Roll Call** – J. Auge called the April Regular Township Meeting to order @ 7:00pm. All stood for the Pledge of Allegiance. Roll Call - all board members were present.

**Open Forum** – No one spoke under Open Forum.

**Approval of Agenda** – Board approved as presented.

Presentations: None.

### Consent Agenda -

- Minutes May 12, 2025 Regular Township Meeting & April 21, 2025 Special Meeting of Board of Appeals & Equalization.
- Clerk Report & Correspondence Claims #11009 to #11033 totaling \$17,733.17. Claims/Checks were voided due
  to printing errors. The board also reviewed correspondence presented by the clerk.
- Treasurer Report M. Zabilla reported:
  - 1. Beginning Balance: \$2,246.215.13
    - a. Receipts: \$142,519.94
    - b. Disbursements: \$1,224,335.03 c. Ending Balance: \$1,129,707.47 2.
- Park Maintenance Expenditures for Approval

   Discussion with no expenditures for approval.
- Crosslake Police Report 75 Calls for May 2025.

A **motion (1)** to accept the consent agenda was made by J Auge, second by B Steele. Voice vote with all supervisors voting aye. Motion carried.

<u>Town Operations Reports</u> – All prepared reports can be found in their entirety on the town website – missiontownship.org, under Board Meeting Materials.

Mission Fire Department Report – Acting Fire Chief Tim Yeager reported 20 May calls. The new T2 truck is in service with training scheduled for 6/14. The department is exploring options for the Heavy Rescue and Grass 2 trucks, which have been taken out of service, for presentation to the board. They are moving forward with a Firehouse Subs' grant for a UTV and trailer which if awarded will cover 100% of the cost, excluding skids.

**Roads & Roads Committee Report** – J. Auge shared an update on the E. Bass Lake Road grant, summer maintenance activities, and a repair to E. Horseshoe Lake Road that will be paid for by the property owner.

**Planning & Zoning Update** – J. Auge shared that CWC issued 22 permits YTD, on pace with 2024.

**Park/Park Committee Report** – B. Steele shared the Park report with discussion occurring on options for the replacement of the John Deere tractor and needed maintenance for the tennis courts. Both may be candidates for grants. The Park Committee is exploring options and will provide recommendations in the near-future.

**Cemetery** – One lot sale for a non-resident was approved.

Transfer Station Report – E. Lee reported the site is very busy with the construction dumpster filling in one day.

### **Discussion/Action Items**

- 1) Fire Chief Hiring The board had extensive discussion on the applicants and the future needs/direction of the department. Motion (2) by B Steele to appoint Jill Allord, second by J Auge. Additional discussion followed. Voice vote with all supervisors voting aye. Motion carried. The board congratulated Jill on her appointment, thanked Tim Yeager for his interim service, and all the applicants for applying.
- 2) Town Facilities Security Plans The board discussed the Midwest Security proposal submitted at the May meeting and a Eufy Security option submitted by B. Steele. E. Lee agreed to obtain more information on the Eufy commercial option for review at the July meeting.
- 3) Golf Carts on Town Roads This item was a follow-up to citizen B. Kalten's request at the May meeting. Currently golf carts cannot legally be operated on town roads without adoption of an ordinance permitting their operation. The board discussed the pros/cons of adopting such an ordinance with the consensus of the board being to not adopt an ordinance.
- 4) 2025 Grant Ideas & Priorities B. Steele overviewed available SourceWell grants (Community Impact-\$50,000/Matching Grant-\$10,000/Community Boost-\$2,000). He provided a rough estimate for a CanAm Defender Pro Limited side-by-side for the Park with a total price of \$36,357.98. J. Auge shared there are also potential Region 5 grants and bond funds are mostly committed. Supervisors offered potential projects for grant funding including security system for Town Hall, DNR surplus Fire grass rig (\$22K), Park tractor replacement (\$37K), Cemetery records system, and funding for Comprehensive Plan update. The board agreed to gather cost estimates for each item for review and prioritization at the August meeting. B. Steele requested the board approve an immediate application for 2024 Sourcewell Community Boost funds for a Butterfly Value with lever handle for the Fire Department at a cost of \$1,950. Motion (3) by B. Steele to apply for Boost grant, second by J Auge. Voice vote with all supervisors voting aye. Motion carried.
- **5) Town Board Designated Supervisor Responsibilities** The chair presented the subject document for board review. After discussion, the board approved it without revision, and it will be posted on the website.

### **Future Agenda Items & Schedule**

Respectfully Submitted,

Clerk

- 1) Roads Committee Meeting June 12, 2025 @ 5:30 PM
- 2) Funk Cartway Hearing June 23, 2025 @ 6:00 PM
- 3) July Regular Board Meeting July 14, 2025 @ 7:00 PM

**Adjournment** - J Auge made a **motion (4)** to adjourn the June 9<sup>th</sup>, 2025, Regular Township meeting at 8:51pm, seconded by E Lee. Voice vote with all supervisors voting aye. Motion carried and the meeting was adjourned.

Chair

Naomi Scott	Jon Auge

\*\*\*\*\*\*\*\*June minutes are unapproved until the July 14th Regular Township Meeting \*\*\*\*\*\*\*\*\*\*

### **Fire Chief Interviews**

Present – Chair Jon Auge; Supervisors Bob Steele, Erik Lee; Clerk Naomi Scott

**Called to Order** – J. Auge called each Fire Chief Interview Meeting to order.

The board reviewed the town's Employment Interview Panel Rating Form and it's use in scoring each applicant. Ratings were 1-Low to 5-High based on:

- Minimum/Desired Qualifications
- Motivation, Attitude & Character
- Use of Judgement
- Communications
- Interest in the Position

Each applicant was welcomed, and Interviews were conducted. All applicants were asked a series of questions by the board; some of which were:

- What made you interested in the position?
- What skills and abilities make you suitable for the position?
- As the Fire Chief, how would you describe your relationship with the town board?
- What has been the most significant thing that you have learned in your working career; both negative & positive?
- Would you make changes to the present structure of the fire department?
- What two words best describe you as a person?

Applicants were also asked if they had questions for the board which were responded to by each supervisor.

### Applicants Interviewed May 12<sup>th</sup>, 2025:

- 6:00p Shane Johnson 14 years with Mission Fire
- 6:25p Eric Anderley 13 years with Mission Fire
- 6:50p Tim Yeager 28 years with Mission Fire
- 7:15p Jill Allord 10 years with Mission Fire

### Applicants Interviewed June 9th, 2025:

■ 6:00p - Bret Mattheisen – 3 years with Mission Fire

The board informed the applicants that a decision would be made at the June 9<sup>th</sup> Regular Township Meeting.

Adjournment – Having completed the interviews on each date, the chair adjourned the meeting.

Respectfully Submitted,

N. Scott J. Auge Clerk Chair

### **Funk Cartway Petition Hearing**

**Present** – Chair Jon Auge; Supervisors Bob Steele and Erik Lee; Clerk Naomi Scott and Troy Gilchrist, Town Attorney. Shane and Michelle Medin, Christine Ostern from the DNR, Emilee Nelson from The Conservation Fund, Alex and Katherine Funk, and Mike Franzen.

### On-site portion of the meeting was held near Parcel 77250502 off Bittner Trail.

**Call To Order** – Chair J. Auge called the meeting to order at 6:06 PM. Introductions were made and Attorney Gilchrist explained the purpose of the on-site inspection portion of the meeting.

Alex & Katherine Funk explained their petition and requested route for the cartway. Supervisors, and those attending, asked questions regarding the route and particulars of the site. Following an inspection of the site, B. Steele made a **motion (1)** to continue the hearing at the Town Hall, seconded by E. Lee. Voice vote with all supervisors voting aye. Motion carried unanimously and the meeting recessed to the Town Hall.

### Town Hall Portion of the meeting, starting @ 6:50 PM

When all were present the Chair reconvened the hearing.

Attorney Gilchrist explained the purpose of this portion of the meeting is to receive public comment, and then for the town board to identify a cartway route, direct him to prepare an order for approval, and request a survey and appraisal of impacted parcels as needed.

He then explained the easement status of Bittner Trail (primary portion of the preferred cartway route) and the DNR's concern as to its use for the cartway. He had exchanged emails with the DNR's attorney, and they take the position that the town cannot place a cartway on Bittner Trail without their approval due to their conservation easement over the trail, and they are not inclined to grant approval. Discussion occurred on the DNR's position and the town's legal options.

Public comment was received from those attending regarding the Funk's request, Bittner Trail as the preferred route, and alternative routes that may or may not be feasible.

Following the public comments, the town board discussed options regarding Bittner Trail and potential alternative routes and received advice from the town attorney on possible next steps.

Following discussion, B. Steel made a **motion (2)** seconded by E Lee, to direct the town attorney to further research the use of Bittner Trail for the cartway, engage the DNR on their position, and provide the town board with a legal opinion on our options to approve/deny the requested route. Voice vote with all supervisors voting aye. Motion carried unanimously.

J. Auge made a **motion (3)**, second by B Steele, to continue the Funk Cartway hearing to August 12<sup>th</sup>, 2025, at 6:00 PM, at the Town Hall. Voice vote with all supervisors voting aye. Motion carried unanimously. The board agreed that working with Crow Wing County, additional information should be obtained on potential routes 2 and 3.

seconded by E. Lee. Voice vote with all supervisors v meeting was adjourned at 7:49 pm.	oting aye. Motion carried unanimously and
Respectfully Submitted,	
Naomi Scott Clerk	Jon Auge Chair

\*\*\*\*\*\*\*\*Town Board minutes are unapproved until the next Town Board meeting\*\*\*\*\*\*\*\*\*\*

Adjournment - Having completed the business of the hearing, B. Steele made a motion (4) to adjourn

### Clerk's Report-July 14th, 2025

- $1. \quad \text{Claims \#} 11046 \text{ to \#} 11073 \text{ totaling $63,833.23}.$
- 2. No correspondence.

### Treasurer's Report-Board Meeting-July 14th, 2025

Beginning Balance: \$2,246,215.13
 Receipts: \$367,574.95

b. Disbursements: \$1,242,034.10c. Ending Balance: \$1,352,803.24

- 2. The Township received a payment of \$213,016.96 for the first half of property taxes. We will receive the rest of the payment in July.
- 3. The Township also received money from the Sourcewell grant that Bob submitted for \$1,950.95.
- 4. Ehler's transfer \$475 into our Debt Service account due to a duplicate payment in May.
- 5. I would like the Board to approve the transfer of capital levy funds received from the first half tax payment from our Bremer Money Market account to the Ehlers General Fund account in the amount of \$65,600.22.

Date Range: 7/14/2025 To 7/14/2025

<u>Date</u> 07/14/2025	<u>Vendor</u> Elan Financial Services	<u>Description</u> Credit Card - All receipts included.	<u>Claim #</u> 11046	<u>Total</u> \$580.18	Account #	Account Name	<u>Detail</u>
		moducu.			100-41125-201- 229-45010-231-	GENERAL GOVERNMENT Culture-Recreation Administration	\$566.53 \$13.65
07/14/2025	Paper Plan-It, LLC	Invoice #7190 Payroll and Reconciliation	11047	\$255.00			
					100-41125-318-	GENERAL GOVERNMENT	\$255.00
07/14/2025	DSC Communications	Invoice #2505616 Truck Charge	11048	\$931.50			
					225-42210-228-	Fire Administration	\$931.50
07/14/2025	Town Law Center PLLP	Bill Number 636 Funk Cartway: .4 hours & General: .3 hours	11049	\$181.50			
		General5 mours			100-41125-304- 100-41125-304-103	GENERAL GOVERNMENT GENERAL GOVERNMENT	\$73.50 \$108.00
07/14/2025	Xcel Energy	Statements #929125156 & 933371227	11050	\$188.06			
		Gas Bill			100-41125-383- 100-41125-383-	GENERAL GOVERNMENT GENERAL GOVERNMENT	\$136.52 \$51.54
07/14/2025	Central Minnesota Seeding	Receipt 249 - 3 Mailbox Supports	11051	\$330.00			
					201-43050-271-	R & B ADMINISTRATION	\$330.00
07/14/2025	Saehr Consulting	Invoice # May - Zoning Services	11052	\$357.50			
					100-41125-319-	GENERAL GOVERNMENT	\$357.50
07/14/2025	MATIT	Invoice #13438	11053	\$15,015.00	100-41125-362-	GENERAL GOVERNMENT	\$15,015.00
07/14/2025	Crow Wing Power	May and June Electric for Town Hall and Park	11054	\$689.99			
					100-41125-381- 229-45010-381-	GENERAL GOVERNMENT Culture-Recreation Administration	\$593.96 \$96.03
Report Last Upda	red: 08/29/2014			Page 1 of 4			

Date Range : 7/14/2025 To 7/14/2025

<u>Date</u>	<u>Vendor</u>	Description	Claim #	<u>Total</u>	Account #	Account Name	<u>Detail</u>
07/14/2025	City of Crosslake	8/1/25 thru 10/31/25 Contract for Services	11055	\$18,035.35	100-42110-312-	Police Administration	\$18,035.35
07/14/2025	Crow Wing County Highway Department	Invoice #8428 - Gas and Diesel	11056	\$469.49	225-42210-231-	Fire Administration	\$469.49
07/14/2025	Plunketts	Invoice #9199164 - 6/2/25 Pest Contral	11057	\$144.93			,
07/14/2025	Anderson Brothers Construction	Invoices #36882 Loon Lake & Invoice #36879	11058	\$11,337.12	100-41125-235-	GENERAL GOVERNMENT	\$144.93
	Construction	Canthook Dr 邶 Paver Patch Overlay			201-43050-525-	R & B ADMINISTRATION	\$11,337.12
07/14/2025	Timber Ridge Electric	Invoice #11234706	11059	\$1,997.50	100-41125-235-	GENERAL GOVERNMENT	\$1,997.50
07/14/2025	Nisswa Rolloff Service	Invoice #3901	11060	\$1,112.00	100-43210-395-	Sanitation Administration	\$1,112.00
07/14/2025	David Baker	Reimbursement for stump marking paint & weed control	11061	\$25.32			
07/14/2025	Northpoint Emergency	Invoice #1290	11062	\$350.00	229-45010-236-	Culture-Recreation Administration	\$25.32
07/14/2025	Training	IIIVOICE #1290	11002	\$550.00	225-42210-233-	Fire Administration	\$350.00
07/14/2025	Minnesota UI	Document ID 18135284 Merle Roberts Claim	11063	\$2.00	100-41125-142-	GENERAL GOVERNMENT	\$2.00
07/14/2025	Robert Steele	Reimbursment for Door at Park	11064	\$321.49	229-45010-220-	Culture-Recreation	\$321.49
Report Last Update	ed: 08/29/2014			Page 2 of 4	225-43010-220-	Administration	<b>3321.43</b>

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	Claim #	<u>Total</u>	Account #	Account Name	<u>Detail</u>
07/14/2025	Timothy Moody	Reimbursement for Park supplies	11065	\$125.60	229-45010-220-	Culture-Recreation Administration	\$125.60
07/14/2025	Waste Partners, Inc.	Sanitation Administration Invoice 56X01480	11066	\$362.42	100-41125-395- 100-43210-395- 229-45010-395-	GENERAL GOVERNMENT Sanitation Administration Culture-Recreation Administration	\$69.31 \$172.55 \$120.56
07/14/2025	Norwood & Son Excavating	Invoice #1700 2 Dump pushes and dumpster crush	11067	\$500.00	100-43210-313-	Sanitation Administration	\$500.00
07/14/2025	CTC-446126	Invoice #11359715 Phone and internet at Town Hall	11068	\$227.94	100-41125-321-	GENERAL GOVERNMENT	\$227.94
07/14/2025	PERA-Public Emp Retirerment Assoc	Mission Township 6329000 PERA	11069	\$510.10	100-41125-121-	GENERAL GOVERNMENT	\$510.10
07/14/2025	MN Dept of Revenue	Paid Electronically thru Paper Plan-it	11070	\$86.00	225-42210-125-	Fire Administration	\$86.00
07/14/2025	IRS - Internal Revenue Service	Paid Electronically thru Paper Plan-it	11071	\$1,432.66	100-41125-125- 229-45010-125- 225-42210-125- 100-41430-125-103 100-41110-125-103	GENERAL GOVERNMENT Culture-Recreation Administration Fire Administration Clerk & Treasurer Council/Town Board	\$605.43 \$136.16 \$633.22 \$9.65 \$48.20

Date Range:

7/14/2025 To 7/14/2025

<u>Date</u> 07/14/2025	<u>Vendor</u> Payroll	<u>Description</u> Payroll-DD paid electronically via Paper Plan	<u>Claim #</u> 11072	<u>Total</u> \$8,139.81	Account #	Account Name	<u>Detail</u>
					100-41110-103- 100-41430-103- 225-42210-103- 229-45010-103-	Council/Town Board Clerk & Treasurer Fire Administration Culture-Recreation	\$1,113.16 \$1,458.55 \$3,594.88 \$1,595.22
					100-41110-103-103 100-41430-103-103	Administration Council/Town Board Clerk & Treasurer	\$315.00 \$63.00
07/14/2025	Naomi Scott	Reimbursement-mileag \$77.77) & media(\$47)	re( 11073	\$124.77			
		, , , , , , , , , , , , , , , , , , , ,			100-41125-331- 100-41125-321-	GENERAL GOVERNMENT GENERAL GOVERNMENT	\$77.77 \$47.00
Total For Selec	ted Claims			\$63,833.23			\$63,833.23
Jon An	ıge				Date		
Bob St	eele				 Date		
 Erik I					 Date		



## Crosslake Police Department Mission Township Monthly Report: June 2025

Agency Assist	3
Alarm	1
Driving Complaint	2
EMS	1
Hazard In Road	2
Motorist Assist	1
Suspicious Vehicle	1
Traffic Warning	54
Traffic Citation	14

TOTAL: 79



# Crosslake Police Department Mission Township

Monthly Report: June 2025/June 2024

2025	2024
Agency Assist – 3	Agency Assist – 6
Alarm – 1	Alarm – 1
Driving Complaint – 2	Animal Complaint – 1
EMS-1	EMS-3
Hazard In Road – 2	Motorist Assist – 3
Motorist Assist – 1	Traffic Warning – 44
Suspicious Vehicle – 1	Traffic Citation – 17
Traffic Warning – 54	
Traffic Citation – 14	

TOTAL: 79 TOTAL: 75

2024 Year to Date: 492 2025 Year to Date: 433



### **JULY 2025 MONTHLY FIRE DEPARTMENT REPORT**

Monthly Calls: 19 calls for June Year to Date Calls: 87 Calls

Mission: EMS: 11 Fire: 1 Mission: 47
Center: EMS: 4 Fire: 0 Center: 24
Pelican: EMS: 3 Fire: 0 Pelican: 11
Mutual Aid: Fire: 0 Mutual: 5

### **Department Training/Event Schedule:**

- 7-8: Monthly Meeting/Truck Checks/Relief Meeting
- 7-15: Medical Training by North Point
- 7-22: First Due Training
- 8-19: Center Township Picnic We will be doing a demonstration for them
- 8-23: Summer Send Off/Pancake Breakfast

### Apparatus:

We will be researching what options we have for our 2 trucks that are out of service.
 (Rescue and Grass 2)

### **Equipment:**

- The butterfly valve for T2 has been ordered. This was purchased by a Sourcewell Grant
- Our handheld radios that were being reprogrammed by Granite Electronics have been picked up

### Personnel:

- Sam Klinger submitted his resignation effective 6/30/2025
- Will be working on recruitment
- Would like to propose changing the Lieutenant 3 position to a Captain 3 position. I have updated the job description for your approval. Would eliminate the hourly wage for Fire Mechanic/Engineer on the Hourly Compensation Rates for the township
- Have updated the job descriptions for Captain 1, Captain 2 and Lieutenants 1 & 2 for your approval.
- I will be posting for the Captain 2 position once job descriptions are approved by the board

• I have 2 personnel, Bret M & Jon S, that would like to attend the MSFDA Conference and Fire School in Breezy Point on Sept. 18-20, 2025. Early bird cost is: \$250.00 per firefighter before 8/1/2025.

### Miscellaneous:

- We were unable to apply for the Firehouse Subs Grant. Jon S. attempted to enter all information for the grant but was unable to submit as they had reached their max (600) applicants. We will attempt to apply again next quarter.
- We will be working on updating our SOP's and SOG's.



Position: Captain 1 (Fire Captain	Department: Fire Department
Reports To: Fire Chief	Supervisory Role Yes No
Date Approved by Town Board:	Status FT PT Seasonal

### **Minimum Qualifications:**

- Valid MN Drivers License
- Fire Officer I Certification
- Five (5) Years prior work experience as an active firefighter
- Current State of Minnesota Emergency Medical Responder Certification
- IS 100, 200, 700 and 800

Desired Qualifications:		

### **Essential Position Duties:**

- Logistics Officer
- Responsible for all fire equipment inventory
- Issues necessary fire equipment to new hires
- Oversees & assists Lieutenants as necessary
- Responsible for Fire/EMS/Safety Training with other Captains & Lieutenants
- Oversees cleanliness & maintenance of fire hall
- Submits justifications/proposals for needed items in the fire hall & fire equipment
- Ensures assigned activities are carried out effectively, efficiently and according to SOP's & SOG's
- Complete, oversee and spot check truck checks
- Responsible for all Fire License tracking through MBFTE
- Coordinates pre-fire planning and other inspections of buildings and businesses within the townships, prepares maps and scale drawings for emergency incident pre-plans.
- Respond to calls
- Direct and perform firefighting, rescue, and medical care duties
- Other duties as assigned

Other Requirements:		



Position: Captain 2 (EMS Captain)	Department: Fire Department
Reports To: Fire Chief	Supervisory Role Yes No
Date Approved by Town Board:	Status FT PT Seasonal

### Minimum Qualifications:

- Valid MN Drivers License
- Five (5) Years prior work experience as an active firefighter
- Current State of Minnesota Emergency Technician Certification
- IS 100, 200, 700 and 800

<b>Desired Qualifications:</b>		

### **Essential Position Duties:**

- Safety Officer
- Responsible for all EMS equipment inventory
- Issues necessary EMS equipment to new hires
- Enters run reports into Image Trend for approval
- Oversees & assists Lieutenants as necessary
- Responsible for Fire/EMS/Safety Training with other Captains & Lieutenants
- Oversees maintenance of EMS equipment
- Submits justifications/proposals for needed EMS equipment
- Ensures assigned activities are carried out effectively, efficiently and according to SOP's & SOG's
- Complete, oversee and spot check truck checks
- Complete EMS equipment checks quarterly
- Responsible for all Fire License tracking through MBFTE
- Coordinates pre-fire planning and other inspections of buildings and businesses within the townships, prepares maps and scale drawings for emergency incident pre-plans.
- Respond to calls
- Direct and perform firefighting, rescue, and medical care duties
- Other duties as assigned

Other Requirements:			



Position: Captain 3 (Engineer/Driver)	Department: Fire Department
Reports To: Fire Chief	Supervisory Role Yes No
Date Approved by Town Board:	Status FT PT Seasonal

### Minimum Qualifications:

- Valid MN Drivers License
- Firefighter I & II Certification
- Five (5) Years prior work experience as an active firefighter
- Current State of Minnesota Emergency Medical Responder Certification
- IS 100, 200, 700 and 800

Desired Qualifications:	

### **Essential Position Duties:**

- Perform/Coordinate all maintenance and repairs on apparatus and fire equipment in a timely manner
- Identify needs for major repairs
- Conduct trainings on apparatus and tools
- Keep log of all maintenance/work completed on all apparatus and fire equipment, including truck check sheets.
- Ensure cleanliness and functionality of all tools
- Enter run reports into Image Trend for approval
- Oversees & assists Lieutenants as necessary
- Responsible for Fire/EMS/Safety Training with other Captains & Lieutenants
- Know all apparatus' inside and out
- Submits justifications/proposals as needed
- Know location of all hydrants in our coverage area and complete quarterly inspections
- Ensures assigned activities are carried out effectively, efficiently and according to SOP's & SOG's
- Complete, oversee and spot check truck checks.
- Respond to calls
- Direct and perform firefighting, rescue, and medical care duties
- Other duties as assigned

Other Requirements:		



Position: Lieutenant 1 & 2	Department: Fire Department
Reports To: Fire Chief	Supervisory Role Yes No
Date Approved by Town Board:	Status FT PT Seasonal

### **Minimum Qualifications:**

- Valid MN Drivers License
- Current State of Minnesota Firefighter I & II Certification &/ Emergency Medical Responder Certification
- Three (3) Years prior work experience as an active firefighter/first responder
- IS 100, 200, 700 and 800

Desired Qualifications:		

### **Essential Position Duties:**

- Squad Leader
- -Responsible for leading members of their squad
- Ensure proper/timely communication with their squad
- Ensure all members have needed and working equipment
- Positive role model for squad members at trainings, meeting and calls
- Complete and ensure accurate and timely truck checks
- Responsible for Fire/EMS/Safety Trainings with other Captains and Lieutenants
- FTO for new firefighters and first responders
- Assist Captains with gear and equipment quarterly checks
- Enter run reports into Image Trend for approval
- Complete monthly SCBA pack and bottle checks and keep log up to date
- Respond to calls
- Direct and perform firefighting, rescue, and medical care duties
- Other duties as assigned

Other Requirements:			

### Planning & Zoning Tracking Report - 2025

**Updated:** 7-10-2025

CWC Permits:
2025: 30
2024: 44
2023: 39
2022: 41
2021: 24



Applicant	Date Submitted	Parcel	Location	Request	Town Board Action	Status & Disposition
Kolle Agent: Andrew Ranweiler	4/15/2025	77200620	29907 E. Horseshoe Lake Road	Scrap & re-build with a 70' OHW setback where 100' is required, and setback variances for new septic. Existing garage limits moving further away from lake.	Recommended Denial	✓DRT on 4-14-2025 ✓Town Board on 5-12-2025 ✓PC-BOA on 5-15-2025 <b>Approved</b>
Rocket Rentals, LLC	4/1/2025	77060524	32786 CSAH 3	Preliminary Plat for "Pelican Valley" consisting of 6 lots with no roads and intended for residential home sites.	Approved	✓DRT on 11-25-2024 ✓MT Planning Commission on 5-12-2025 ✓Town Board on 5-12-2025 ✓PC-BOA on 6-18-2025 ✓CWC Board on 7-8-2025 <b>Approved</b>
Schoenecker, Michael	Pending	77190573	13222 SW Horseshoe Lake Road	Scrap & re-build with walkout into hill at 48' OHW setback where 100' is required. New cabin will be closer to the lake & may require a CUP for dirt moving.		✓DRT on 4-14-2025

### Planning & Zoning Tracking Report - 2025

### **P&Z** Inquiries/Pending Items

May-Resident concern about required permits for dirt moving @ 13802 Mission Park Drive.
Verified permits & approved activity with CWC and advised resident.

<u>May</u>-Residents concern about potential landscaping business on west side of EHLR, north of CR 109. CWC verified no active business on the property. Continue to monitor.

<u>June</u>-Inquiry about adding a retail business @ 13128 MPD, Parcel 77190503. Parcel has a CUP from 2003 for Storage. Directed to CWC. Attending DRT on 7-14-2025 to request rezoning to Commercial 1.

**July**-Variance for garage with 2nd Story addition for B. Davis @ 12855 W. Twin Lake Rd. Attending DRT on 7-14-2025.





### Staff Report

Property Owner: SCHOENECKER, MICHAEL & PATRICIA REV TRUST

Parcel Number: 77190573

Physical Address: 13222 SW HORSESHOE LAKE RD

**Township: Mission** 

Legal Description: Pine Beach Heights Lot 13-15 (1938)

Section 19 Township 136 Range 27

Application Submitted: 06/11/2025

Action Deadline: 08/11/2025

60 Day Waiver: N/A

**Current Zoning: Shoreland District** 

### Adjacent Land Use/Zoning:

North: Waterfront Commercial South: Shoreland District East: Horseshoe Lake

West: Shoreland District and RR 2.5

### Request:

### Variance for:

- 66-foot lake setback where 100 feet is required (Covered Patio/Deck)
- 82-foot lake setback where 100 feet is required (Dwelling)

### To Construct:

- 2,074 square foot dwelling
- 523 square foot covered deck
- 144 square foot covered porch

Existing Impervious Coverage: 3.5%
Proposed Impervious Coverage: 11.9%

### 06-30--2025 On-Site Comments: Auge, Maske, Larson, Dunlap, Pence, Hartman

- Stormwater and buffer are not a concern
- Slope is eroding
- There is a building envelope- flat lot
- Ability to re-build what is there
- Needs permit for stairs and grading

### 04/14/2025 Development Review Team Meeting Notes:

- Reviewed proposal
  - o To rebuild old cabin
  - o Replace concrete steps

### Staff Report

- Adding retaining walls for hills to support walk-out
- Asking for 48' set back to OHW where 100' is required
- Will hire Civil engineer to oversee project
- Conditional use permit would be required for dirt move of 50 cubic yards
  - New Septic system will be installed
  - No FEMA Issues
- **Next steps**

MINNESOTA

- Dirt move amount
- Stabilize slope (retaining walls)
- Erosion & Vegetation control plan
- Septic design
- Need no wetland letter or winter window

### **Permit History:**

- 07/18/1979 Variance approved (83 foot setback for deck)
- 07/18/1979 Building permit to construct 10 x 20 deck addition
- 09/25/2014 Compliance inspection
- 1979 Certificate of compliance
- 08/17/2005 Compliance inspection

### Agencies Notified and Responses Received:

CWC Highway Dept.: No comment received as of 7/17/2025

SWCD: No comment received as of 7/17/2025

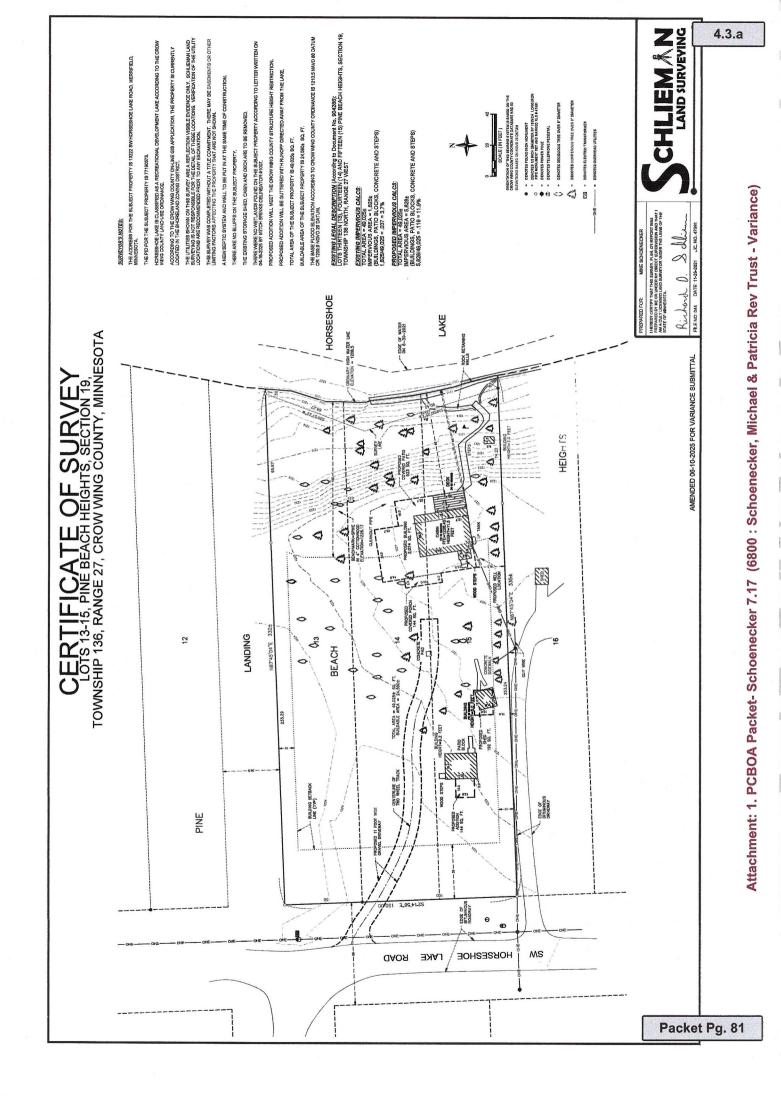
Citizen Correspondence: No comment received as of 7/17/2025

Township: No comment received as of 7/17/2025

### **Potential Conditions:**

- A land use permit shall be approved by Land Services prior to construction
- Implement an erosion and sediment control plan utilizing best management practices (BMP's) prior to construction and dirt moving activities. Plan must be approved by the County. The BMP's must remain in place until all disturbed soils are stabilized.
- A stormwater management plan, according to Article 41 of the Land Use Ordinance, and as approved by County staff at the time of land use permits, must be implemented by the time of permit expiration (2 years) or upon substantial completion of the project, whichever is sooner.
- A shoreland alteration permit application must be submitted to the Land Services Department by August 1, 2025 for the construction of the stairs and associated dirt movement. The area adjacent to the stairs needs to be stabilized to eliminate erosion issues by September 1, 2025.

Per findings of fact discussed 07/17/2025, the application submitted 06/11/2025, the staff report, on-site conducted 06/30/2025, public testimony, and as shown on the Certificate of Survey dated 11/28/2021; Located in Mission Township, Crow Wing County, Minnesota



### Aerial



# Attachment: 1. PCBOA Packet- Schoenecker 7.17 (6800 : Schoenecker, Michael & Patricia Rev Trust - Variance)

# CROW WING COUNTY STAFF PRELIMINARY FINDINGS OF FACT SUPPORTING/DENYING VARIANCE - YES

Name of Applicant:	Michael & Schoenecker	Patricia	Date:	July 17, 2025					
			PID:	77190573					
FINDINGS OF FACT	<u>:</u>								
1. Is the Varian Yes ⊠ No □	ce request in harmo Why or why not?	ny with the purposes and	d intent of	the Ordinance?					
<ul><li>process outline</li><li>This is an exist</li><li>The impervious</li></ul>	process outlined in Article 8 of the County Land Use Ordinance.  This is an existing lot of record in the plat of Pine Beach Heights established in 1938.								
Board of Adju	ıstment Agrees wit	h preliminary findings:	Yes 🗌 I	No 🗌					
	ce consistent with th Why or why not?	e Comprehensive Plan?	•						
housing marke needs. (pg. 68 ○ Policy 1 groups,	et by seeking opportu ) : Encourage develo such as the numbe	cted changes in the conities to develop adapta pments that meet the her of bedrooms, stories, by adapted to different new terms.	ble housir ousing ne , or levels	eds of a range of age					
Board of Adju	ıstment Agrees witl	n preliminary findings:	Yes 🗌 I	No 🗌					
by the Land	ty owner proposing t Use Ordinance? Why or why not?	o use the property in a r	easonable	manner not permitted					
<ul> <li>this new struct</li> <li>The applicant is into the steep s</li> <li>The applicant v</li> <li>This is an exist</li> <li>The impervious maximum allow</li> <li>On the survey stormwater run</li> </ul>	ure s proposing to build slope on the parcel. vill be installing a new ing lot of record in the s surface coverage wed by Ordinance. the applicant state of will be moving average.	e the existing dwelling of a patio home with no band of the conforming septic system of Pine Beach Health is proposed to be at 1 the sthere will be guttering any from the lake the preliminary findings:	asement a tem. ights esta 1.9%, wh	and will not be building blished in 1938.					

4. Y	is the need for a Variance due to circumstances unique to the property and not created by the property owner? Yes $\square$ No $\square$ Why or why not?
•	This is an existing lot of record in the plat of Pine Beach Heights established in 1938. The impervious surface coverage is proposed to be at 11.9%, which is below the 25% maximum allowed by Ordinance.  The applicant is proposing to build a patio home with no basement and will not be building into the steep slope on the parcel.  The applicant will be installing a new conforming septic system.
	Board of Adjustment Agrees with preliminary findings: Yes   No
5. }	Will the issuance of a Variance maintain the essential character of the locality? Yes $\boxtimes$ No $\square$ Why or why not?
•	Stormwater and buffer along the lake are in place as noted during the on-site 06/30/25. On the survey, the applicant states there will be guttering on the home to ensure that stormwater runoff will be moving away from the lake  The impervious surface coverage is proposed to be at 11.9%, which is below the 25% maximum allowed by Ordinance.
	Board of Adjustment Agree with preliminary findings: Yes  No
6. }	Does the need for a Variance involve more than economic considerations? Ves $\boxtimes$ No $\square$ Why or why not?
•	There is an existing structure located on the property that is 78 feet from the ordinary high-water mark of Horseshoe Lake. The proposal is a scrape and rebuild, expanding the existing nonconforming structure.  On the survey, the applicant states there will be guttering on the home to ensure that
	stormwater runoff will be moving away from the lake
	Board of Adjustment Agrees with preliminary findings: Yes \( \text{No} \)
•	What is the Township Recommendation: none as of 07/17/25

# Attachment: 1. PCBOA Packet- Schoenecker 7.17 (6800 : Schoenecker, Michael & Patricia Rev Trust - Variance)

# CROW WING COUNTY STAFF PRELIMINARY FINDINGS OF FACT SUPPORTING/DENYING - NO

Name of Applicant:		&	Patricia	Date:	July 17, 2025
	Shoenecker			PID:	77190573
FINDINGS OF FACT	<u>.</u>				
1.Is the Variance re $Yes \square No \boxtimes$	quest in harmo Why or why n		the purposes and in	tent of the Ordi	inance?
from the Ordinate The proposal is will have a continuous Horseshoe Lake There is adequate	ance setback s no closer tha overed deck ke that what is uate space on	require in the e at 66 existing the pr	ements of 100 feet. existing deck on the feet which places ng.	property exce more imper	s a significant deviation ept that the new dwelling vious surface closer to ck from Horseshoe Lakeng the on-sites 06/30/25.
Board of Adjustr	nent Agrees wit	th prelii	ninary findings: Yes	□ No □	
2.Is the Variance co Yes $\square$ No $\boxtimes$	nsistent with th Why or why n	_	orehensive Plan?		
housing marke needs. (pg. 68)	t by seeking o ) urage land use	pportu es that	nities to develop ac	daptable hous	oulation, workforce, and ing that meets changing ne environmental impact
Board of Adjustr	nent Agrees wit	th prelin	ninary findings: Yes	□ No □	
3.Is the property ow Use Ordinance Yes ☐ No ⊠			he property in a reas	onable manner	not permitted by the Land
from the Ordina The proposal is will have a continuous Horseshoe Lake There is adequand the topogra The landowner	ance setback is no closer that overed deck as that what is late space on aphy is flat with has the ability	require n the e at 66 existir the pr hin the	ements of 100 feet. existing deck on the feet which places ng. operty to move the building envelope ape and rebuild the	property exce more imper structure bac as noted durir existing cabir	ept that the new dwelling vious surface closer to ck from Horseshoe Lakeing the on-sites 06/30/25. In with a Land Use Permit of need a variance.
Board of Adjustr	nent Agrees wit	h prelir	ninary findings: Yes	□ No □	

4.Is the need for a Variance due to circumstances unique to the property and not created by the property
owner? Yes No Why or why not?
<ul> <li>A 66-foot OHW setback from a Recreational Development Lake is a significant deviation from the Ordinance setback requirements of 100 feet.</li> <li>The proposal is no closer than the existing deck on the property except that the new dwelling will have a covered deck at 66 feet which places more impervious surface closer to Horseshoe Lake that what is existing.</li> <li>There is adequate space on the property to move the structure back from Horseshoe Lake and the topography is flat within the building envelope as noted during the on-sites 06/30/25.</li> <li>The landowner has the ability to scrape and rebuild the existing cabin with a Land Use Permit while having any new expansions meet all setbacks.</li> </ul>
Board of Adjustment Agrees with preliminary findings: Yes  No
5. Will the issuance of a Variance maintain the essential character of the locality? Yes $\square$ No $\boxtimes$ Why or why not?
<ul> <li>There is adequate space on the property to move the structure back from Horseshoe Lake and the topography is flat within the building envelope as noted during the on-sites 06/30/25.</li> <li>A 66-foot OHW setback from a Recreational Development Lake is a significant deviation from the Ordinance setback requirements of 100 feet.</li> <li>The proposal is no closer than the existing deck on the property except that the new dwelling will have a covered deck at 66 feet which places more impervious surface closer to Horseshoe Lake that what is existing.</li> <li>There is adequate space on the property to move the structure back from Horseshoe Lake and the topography is flat within the building envelope as noted during the on-sites 06/30/25.</li> <li>The landowner has the ability to scrape and rebuild the existing cabin with a Land Use Permit while having any new expansions meet all setbacks.</li> </ul>
Board of Adjustment Agree with preliminary findings: Yes  No
6.Does the need for a Variance involve more than economic considerations? Yes $\square$ No $\boxtimes$ Why or why not?
<ul> <li>There is adequate space on the property to move the structure back from Horseshoe Lake and the topography is flat within the building envelope as noted during the on-sites 06/30/25.</li> </ul>
Board of Adjustment Agrees with preliminary findings: Yes  No
7. Township Recommendation: None as of 07/17/2025

### CEMETERY DEED

Know all by These Presents:	That the Mission Township
Cemetery	Association of Mission Township
in the County of Crow Wing	and State of Minnesota, in consideration of the sum
	Dollars, to them
in hand paid by Ricky C Fisher	hereby grant, bargain, sell
forever the following described piece of land as a p	~
Lot No. 41 , Block No. 1	6of the Cemetery situate on
28056 County Road 19, Merrifield MN	New Section
Mission Township Cemetery	
	and State of Minnesota, according to the plat of said
Cemetery on file in the office of County Recorder o	
	he laws of this State, now or hereafter enacted for the
management and regulation of Cemeteries, and a	ulso subject to all rules and by-laws of the said Ceme-
tery Association now or hereafter made, for the reg	Sulation of the affairs of the same or any part thereof.
It is hereby covenanted, that said hereby gran	ted premises are free from all incumbrances, and that
the title now conveyed is perfect, and that said	Mission Township
Cemetery Association will warrant and defend the	e same to said grantee, their heirs and assigns forever.
	iation has caused these presents to be executed in its
behalf by its xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx	nd Township Supervisors
this 14th day of Jul	У, 🗱 2025
Signed, Sealed and Delivered in Presence of	
Signed, Sealed and Denvered in Fresence of	
	By Jon Auge - Its Chairman
	<b>-</b> /
	Its Treasurer
State of Minnesota, )ss.	
County of Crow Wing	
$_{On\ this}$ 14th $_{day\ of}$ July	, A. D. XX 2025 before me appeared
Jon Auge	nd Mary Zabilla
to me personally known, who, being by me duly si	vorn Notary Public did say, that they are
respectively the XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	
Chairman	
the above	trument, and that the
the above hamea in the foregoing ins	irament, and that the
1	7.77 . 1.77
	and that the said instrument was signed and sealed
	by authority of its Board of Supervisors
and said Robert Steele	
acknowledged said instrument to be the free act ar	rd deed of saidCemetery
My commission expires	



### MISSION TOWNSHIP CROW WING COUNTY, MINNESOTA

Ordinance Number: 2025-01

# AN ORDINANCE AMENDING THE MISSION TOWNSHIP SUBDIVISION ORDINANCE REGARDING ADMINISTRATIVE SUBDIVISIONS

The Board of Supervisors of the Town of Mission ordains:

- **Article I**. <u>Definitions</u>. Section 4 of the Mission Township Subdivision Ordinance is amended by adding a new definition as follows and renumbering the sections as may be needed:
  - (a) Administrative Subdivision. "Administrative Subdivision" has the same meaning given the term in the County Ordinance. Any division of land that is subject to approval by the County as an administrative subdivision shall constitute an administrative subdivision for the purpose of this Ordinance.
- **Article II**. <u>Administrative Subdivisions</u>. The Mission Township Subdivision Ordinance is amended by creating a new Section 7 as follows and renumbering the remaining sections as needed:
  - Section 7. Administrative Subdivisions. No more than three lots containing less than 10 acres may be established through the Administrative Subdivision process within a five-year period. No further subdivision of the property shall occur except by plat preapproved by the Town Board in accordance with the Development Process and Standards of this Ordinance. Any subdivision of property in the shoreland district shall be platted if it results in one or more new riparian lots.
- **Article III**. Effective Date. This Ordinance shall take effect and be in full force on the first day of publication after its passage.
- **Article IV**. <u>Incorporate Amendments</u>. The Town Attorney is authorized and directed to incorporate the amendments made by this Ordinance into the Mission Township Subdivision Ordinance. The numbering shall be updated and other non-substantive changes shall be made as may be needed. The updated subdivision ordinance shall constitute the official Mission Township Subdivision Ordinance.

Adopted this 14th day of July 2025.

	BY THE TOWN BOARD
	Tour Asses Chair
Attest: Naomi Scott, Clerk	Jon Auge, Chair



### MISSION TOWNSHIP CROW WING COUNTY, MINNESOTA RESOLUTION No. 2025-06

**WHEREAS**, the Town Board of Mission Township adopted Ordinance No. 2025-01, "An Ordinance Amending the Mission Township Subdivision Ordinance Regarding Administrative Subdivisions" ("Ordinance");

**WHEREAS**, Minnesota Statutes, section 365.125, subdivision 2 allows the publication of a summary of an ordinance instead of publishing the entire Ordinance; and

**WHEREAS**, the Town Board determines it is impractical to publish the entire text of the Ordinance and that publication of a summary is sufficient to clearly inform the public of the intent and effect of the Ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby decides to publish the following summary language, which is hereby approved, in lieu of publishing the full text of the Ordinance:

### MISSION TOWNSHIP CROW WING COUNTY, MINNESOTA ORDINANCE NO. 2025-01

# AN ORDINANCE AMENDING THE MISSION TOWNSHIP SUBDIVISION ORDINANCE REGARDING ADMINISTRATIVE SUBDIVISIONS

On July 14, 2025, the Town Board of Mission Township adopted the above-captioned ordinance amending the Mission Township Subdivision Ordinance to place limits on administrative subdivisions in the Town. The ordinance defines administrative subdivisions and limits the number of administrative subdivisions that may occur on a property over a certain period of time. The ordinance is effective immediately. A copy of the ordinance is posted on the Town's website, is available for inspection at the Crosslake Community Library, the County Law Library, and a copy may be obtained by contacting the Town Clerk.

Naomi Scott, Town Clerk

**BE IT FINALLY RESOLVED**, that the Town Clerk is hereby authorized and directed

- Publish the approved summary language once in the Town's official newspaper;
- Record a copy of the full Ordinance in the office of the County Recorder;

to:

- Keep a copy of the full Ordinance in the office of the Town Clerk and make it available for inspection upon reasonable request;
- Place a copy of the full Ordinance at the Crosslake Community Library;
- Place a copy of the full Ordinance at the Crow Wing County Law Library; and
- Within 20 days place a copy of the full Ordinance in the Town's Ordinance Book along with a copy of this Resolution and a copy of the affidavit of having published the approved summary language.

Adopted this 14 <sup>th</sup> day of July 2025.	
	BY THE TOWN BOARD
	Jon Auge, Chair

Attest:

Naomi Scott, Town Clerk



### MISSION TOWNSHIP CROW WING COUNTY, MINNESOTA

Ordinance No. 2025-02

## AN ORDINANCE REGULATING DRIVEWAY ACCESSES ON TOWN ROADS

The Board of Supervisors of the Town of Mission ordains:

- 1. <u>Title</u>. This Ordinance shall be known and cited to as the Mission Township Driveway Ordinance and shall be referred to herein as this "Ordinance."
- 2. **Purpose**. It is the purpose of this Ordinance is to establish reasonable regulations, requirements, and restrictions regarding the construction, reconstruction, or relocation of a driveway access onto a Mission Township Road in order to protect the health, safety and welfare of Town residents, those traveling on town roads, and the general public. It is also the purpose of this Ordinance to protect the cumulative investment the public has made to construct, maintain, and improve the Town's roads by requiring those undertaking construction, reconstruction, or relocation projects in and near town roads to obtain a permit from the Town and to be responsible for complying with certain minimum specifications. Finally, this Ordinance provides for the recovery by the Town of its actual expenses incurred related to such projects where reimbursement is required by this Ordinance.
- 3. Authority. A person is required by Minnesota Statutes, sections 160.18 and 160.2715 to obtain a permit from the road authority before constructing an approach to a public right-of-way and before constructing a driveway headwall. Pursuant to Minnesota Statutes, section 160.18, subdivision 3, the installation of a driveway access is also subject to reasonable regulation by the road authority. Finally, pursuant to Minnesota Statutes, section 164.36, the Town Board has broad authority to regulate erosion, drainage, public nuisances, and other matters of public interest. An improperly installed driveway access can interfere with proper drainage, damage or undermine the surface of a road, and create a safety hazard for the traveling public. The restrictions contained in this Ordinance are in addition to the prohibitions contained in Minnesota Statutes, sections 160.2715; 609.74; and such other law as may apply.
- 4. **Scope**. This Ordinance applies to the construction, reconstruction, or relocation of a driveway access within a town road right-of-way. A person desiring to construction, reconstruction, or relocation of a driveway access in the right-of-way of another road authority, such as the state or county, must contact that road authority and comply with all requirements imposed by that road authority. This Ordinance also does not apply to the construction of a driveway access from a private road or to the construction of the portion of a driveway located entirely outside the boundaries of a town road right-of-way.
- 5. <u>Definitions</u>. For the purposes of this Ordinance, the following terms shall have the meaning given them in this Section.

- (a) Applicant. A person who requests or installs a driveway access.
- (b) <u>Driveway</u>. A private road, drive, or way constructed for use by motor vehicles to provide access from a public road to a parking structure or parking area on private property. The term includes the entire length of the drive on the property including, but not limited to, the portion of the drive located within the public right-of-way and which is referred to herein as the driveway access.
- (c) <u>Driveway Access</u>. The portion of a driveway located within a public right-of-way and which serves to connect the portion of the driveway located on private property to the surface of the public road. A driveway access is sometimes referred to as, and the term includes, a driveway approach or an access drive.
- (d) <u>Driveway Access Permit</u>. A permit issued by the Town to allow an applicant to install, reconstruct, or relocate a driveway access within a town road right-of-way.
- (e) <u>Person</u>. An individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.
- (f) Reconstruct. With respect to an existing driveway access, is: (1) any alteration that increases or decreases the vertical profile or width of the driveway access; (2) any alteration to drainage by raising, lowering, changing the diameter, removing, or blocking an existing culvert; or (3) a change in the use of the land that results in a significant change in the use of the driveway access such as if the land is converted from a residential to commercial use.
- (g) <u>Relocate</u>. With respect to an existing driveway access, is to move or otherwise change the location of a driveway access within a town road right-of-way.
- (h) <u>Right-of-Way</u>. The entire area of a town road in which the Town has an interest including, but not limited to, the road surface, shoulders, ditches, backslopes, and all areas beyond such improvements out to the edges of the Town's easement or other ownership interest.
- (i) <u>Town</u>. Mission Township, Crow Wing County, Minnesota.
- (j) <u>Town Board</u>. The board of supervisors of Mission Township, Crow Wing County, Minnesota.
- (k) <u>Town Road</u>. A public roadway right-of-way that is regularly maintained by the Town as part of its system of regularly maintained roads. The term includes, but is not limited to, platted roads and cartways that have been taken over by the Town for public maintenance, and minimum-maintenance roads.

- 6. **Permit Required**. It is a violation of this Ordinance for any person to install, reconstruct, or relocate a driveway access within a town road right-of-way without first obtaining a driveway access permit from the Town. A driveway access permit is required regardless of the intended use of the driveway. The applicant for a driveway access permit is required to pay the applicable application fee, reimburse the Town for the costs of an engineering review if required, and is responsible for all costs associated with constructing the driveway access and obtaining and installing a culvert, or other drainage structures, as may be required.
- 7. <u>Application Procedures</u>. A request for a driveway access permit to access a town road must be made using the application form approved by the Town and submitted with the required permit fee, which shall be set by Town Board resolution, in accordance with the following:
  - (a) The applicant shall provide all information required in the application form including, but not limited to, whether the driveway access is intended for primarily a residential or commercial use, a sketch of the driveway access showing its proposed location, width, and describing any proposed culverts or other drainage structures. The application shall be submitted to the Town Clerk for processing.
  - (b) The applicant shall place stakes at each end and at each corner of the desired access showing its proposed location and width.
  - (c) The Town will inspect the proposed driveway access. If the inspector determines review by the Town's engineer is required, the applicant shall be required to reimburse the Town the actual costs it incurs related to the engineer's review. The requirement to reimburse the Town for its costs for the engineer's review is a condition of issuing the permit and failure to fully reimburse the Town is a violation of the permit and of this Ordinance. Any specific requirements, conditions, or restrictions identified by the engineer during the review shall be incorporated in and made part of the driveway access permit.
  - (d) No work on the driveway access shall occur until the Town issues the driveway access permit. The driveway access and associated drainage structures must be constructed in accordance with the standards contained within this Section and any specific requirements, conditions, or restrictions set out in the permit and in the engineer's report (if issued). The engineer's report is automatically incorporated in and made part of the driveway access permit issued by the Town.
  - (e) A change, or proposed change, in use of a property that results in a significant increase in the use, or intensity of the use, of an existing driveway access requires a new driveway access permit from the Town. The permit may require reconstruction of the driveway access to adequately accommodate the increased use.
- 8. <u>Standards</u>. The construction or modification of a driveway access shall comply with the following standards as well as any specific requirements imposed on the permit issued for the driveway access.

- (a) Width Requirements. The hard surface of the driveway access shall be no less than 12 feet and not more than 24 feet in width. The permitted width of a driveway access shall be established in the permit issued for the driveway access. The driveway access must be able to reasonably accommodate the type of vehicles anticipated to use the driveway access based on the primary use of the property.
- (b) <u>Vertical Clearance</u>. The area above the driveway access shall be clear of tree branches and other obstructions to achieve a vertical clearance of at least 14 feet and such vertical clearance shall be maintained in order to allow access by emergency vehicles.
- (c) <u>Setbacks</u>. No driveway access shall be placed within any of the following setback distances. Additional corner clearance may be required in the sole discretion of the Town based on the presence of a bus stop, turning lane(s), a skew or complex intersection, atypically wide intersection, heavily traveled roadways or other conditions that reasonably require a further setback distance. The setback from an intersection shall be measured from the closest edge of the intersection right-of-way.

Setback From:	Setback Distance:
Another Driveway Access*	200 feet
Right-of-Way Intersection	60 feet
Side Lot Line	20 feet

<sup>\*</sup> Common or shared driveway accesses are exempt.

- (d) <u>Driveway access Angle</u>. All driveway accesses shall enter the right-of-way and connect to the surface of the town road at 90 degree angles. The driveway access angle is measured as the angle between the driveway centerline and the edge of the surface of the town road.
- (e) <u>Driveway Access Profile</u>. The constructed profile of the driveway access shall be such that it facilitates drainage and shall not exceed an 8% gradient for a driveway accesses used primarily for commercial purposes and a 10% gradient for all other driveway accesses.
- (f) <u>Driveway Headwalls</u>. The sides of a driveway access used to support its surface, which are also referred to as headwalls, must be constructed in a manner so as not to create an unreasonable hazard for recreational vehicles and vehicles that may leave the travelled surface of the road. Furthermore, placing rocks, fences, pillars, posts, and other materials or structures that extend above the level of the driveway access can also pose a safety hazard and interfere with maintenance of the right-of-way. To avoid or reduce such hazards and interferences, a driveway headwall erected or reconstructed within the right-of-way of a town road shall have a slope of no greater than 4 to 1 (horizontal to vertical). No materials or structures shall be placed on or along a driveway access that interfere with the maintenance of the right-of-way or that extend more than one foot above the surface of the access drive. This prohibition does not apply to mailboxes and newspaper boxes provided, however, that any mailbox placed or replaced within a town

- road right-of-way shall comply with the standards in Minnesota Rules, chapter 8818 regardless of the speed limit on the town road.
- (g) <u>Drainage</u>. Drainage along the town road shall be maintained at all times. No driveway access shall be constructed, expanded, altered, or maintained such that it interferes with the drainage of water within a ditch. A culvert shall be required for a driveway approach unless the driveway access permit issued for the particular driveway approach indicates a culvert is not required. A permit issued for a driveway access may impose specific requirements for the installation of a culvert or other drainage structure to properly accommodate drainage. A culvert installed within a driveway access shall have a size of 15 inches in diameter, be a corrugated metal pipe (CMP), dual wall high density polyethylene, dual wall polypropylene, reinforced concrete pipe (RCP), or other material approved by the Town Board that is designed for such use, and shall extend at least 2 feet beyond the edges of the driveway. Culvert aprons made of the same or similar material as the culvert shall be installed on each end of the culvert. Culverts shall have a minimum of 12 inches of cover, excluding aggregate base and surfacing materials, and shall had adequate length to achieve a 4:1 slope or flatter.
- (h) Maintenance of Drainage Structures. The owner or occupant of land is responsible for maintaining the drainage structures installed in or associated with a driveway access including, but not limited to, keeping culverts free of dirt and debris, repairing, and replacing drainage structures as needed so as not to not interfere with or obstruct the drainage of water along the right-of-way. If an owner or occupant fails to maintain, clean, repair, or replace a culvert or other drainage structure as needed to avoid obstructing drainage, the Town may undertake such work as may be needed and the owner of the property shall be responsible for fully reimbursing the Town for its costs.
- 9. <u>Multiple Driveway Accesses</u>. No more than one driveway accesses to a lot shall be permitted, except upon approval of the Town Board. A request for an additional driveway approach shall not be approved unless the owner demonstrates, to the Town Board's satisfaction, a specific need for an additional driveway access and that additional driveway approach can be placed and constructed in such a way as to not unreasonably interfere with the safe use or maintenance of the right-of-way.
- 10. <u>Unsafe Driveway Accesses</u>. Any driveway access within a town road right-of-way that creates a safety hazard for the traveling public, or unreasonably interferes with the use, maintenance, or drainage of the town road, is hereby declared a public nuisance and is prohibited. The Town may issue one or more written orders requiring the owner or occupant of the property, or both, to take such actions as the Town determines are needed to eliminate or otherwise correct the nuisance condition. If the owner or occupant fails to promptly correct the condition as directed, or if the condition creates an eminent safety hazard requiring immediate action, the Town may take action to eliminate the nuisance condition. The owner shall be required to fully reimburse the Town for all costs it incurs to correct the condition.

- 11. <u>Surfacing</u>. Driveway accesses constructed or reconstructed to provide access from a town road with a bituminous surface to property used primarily for a commercial purpose shall be hard surfaced with bituminous or concrete. Farming is not considered a commercial use for the purposes of this requirement. A driveway approach with a slope of 10% or greater shall be hard surfaced to prevent erosion of materials onto the road surface and to ensure proper maintenance of the right-of-way. The hard surfacing shall extend from the driveway approach within the right-of-way onto the driveway within the private property as needed to prevent eroded materials from running into the right-of-way.
- 12. <u>Construction</u>. The construction or reconstruction of a driveway access must not interfere with the maintenance or safe use of the town road. No materials shall be dumped or stockpiled on the surface of the road, on the shoulder, or within the right-of-way outside of the permitted location for the driveway access. Upon the completion of construction, the right-of-way must be cleared of any excess materials and any dirt or other materials shall be removed from the surface of the road.
- 13. **Restoration**. Any part of the right-of-way disturbed during construction of an driveway access, or the installation of drainage facilities, shall be restored by the permittee to its preconstruction or pre-installation condition. Such restoration shall include, but not be limited to, grading, seeding, and landscaping as needed to fully restore the right-of-way and prevent erosion.
- 14. <u>Waivers</u>. An applicant for a driveway access permit may request the Town Board grant a waiver of one or more of the standards or requirements of this Section. No waiver will be granted unless the applicant can demonstrate, to the satisfaction of the Town Board, that there are extenuating circumstances necessitating the deviation and that granting the waiver will facilitate the safe and efficient use of the property and will not interfere with the construction, maintenance, and safe use of the road and its appurtenances. A waiver must be in writing and approved by the Town Board at a meeting.
- 15. **Recovering Costs**. All costs the Town incurs related to processing, inspection, and enforcement actions shall constitute a service charge for a governmental service. If the applicant fails to fully reimburse the Town for any of the Town's costs required to be reimbursed in this Section, the unreimbursed amount, together with collection costs, may be collected on the taxes of the property to which the driveway access relates as provided in Minnesota Statutes, section 366.012, or collected in accordance with any other legal authority available to the Town.

#### 16. Violation and Penalty.

(a) <u>Misdemeanor</u>. Any person who violates, or fails to comply with, a provision of this ordinance, knowingly makes a false statement in any document required to be submitted under the provision hereof, or that violates a condition of a permit issued, shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by a fine and/or imprisonment as authorized by law for the punishment of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

- (b) <u>Civil Enforcement</u>. In the event of a violation of this ordinance, the Town Board, in addition to the other remedies, may institute appropriate criminal and/or civil actions or proceedings to prevent, restrain, correct or abate such violations. Criminal prosecution of a violation shall not bar the Town from also pursuing a civil remedy, just as pursuit of a civil remedy does not bar criminal prosecution of a violation.
- 17. <u>Delegation</u>. The Town Board may delegate authority to administer and enforce all or any aspect of this ordinance to one or more supervisors, employees, contractors or agents as it deems appropriate.
- 18. <u>Repealer</u>. Any previous ordinance or regulation adopted by the Town Board regarding the same matters are hereby repealed and replaced by this Ordinance and are hereby repealed as of the effective date of this Ordinance.
- 19. <u>Severability</u>. If any portion of this ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.
- 20. <u>Effective Date</u>. This Ordinance shall take effect and be in full force on the first day of publication of approved summary language after its passage.

Adopted on this 14th day of July 2025.

	BY THE TOWN BOARD
	Jon Auge, Chair
Attest:	
Naomi Scott, Town Clerk	



# MISSION TOWNSHIP CROW WING COUNTY, MINNESOTA RESOLUTION No. 2025-05

**WHEREAS**, the Town Board of Mission Township adopted Ordinance No. 2025-02, "An Ordinance Regulating Driveway Accesses on Town Roads" ("Ordinance");

**WHEREAS**, Minnesota Statutes, section 365.125, subdivision 2 allows the publication of a summary of an ordinance instead of publishing the entire Ordinance; and

**WHEREAS**, the Town Board determines it is impractical to publish the entire text of the Ordinance and that publication of a summary is sufficient to clearly inform the public of the intent and effect of the Ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby decides to publish the following summary language, which is hereby approved, in lieu of publishing the full text of the Ordinance:

# MISSION TOWNSHIP CROW WING COUNTY, MINNESOTA ORDINANCE NO. 2025-02

# AN ORDINANCE REGULATING DRIVEWAY ACCESSES ON TOWN ROADS

On July 14, 2025, the Town Board of Mission Township adopted the above-captioned ordinance establishing regulations regarding driveway accesses on the town roads within the Town. The ordinance contains general provisions, definitions, requires a permit to install, reconstruct, or relocate a driveway access on a town road, sets out application procedures, standards, and penalty provisions. The ordinance is effective immediately. A copy of the ordinance is posted on the Town's website, is available for inspection at the Crosslake Community Library, the County Law Library, and a copy may be obtained by contacting the Town Clerk.

Naomi Scott, Town Clerk

**BE IT FINALLY RESOLVED**, that the Town Clerk is hereby authorized and directed to:

- Publish the approved summary language once in the Town's official newspaper;
- Keep a copy of the full Ordinance in the office of the Town Clerk and make it available for inspection upon reasonable request;

- Place a copy of the full Ordinance at the Crosslake Community Library;
- Place a copy of the full Ordinance at the Crow Wing County Law Library; and
- Within 20 days place a copy of the full Ordinance in the Town's Ordinance Book along with a copy of this Resolution and a copy of the affidavit of having published the approved summary language.

Adopted this 14<sup>th</sup> day of July 2025.

BY THE TOWN BOARD

Jon Auge, Chair

Attest:

Naomi Scott, Town Clerk

# MISSION TOWNSHIP FIREFIGHTERS RELIEF ASSOCIATION Lump Sum Plan

## BYLAWS OF THE MISSION TOWNSHIP FIRE FIGHTERS RELIEF ASSOCIATION

This instrument constitutes the bylaws of the Mission Township FireFighters Relief Association adopted for the purpose of regulating and managing the internal affairs of the corporation and shall serve as the written pension plan (lump sum plan) for the Mission Township FireFighters Relief Association ("Association"). The Association is a volunteer firefighters' relief association directly affiliated with the Mission Township Fire Department ("Department") and is governed by Minnesota Statutes, Chapter 424A, Chapter 69, and such other laws as may apply.

### ARTICLE I -- NAME AND PURPOSE

Section 1 — NAME: The name of the relief association shall be the Mission Township FireFighters Relief Association.

Section 2 — TYPE: The Association is a defined-benefit lump sum relief association subject to Minnesota Statutes, sections 424A.015, 424A.02, and 424A.091 to 424A.094. All benefits provided by this Association derive from and are governed by Federal and State laws and these bylaws.

Section 3 — PURPOSE: The purpose of the Association is to provide retirement relief and other benefits to its members and dependents. The Association is a non-profit corporation under the laws of the State of Minnesota that receives and manages public money to provide retirement for individuals providing the governmental services of firefighting and emergency first response.

#### **ARTICLE H - MEMBERSHIP**

Section 1 — MEMBERSHIP: All active members of the Mission Township Fire Department are eligible for membership in the Association. Application for membership shall be made in writing on a form supplied by the Secretary of the Association and reviewed by the Board of Trustees for compliance with these Bylaws.

If the Town has approved the employment of the Department of volunteer emergency medical personnel, individuals who solely perform or supervise volunteer emergency medical duties are sociation and qualify for service pension and other benefit coverage of the Association on the same basis as members who perform fire suppression duties.

Section 2 — MEMBERSHIP CLASSIFICATIONS: Members of the Association shall be classified into five categories: active, early vested, deferred, disabled, and suspended.

a. "Active Members" are members that have not been suspended or expelled from the Association.

- b. "Early Vested Members" are former members who: have separated from active service with the Department; had an active period or periods of service in the Department of at least 5 years, but not more than 20 years; who had been a member of the Association for at least 5 years; and who have not reached 50 years of age.
- c. "Deferred Members" are former members who: have separated from active service with the Department; had an active period or periods of service in the Department for at least 20 years; had been a member of the Association for at least 5 years; and who have not reached 50 years of age.
- d. "Disabled Members" are former members that have been permanently disabled as defined in Article XI, section 2 of these Bylaws.
- e. "Suspended Members" are former members who have been separated from membership in the Association for any of the reasons provided for in these Bylaws. A suspended member shall not be eligible to vote unless and until the member is reinstated. A suspended member can only be reinstated as an active member of the Association upon the satisfaction of all of the following: (1) submission of a written application; (2) payment of a reinstatement fee of \$10; and (3) receive a favorable vote of 2/3 of the members present and voting at a regular or special Association meeting. If the application for reinstatement is rejected, the money accompanying the same shall be returned to the applicant.

Section 3 — EXCLUSION: No applicant originally applying for membership may be excluded, except if the person is under eighteen years of age or has some medically determinable physical or mental impairment or condition, which, in the determination of the Board of Trustees, would constitute a predictable and unwarranted risk of imposing liability for an ancillary benefit at any age earlier than the minimum age specified for receipt of a service pension. A determination to exclude an applicant may only be made after consideration of the applicant's medical history and report of a physician who had completed a physical examination of the applicant performed at the expense of the Association.

Section 4 — RESIGNATION: Any member who resigns from the Department before achieving 5 years of active service, or 5 years of membership with the Association, shall be considered removed from membership in the Association and shall not be eligible to receive a service pension or any other benefits provided from the Association. The membership of any member in the Association shall terminate upon the payment of a service pension or disability benefit to the member by the Board of Trustees.

Section 5 — EXPULSION: Any member may be expelled from the Association for cause by a 2/3 vote of all members present at a regular or special Association meeting. Cause for expulsion includes, but is not limited to, failure to account for money belonging to the Association or feigning illness or injury for the purpose of defrauding the Association. The member shall have the right to request a hearing before a quorum of the Board of Trustees. Such request shall be made no later than 14 days after the regular or special Board meeting at which the Board of Trustees considered the expulsion. Written notice of the date, time, and place of the hearing shall be mailed to the individual at least 10 days prior to the date of the hearing.

Section 6 — VESTING RETENTION. Any member who has served for at least the minimum number of years required in these Bylaws for the vesting of pension rights as an active member of the Department shall retain membership in the Association until reaching the age of 50 years old regardless of resignation, expulsion, or removal, provided the member complies with such regulations which may be from time to time imposed by the Board of Trustees until such service pension is paid in accordance with these Bylaws.

Section 7 — VOTING: Each member, except suspended members, shall be entitled to one vote on any matter voted upon by the membership. Voting by proxy is not permitted. All votes, unless specified prior to the vote, shall be conducted by a voice vote. If a majority cannot be determined by voice vote, the presiding officer's vote shall ask for a vote by paper ballot or a show of hands.

Section 8 — YEAR OF ACTIVE SERVICE: For purposes of computing benefits or calculating vesting requirements under these Bylaws, a year of service shall be defined as a period of 12 full months of active service in the Department. Service pension and ancillary benefits shall be prorated monthly for fractional years of service pursuant to Minnesota Statutes, section 424A.02, subdivision 1.

Section 9 — ACTIVE SERVICE: For the purposes of these Bylaws, active service means the active performance of fire suppression duties or the supervision of fire suppression duties. If the Town has approved the employment on the Department of voluntary emergency medical personnel and if their membership in the Association is permitted in Section 1 of this Article, active service also includes the supervision or performance of emergency medical response duties. A member unable to perform the duties of a firefighter or emergency medical response duties because of a temporary disability incurred in the line of duty as a firefighter or emergency medical response personnel shall be considered to be on active service during the period of disability subject to review by the Board of Trustees, which may place a temporarily disabled member on a leave of absence if it determines such action is warranted under the circumstances. A member who is unable to perform the duties of a firefighter or emergency medical response duties, for any other reason, shall be considered to be on a leave of absence from active service. The Treasurer shall deduct each month in a year a member is on a leave of absence from the member's calculation of years of active service. Partial years of service may be added together to compute full years.

Section 10 — CERTIFICATION OF SERVICE CREDIT: Annually, by March 31st. The Fire Chief shall certify the service credit for the previous calendar year of each member rendering active service with the Department. The certification must be made to an officer of the Association's Board of Trustees and to the Town Clerk or Town Clerk-Treasurer.

Section 10 - BREAK IN SERVICE:

- a. Any member who leaves the Department for a period of 60 days or more shall no longer be considered an active member, unless the member is granted a leave of absence and returns to active service at the conclusion of the leave. Requests for a leave of absence shall be submitted in writing to the Board of Trustees. The Board of Trustees may, in its discretion, grant a member leave for a period of up to one year, retroactive to the date of departure. Upon the member's timely return to active service, the Treasurer shall prorate that year of service based on the months of active service actually served and credit the member accordingly. The member will not receive service credit for the period of the leave, including partial months of service. A member who is absent and returns to active service in less than 60 days, shall recommence membership in the Association. The requirements of this section do not apply to breaks in service mandated by federal or state law, such as the Family and Medical Leave Act (29 U.S.C. § 2601, et. al.), to the extent these Bylaws are inconsistent with the requirements of such laws.
- b. Return to Service. Any member who resigns from the Department, or does not engage in active service for more than 60 days without a leave of absence approved by the Board of Trustees, and is later allowed to return to active service on the Department may be reinstated as a member of the Association upon a vote of at least 2/3 of the members at an annual or special Association meeting. If the member is reinstated in the Association, he or she shall be considered to have a break in service and shall not receive service credit for the period the person was not engaged in active service on the Department. If a member reinstated in the Association had previously received payment of an accrued pension, the member may be eligible for a second pension for the resumption period of service if the member serves at least 5 years of active service in the Department during the resumption period. A member reinstated in the Association that has not received payment for an accrued pension must serve a minimum resumption period of 2 years of active service on the Department to accrue any additional service credit with the Association. A member who completes at least the minimum resumption period shall receive a service pension for all years of active service (provided the member provided a total of at least 5 years of active service on the Department) calculated at the benefit level in effect on the date of the member's final cessation of duties. If the reinstated member does not complete the 2 year minimum resumption period prior to the subsequent cessation of duties, the member shall receive a service pension for the member's original years of service (if the member was vested based on the original years of service) calculated at the benefit level in effect upon the member's original cessation of duties, with no credit for the subsequent period of active service. A member who has been granted an approved leave of absence by the Board of Trustees and returns to active service at the conclusion of the approved leave (if the leave did not exceed one year) is exempt from the 2 year minimum resumption period. All others allowed to return to active service after a break in service of 60 days or more are subject to the minimum resumption period.

Section 11 — MILITARY SERVICE: Subject to limitations stated in this section, a member who is absent from active service on the Department due to service in the uniformed services, as

defined in United States Code, title 38, section 4303(13), may obtain service credit for the period of the uniformed service, not to exceed five years, unless a longer period is required under United States Code, title 38, section 4312. To be eligible for service credit under this section, the member must return to active service with the Department upon discharge from service in the uniformed service within the time frame required in United States Code, title 38, section 4312(e) and otherwise comply with the requirements of United States Code, title 38, section 4312. Service credit is not authorized if the member separates from uniformed service with a dishonOrable or bad conduct discharge or under other than honorable conditions. Service credit is also not authorized if the member fails to provide notice to the Department that the individual is leaving to provide service in the uniformed service, unless it is not feasible to provide that notice due to the emergency nature of the situation.

#### <u>ARTICLE III — FRAUDULENT CLAIMS</u>

Section 1 — FRAUDULENT CLAIM: Any member who is found, by a majority vote of the Board of Trustees at a regular or special Board meeting, to have in any way defrauded, or attempted to defraud, the Association may be suspended from the Association for a specified period or expelled from the Association as provided herein.

#### **ARTICLE IV - MEETINGS**

Section 1 — ANNUAL MEETING: The annual meeting of the Association shall be held on the fourth Monday in February each year at a time and place specified by the Board of Trustees. If such a day falls on a holiday, the annual meeting shall be held on the next day. The annual meeting shall be held at the Mission Township Fire Hall or such other place as may be designated by the Board of Trustees. The purpose of the annual meeting shall be to elect officers and Trustees of the Association and to conduct the business of the Association. Notice of each annual meeting of the Association's members will be delivered by the Secretary to each member entitled to vote at the meeting at least 5 days before the date of the meeting and not more than 60 days before the date of the meeting. Notice will contain the date, time and place of the meeting.

Section 2 — SPECIAL ASSOCIATION MEETINGS: Special meetings of the Association may be called at any time upon the written order signed by the President, Secretary and one other member of the Board of Trustees, or upon written order signed by at least 6 active members of the Association. The order must state the purpose or purposes of the meeting and must be filed with the Secretary. Notice of each annual meeting of the Association's members will be delivered by the Secretary to each member entitled to vote at the meeting at least 5 days before the date of the meeting and not more than 60 days before the date of the meeting. Notice will contain the date. time and place of the meeting. Only the business stated in the order and notice may be transacted at the meeting.

Section 3 — REGULAR BOARD MEETINGS: The Board of Trustees shall meet at least four times during the year to discuss the investments of the Association. The dates of the meetings shall be set at the annual meeting. The Secretary shall post the dates of the regular Board meetings immediately following the annual Association meeting. Meetings of the Board of Trustees and of the Association are open to all members and to the public, unless closed to the public pursuant to law.

Section 4 — SPECIAL BOARD MEETINGS: Special meetings of the Board of Trustees may be called by the President or by any two Trustees by notifying the Secretary of the purpose of the meeting. Special meetings of the Board of Trustees may be called as needed to conduct its business. The Secretary shall provide notice of special Board meetings to the Trustees and shall post notice of the date, time, place, and purpose(s) of the meeting at least 3 days before the day of the meeting at the posting place designated for that purpose by the Board of Trustees.

Section 5 — CONTINUED MEETINGS. The Board may continue regular or special meetings of the Board of Trustees, and the members may continue annual or special Association meetings, to a later time without providing notice of the reconvened meeting if the time and place of the reconvened meeting was established, announced, and recorded in the minutes during the original meeting. A meeting continued without identifying the time and place when it will be reconvened must be noticed as a special meeting.

Section 6 — QUORUM: A majority of the members of the Board of Trustees shall constitute a quorum for the transaction of any business at the meetings of the Board. Thirty percent of the members of the Association shall constitute a quorum for the transaction of any business at an annual or special Association meeting.

Section 7 — RULES OF PROCEDURE: All meetings of the Association shall be conducted according to Robert's Rules of Order unless the Board of Trustees adopts different parliamentary rules. The Board of Trustees with respect to Board meetings, and the members with respect to Association meetings, may suspend the rules of parliamentary procedure to advance a particular matter upon a motion passed by a 2/3 vote of those present and voting at the meeting.

#### Section 8 — ORDER OF BUSINESS:

- a. The order of business at regular Board meetings shall be:
  - Call to order
  - 2. Roll call
  - Reading of minutes of previous Board meeting
  - 4. Propositions for membership, if any
  - 5. Committee reports
  - Unfinished business
  - 7. New business
  - Adjournment.

- b. The order of business at annual Association meetings shall be:
  - 1. Call to order
  - 2. Roll call
  - 3. Reading of minutes of previous meeting
  - 4. Reading of reports and minutes of board of trustees' meetings
  - 5. Reports of officers
  - 6. Propositions for membership
  - 7. Reports of special committees
  - 8. Unfinished business
  - 9. Election of officers or trustees (annual meeting)
  - 10. New business
  - 11. Adjournment

## ARTICLE V — BOARD OF TRUSTEES AND OFFICERS

Section 1 — BOARD OF TRUSTEES: It shall be the duty of the Board of Trustees to manage the business of the Association and have exclusive control of all funds of the Association including, but not limited to, the authority to invest those funds according to policies established by the Board of Trustees, hire investment consultants and auditors, and to exercise such other powers as may be necessary or convenient to carry out the objectives and purpose of the Association as set forth in the Association's articles of incorporation or these Bylaws. The Board of Trustees shall order an audit of the books and accounts of the Secretary and the Treasurer annually, according to law, and shall submit a written report of the condition of the Association to the members at the annual meeting. The investment of the funds of the Association shall be in the exclusive control of the Board of Trustees, in conformance with state statutes, these Bylaws, and the investment policy adopted by the Board of Trustees. The members of the Board shall act as Trustees with a fiduciary obligation to the State of Minnesota, the Township, and the members of the Association. The Trustees shall obtain such training as may be needed to keep themselves abreast of their fiduciary responsibilities.

Section 2 — BOARD MEMBERS: The Board of Trustees consists of nine members. Six members are Trustees elected by the members at the annual meeting, and three are ex-officio Trustees. The six elected Trustee positions shall consist of two general trustees and four officers. The three ex-officio trustees must include one elected Township official, one elected or appointed Township official, and the Fire Chief of the Department. The Town Board of supervisors shall annually appoint the Township officials that will serve on the Board of Trustees as ex-officio members. A vacancy in a general Trustee position on the Board shall be filled by appointment of the remaining Trustees at any regular or special Board meeting. A vacancy in an ex-officio Trustee position on the Board shall be filled by appointment of the Town Board. The general Trustee appointed to fill the vacancy holds office only until the next special or annual meeting of the Association when the successor must be elected by the membership for the remainder of the term.

Section 3 — ELECTION. The election of Trustees shall occur annually at the annual Association meeting. Trustees shall be elected from the membership and serve three-year terms which are staggered so that the following pairs of trustees are elected in the same year: the two general trustees; the president and the treasurer; and the vice president and the secretary. A Trustee

serves until a successor is elected and qualified by taking and filing the oath of office with the Secretary together with a bond, if one is required.

Section 4 — OFFICERS: The Board of Trustees shall have the following officer positions: President; Vice President, Secretary, and Treasurer. In no event will any Trustee hold more than one officer position at any one time. In no event will any ex-officio trustee hold an officer position.

Section 5 — PRESIDENT: It shall be the duty of the President to attend and preside at all meetings of the Association and the Board of Trustees. The President shall enforce the due observance of Minnesota State Statutes, the Articles of Incorporation and the Bylaws of the Association, and see that the officers properly perform the duties assigned to them. The President shall sign all checks issued by the Treasurer and all other papers requiring the President's signature. The President shall be a member of all committees and shall exercise careful supervision over the affairs of the Association. The President shall be eligible to receive a salary in an amount determined by the Board of Trustees and approved by a vote of the Association. The salary shall be paid from the Special Fund of the Association.

Section 6 — VICE PRESIDENT: It shall be the duty of the Vice President to perform the duties of the President in the President's absence. In the absence of both the President and the Vice President, it is the duty of the Association to elect a President Pro Temp at an annual or special Association meeting who shall perform the duties of the President until such time as the President returns and reassumes the position.

Section 7 — SECRETARY: It shall be the duty of the Secretary to do all of the following:

- Keep and post a true and accurate record of the proceedings of all meetings of the Association and of the Board of Trustees.
- b. Keep a correct record of all amendments, alterations and additions to the bylaws in a separate book from the minute books of the Association.
- c. Prepare all paperwork and obtain required signatures for relief benefits due to membership and ensure benefits are distributed to the appropriate parties.
- d. Keep an account book in which to enter all money transactions of the Association including the dates and amounts of all receipts and the source from which derived and the dates and the amounts of all expenditures with the payee and the object.
- e. Keep individual files and a roll of membership, with the date of joining, resignation, discharge, retirement, and retirement benefits paid.
- f. Keep the books of the Secretary open to the Board of Trustees at all reasonable times.
- g. Prepare and process all correspondence as needed.
- Work jointly with the Treasurer to prepare and file all reports and statements required by law.
- Perform such other duties as required by law or as may be assigned by the Board of Trustees.

The Secretary shall receive such salary as maybe fixed from time to time by the Board of Trustees, subject to approval of the Association, and payable from the Special Fund of the Association. The Secretary shall, prior to entering upon the duties of the office, give a bond in such amount and with such sureties as may be required and approved by the Board of Trustees. The cost of obtaining the bond shall be paid out of the Special Fund of the Association.

Section 8 — TREASURER: It shall be the duty of the Treasurer to do all of the following:

- a. Receive all monies from the Secretary belonging to the Association and hold them subject to the order of the President and the Board of Trustees.
- b. Keep separate and distinct accounts of the General Fund and the Special Fund.
- c. Prepare and present to the Board of Trustees a full and detailed statement of the assets and liabilities of each of the Associations funds separately prior to the annual meeting of the Association.
- Work jointly with the Secretary to prepare and file all reports and statements required by law.
- e. Deliver to the Treasurer's successor in office, or any committee appointed by the Board of Trustees to receive the same, all monies, books, papers, etc., pertaining to the Treasurer's office immediately upon the expiration of the Treasurer's office.
- f. Perform such other duties as required by law or as may be assigned by the Board of Trustees.

The Treasurer shall, prior to entering upon the duties of the Treasurer's office, give a bond in an amount equal to at least 10% of the assets of the Association; however, the amount of the bond need not exceed \$500,000. The Treasurer shall receive such salary as may be fixed by the Board of Trustees from time to time, subject to approval of the Association, and payable from the Special Fund of the Association.

Section 9 — REMOVAL. A Trustee, including officers, may be removed for cause as provided in this section. Cause for removal shall include, but is not be limited to, a breach of the duties as set forth in these Bylaws. One or more of the Trustees may be removed by a 2/3 vote of those present and voting at a special Association meeting called for the purpose of considering removal. Notice of the meeting, which shall include a statement of its purpose, shall be mailed or otherwise delivered to each member at least 10 days before the date of the meeting. The Trustee shall be furnished with a written statement setting out the cause for removal at least 5 days before the meeting is to be held. At the meeting, the Trustee shall be given an opportunity to be fully heard as to each charge. If a Trustee is removed, the vacancy shall be filled by election at the same meeting and the member elected shall serve the unexpired term of the removed Trustee.

Section 10 — AID COMMITTEE: There shall be an Aid Committee, composed of the Vice President, and two other members of the Association, who may or may not be members of the Board of Trustees, as appointed by the President. The Vice President shall be the chairperson of this committee, whose duties shall be to see that assistance is rendered to each sick or disabled member, and to the survivors of any deceased member.

Section 11 —ADDITIONAL COMMITTEES: The Board of Trustees may create such committees as it deems necessary or convenient to carry out the business of the Association. The Board of Trustees may appoint members to, and prescribe duties for, any committees it creates. All committees shall submit a written report of their activities occurring since the last regular Board meeting at each regular Board meeting. All such reports shall be of the majority of the committee; however, a minority of the committee may also submit a minority report to the Board of Trustees. If a committee has not met or performed any activities since its last report, it is not required to submit a report until such time as there is activity to report. The Secretary shall incorporate the reports into the minutes of the Board of Trustees' meeting.

#### **ARTICLE VI - INVESTMENTS**

Section 1 — STANDARD OF DILIGENCE: Trustees owe a fiduciary duty to the members of the Association who are its beneficiaries, to the taxpayers of the state who help finance the plan, and to the state of Minnesota which established the plan. The Trustees shall discharge their duties in good faith and shall exercise that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived there from.

Section 2 — INVESTMENT POLICY: The Board of Trustees shall investigate and prepare for the safe and profitable investment of Association's Special Fund assets in conformance with state statutes. Special Fund assets shall only be invested as authorized under Minnesota Statutes, section 69.775 and only in those securities listed under Minnesota Statutes, section 356A.06, subdivision 6 or 7, whichever is applicable to the plan at the particular time. The Board of Trustees shall adopt an investment policy to guide the investment of the Association's Special Fund assets and it shall maintain a current copy of the investment policy in the office of the Treasurer. The Board of Trustees will file a copy of the Association's investment policy, and all changes to the policy, with the Office of the State Auditor.

Section 3 — BROKER CERTIFICATION: The Association shall provide annually to its broker a written statement of investment restrictions from the applicable state laws and the Association's investment policy. The broker must annually submit the state required Broker Certification form to the Association before the Association enters into or continues business with the said broker. The broker shall invest the Association's funds only in accordance with the investment policy adopted by the Board of Trustees and in compliance with all applicable laws.

#### ARTICLE VII - FUNDS

Section 1 — FUNDS: All money received by the Association shall be kept in two separate funds. Disbursements from the funds shall be in accordance with Minnesota Statutes and these Bylaws.

Section 2 — GENERAL FUND: One fund shall be called the General Fund to which shall be credited all monies received by this Association from fines, initiation fees, entertainment revenues, and other miscellaneous sources not mandated by law or these Bylaws to be placed in the Special Fund. Funds may be disbursed from the General Fund by the Board of Trustees for any purpose reasonably suited to the welfare of the Association and its members including, but not limited to, a transfer of funds to the Special Fund. The Board of Trustees may choose to formally or informally seek input from the members as to how the funds in the General Fund are expended. All records kept on transactions involving the assets or the revenues of the General Fund shall be open for inspection by any member at reasonable times.

Section 3 — SPECIAL FUND: The other fund shall be called the Special Fund and shall be credited with all fire state aid money received pursuant to state law, all taxes levied by or other revenues received from the Township pursuant to state law, any money or property donated which is specified for use for the support of the Special Fund, and any interest earned upon the assets of the Special Fund. Disbursements from the Special Fund shall not be made for any purpose other than one of the following:

- a. Payment of members' service pensions in accordance with state law and these bylaws;
- b. Payment of ancillary benefits in accordance with state law and these Bylaws;
- c. Administrative expenses as authorized pursuant to Minnesota Statutes, section 69.80 (i.e. office expenses, salaries of the President, Secretary or Treasurer, educational expenses of the trustees, audit and legal expenses, insurance expenses, expenses of officers related to the responsibilities as administrators of the Special Fund). All other expenses of the Association shall be paid out of the General Fund.

Section 4 — DEPOSITS: All money belonging to this Association shall be deposited to the credit of the Association in such banks, trust companies, or other depositories the Board of Trustees may designate. The Board of Trustees shall make deposits in conformance with state law and these Bylaws.

Section 5 — DISBURSEMENTS: No disbursement of the funds of this Association shall be made except by checks drawn by the Treasurer and countersigned by the President or Vice-President, except when issued for pensions and other fixed charges, the exact amount of which has been determined by the Board of Trustees or the members. No check shall be issued until the claim to which it relates has been approved by the Board of Trustees.

#### ARTICLE VIII - APPLICATION FOR BENEFITS

Section 1 — APPLICATION: All applications for benefits shall be made in writing on forms furnished by the Secretary.

Section 2 — PROCESS: All applications for pensions shall be submitted to the Board of Trustees at a regular or special Board meeting. Applications shall state the age of the applicant, the period of service, the date of retirement from active service in the Department, and other information the

Board of Trustees may require. No benefits or pensions shall be paid until the application has been approved by a majority vote of the Board of Trustees. The Board of Trustees shall approve an application for benefits if the applicant meets all of the eligibility requirements set forth in law and these Bylaws. The Board of Trustees must not approve an application if any of the eligibility requirements of these Bylaws are not met. If the Board of Trustees does not approve an application, it shall mail or otherwise deliver written notice of the denial to the applicant within 30 days of the decision stating the reasons for the denial. Within 14 days of the date of the denial notice, the applicant may make a written request for a hearing before the Board of Trustees on the question of whether the applicant meets all of the eligibility requirements. The Board of Trustees shall provide the applicant at least 10 days' written notice of the date of the hearing. The applicant shall be allowed to attend the hearing and provide the Board of Trustees information regarding his or her claimed eligibility to receive a pension or benefits. Decisions of the Board of Trustees shall be final as to the payment of such benefits or pensions. No person receiving a pension shall be paid any other benefits by this Association.

Section 3 — NOTICE: It shall be the duty of each member who intends to request a service pension from the Association to file a notice of intent to take distribution. Such notice shall be in writing and shall be filed with the Secretary not less than 90 days prior to the date of retirement and submission of application for service pension. Upon receipt of the notice, the Secretary shall provide to the applicant any forms or notices required by law with respect to service pension payments.

Section 4 — NON ASSIGNABILITY OF BENEFITS: No member entitled to a service pension or ancillary benefit from the Association may assign any service pension or ancillary benefit payments, nor shall the Association have the authority to recognize any assignment or pay over any sum which has been assigned.

### ARTICLE IX - SERVICE PENSION BENEFITS

Section 1 — LUMP SUM SERVICE PENSION: Upon meeting the requirements in Section 2 of this Article, the Association shall pay the eligible member the base sum amount for each year of active service on the Department. The base sum for purposes of pension benefits or other benefits as allowed by the Bylaws, shall be as stated in Appendix A, which is hereby incorporated into these Bylaws by reference, and as may be reduced pursuant to the partial vesting schedule as stated in Section 4 of this Article.

Section 2 — ELIGIBILITY: To be eligible to receive a service pension a member must meet all of the following requirements:

- a. Have separated from active service with the Department;
- b. Be at least 50 years of age;
- c. Have completed at least 5 years of active service as a firefighter on the Department to be partially vested, and have completed at least 20 years of active service to be fully vested.
- d. Have been an active member of the Association for every year for which payment of a service pension is being requested.

e. Have been a member of the Association for at least 5 years.

Section 3 — DEFERRED PENSION ROLL: A member of the Association who shall have served actively in the Department for at least 20 years, but has not reached the age of 50 years, may retire from said Fire Department and be placed on the deferred pension roll as a Deferred Member as provided in Article X of these Bylaws.

Section 4 — PARTIAL VESTING SCHEDULE: A member who has served for more than 5 years, but less than 20 years, of active service in the Department may retire from the Department and be placed on the partial vested pension roll as an Early Vested Member. The value of the pension benefits shall be based on the pension amount per year of active service in effect on the date on which the member separated from active service with the Department and shall be calculated as follows:

Completed Years of Service:	Nonforfeitable percentage of pension amount:
5	40%
6	44%
7	48%
8	52%
9	56%
10	60%
11	64%
12	68%
13	72%
14	76%
15	80%
16	84%
17	88%
18	92%
19	96%
20 and thereafter	100%

All service pension assets must be held by the Association until the retiree reaches 50 years of age.

Section 5 — PAYMENT OPTIONS: The manner of payment of the retirement benefits shall be specified by the retiring member. Options include, but are not limited to, the following:

- (a) A single lump sum check payment payable to the retiree (subject to current income tax withholding requirements).
- (b) Lump sum payment by the Association to a recognized insurance carrier, licensed to do business in this state and approved for this product by the Commerce Commissioner under Minnesota Statutes, section 60A.40, to purchase an annuity contract on behalf of a retiring member.

(c) Direct transfer of the member's lump sum payment to the member's individual retirement account under § 408(a) of the federal Internal Revenue Code, as provided for in Minnesota Statutes, section 424A.02, subdivision 8b.

#### ARTICLE X - DEFERRED PENSION STATUS

Section 1 — DEFERRED PENSION ROLL: A member of the Association who is otherwise qualified for a service pension, but who has not reached 50 years of age, may separate from active service with the Department without forfeiting the right to such service pension and be placed on the deferred pension roll as a Deferred Member. The Deferred Member shall be entitled to receive the applicable service pension upon reaching the age of 50 and making application for retirement as required herein. The value of the deferred pension shall be based on the pension amount per year of service in effect on the date on which the member separated from active service from the Fire Department and reduced pursuant to the partial vesting schedule as stated in Article IX, Section 4. During the time that any member is on the deferred pension roll, the member will not be eligible to receive a disability benefit. If a member dies while in deferred status, the member's deferred benefit amount will be paid to the surviving spouse, if any, and if there is no surviving spouse, to the surviving child or children, if any, and if no child or children, to the estate of such deceased member.

Section 2 — DEFERRED INTEREST. The deferred service pension is not payable until the member reaches age 50 and makes a valid written application. The Association pays interest on fully vested and partially vested deferred service pension amounts during the period of deferral. The Board of Trustees determines the rate of interest up to 5%, which is compounded annually and remains the same unless changed by motion of the Board of Trustees. The Board of Trustees shall review the interest rate annually and consider the performance of its investments from the prior year to determine if any change in the previously established interest rate is appropriate. Any increase or decrease in the interest rate is not effective until the Town Board has ratified the change. The deferred service pension benefit is governed by law, the articles of incorporation, and the bylaws applicable on the date on which the member separated from active service with the Department and active membership in the Association.

## ARTICLE XI - ANCILLARY BENEFITS

Section 1 — SURVIVOR BENEFIT: Upon the death of any member who has not yet separated from active service from the Department, the Association shall pay a survivor benefit equal to the amount per year of active service as shown in Appendix A for each year that the member served as an active firefighter on the Department, without regard to minimum or partial vesting requirements, but in no case less than five times the pension amount per year of service in effect on the date of the death. The survivor benefit shall be paid to the member's surviving spouse. If there is no surviving spouse, the survivor benefit shall be disbursed to the member's surviving children. If there is no surviving spouse and there are no surviving children, the survivor benefit shall be dispersed to the member's designated beneficiary and, if no beneficiary has been designated, the survivor benefit shall be paid as a death benefit to the estate. A designated beneficiary may be a trust created under Minnesota Statutes, Chapter 501B if the survivor benefit

will be distributed as a one-time lump sum payment. If a trust was created and is payable to the surviving children and there is no surviving spouse, the survivor benefit may be paid to the trust.

Upon the death of a deferred member, the Association shall pay a survivor benefit equal to the member's deferred benefit amount.

Section 2 — SURVIVOR SUPPLEMENTAL BENEFIT. Upon the payment of a lump sum survivor benefit to the survivor of a deceased active or deferred member, a supplemental survivor benefit will be paid to the surviving spouse, or if none, to the surviving child or children. The survivor supplemental benefit is calculated as 20% of the survivor benefit distribution, but not to exceed \$2,000.

Section 3 — LIMITATIONS: Following receipt of a lump sum survivor's benefit (including the survivor supplemental benefit), a member's surviving spouse, child or children, designated beneficiary, and estate are not entitled to any other or additional financial relief or benefit from the Association.

Section 4 — LONG-TERM DISABILITY: An active member who becomes permanently unable to serve as an active firefighter in the Department because of a total and permanent disability arising from active service in the Department shall be eligible to collect, upon approval and certification by the Board of Trustees, a disability benefit from the Association in an amount equal to the service pension amount in effect on the date of the disability for each year of active service in the Department without regard to minimum or partial vesting requirements, provided the member satisfies all of the requirements contained in this Article. For the purposes of this section, a "total and permanent disability" is defined as the inability to engage in the performance of all firefighting duties by reason of a medically determinable physical or psychological impairment certified by a physician or surgeon arising out of an act of duty with the Department. The member shall be eligible to receive the disability benefit immediately upon approval of the Board of Trustees. Any disability benefit paid under this Article shall be in lieu of all rights to further service pension and survivor's benefit from the Association.

Section 5 — DISABILITY APPLICATION PROCESS: A member must make an application for disability benefits with the Board of Trustees, on a form supplied by the Secretary, within six months after the member ceases active service with the Department. The application shall be made under oath by the member or by an immediate family member and shall state the nature and cause of the disability. An applicant shall not be considered under a disability unless the member furnishes adequate proof of the existence of the disability. An applicant's statement as to pain or other symptoms will not alone be conclusive evidence of disability. An application for disability benefits received by the Board of Trustees shall be tabled until the next regular Board meeting so that the applicant may be examined by a physician or chiropractor of the member's choice. The physician or chiropractor shall submit a written opinion concerning the diagnosis and prognosis of the applicant's disability, as it is defined in this Article, and its probable duration of permanence. The Board of Trustees has the discretion to request the applicant to be examined, at the expense of the Association, by another doctor selected by the Board of Trustees. Final determination of disability by the Board of Trustees will be based on the reports of at least one doctor and by a 2/3

majority vote of a quorum of the Board of Trustees present at a regular or special Board meeting. If an applicant for disability benefits feels he or she has been aggrieved by any action of the Board of Trustees, he or she may, within 60 days from the action, file written objections and the reasons thereof with the Board of Trustees. Upon the timely receipt of written objections, the Board of Trustees shall schedule and hold a hearing to review the objections after providing the member at least 10 days written notice of the hearing. The decision of the Board of Trustees on any such appeal shall be final.

#### ARTICLE XII - AMENDMENTS

Section 1 — PROCEDURE: Amendments to these bylaws, other than those amendments which increase or otherwise affect the retirement coverage, may be adopted at any regular or special meeting of the Association with a favorable vote of 2/3 of the members present and voting, provided a quorum is present. Before any amendment may be acted on at an Association meeting, notice of the proposed amendment or amendments shall be given by reading at a regular or special Board meeting not more than 31 days preceding the date on which the amendment is to be acted upon. Notice of the proposed amendment or amendments shall also be mailed to each member at the member's last known address at least 10 days prior to the scheduled date of the Association meeting.

Section 2 — APPROVAL AND FILING: If the Special Fund of the Association has a deficit, that is, it does not have a surplus over full funding pursuant to Minnesota Statutes, section 69.772, subdivision 3 (2)(e), or if the Township is required to provide financial support to the Special Fund of the Association pursuant to Minnesota Statutes, section 69.772, the adoption of any amendment to these Bylaws which increases or otherwise affects the retirement coverage provided by or retirement benefits payable from the Special Fund of the Association shall not be effective until it is ratified by the Town Board, and the officers of the Association shall not seek Township ratification prior to preparing and certifying an estimate of the expected increase in the accrued liability and annual accruing liability of the Association attributable to the amendment.

If the Special Fund of the Association has a surplus over full funding pursuant to Minnesota Statutes, section 69.772, subdivision 3, (2)(e), and if the Township is not required to provide financial support to the Special Fund of the Association pursuant to Minnesota Statutes, section 69.772, the Association may adopt or amend these Bylaws which increases or otherwise affects the retirement coverage provided by or service pensions payable from the Special Fund of the Association, which shall be effective without ratification by the Town Board so long as this does not cause the amount of the resulting increase in the accrued liability of the Special Fund of the Association to exceed 90 percent of the amount of the prior surplus over full funding, and this does not result in the financial requirements of the Special Fund of the Association exceeding the expected amount of the future state fire aid to be received by the Association as determined by the Board of Trustees following the preparation of an estimate of the expected increase in the accrued liability and annual accruing liability of the Association attributable to the change.

If the Association adopts or amends its bylaws without Township ratification pursuant to Minnesota Statutes, section 69.772, and, subsequent to the amendment or adoption, the financial requirements of the Special Fund of the Association pursuant to Minnesota Statutes, section 69.772 are such so as to require financial support from the Township, the provision which was implemented without Town Board ratification shall no longer be effective without Township ratification and any service pensions or ancillary benefits payable after that date shall be paid only in accordance with the Bylaws as amended or adopted with Township ratification.

Upon any amendment to these Bylaws, the Association shall file a revised copy of the Bylaws with the office of the Minnesota State Auditor.

# APPENDIX A - BASE SUM

These bylaws of the Mission Township FireFig and approved by the members on this 11th day	thters Relief Association are hereby adopted of February, 2025.
-ty	2/11/25
President Edmond Binda	Date 2/11/25
Secretary	Date
W MASS	2-11-25
Treasurer	Date

EFFECTIVE DATE	DATE APPROVED BY TOWNSHIP		
	02-04-1991		
	08-01-1995		
	08-01-1997		
	07-01-1998		
	07-10-2000		
	05-06-2002		
	07-08-2003		
	07-05-2005		
01-01-2015	10-06-2014		
02-11-2025	07-14-2025		
	01-01-2015		

# APPENDIX B - WAGES

President	\$240.00
Treasurer	\$500.00
Secretary	\$190.00
Trustee	\$40.00
Trustee	\$40.00

#### HISTORY

#### Bylaws were adopted 10-13-1980 — Approved by Town Board 11-3-1980

- \*Amendment approving \$450 per year service approved by Town Board on 2-4-1991
- \*The pension amount of \$500 was approved by the town board 8/1/1995
- \*The pension amount of \$700.00 per year was approved by Mission Township 8/1/97
- \*Change of vesting period from 10 years to 5 years on 10/17/95
- \*The pension amount of \$800 per year was approved on 7/1/98.
- \*Amendment of ARTICLE 9-SECTION 7 recommended by the Office of the State Auditor of Minnesota was approved by members on 12/12/99 and is to read as follows:

For purposes of computing benefits payable under Articles VIII and DC, a "year of service" shall be defined as a period of 12 full months and may include 12th's of a year of active service in MISSION TOWNSHIP FIRE DEPARTMENT, beginning of the anniversary of the date when the member became an active member of said Fire Department. If a member's period of active service is not continuous, the periods of active service will be added together.

- \*The pension amount of \$850 per year was approved by Town Board on 7/10/00
- \*The pension amount of \$1050 per year was approved by the Town Board on 5/06/02
- \*By Law change for Article II, Sec.1 which allows the Town Board to choose from the Chairman, the Clerk or Chief Financial Officer to fill 2 ex-officio trustee positions 1/27/03
- \*Amendment of Article IX, Sec. 5 which defined the provision for how a deferred pension member can increase his pension while on the deferred pension rol1.12/09/03
- \*The pension amount of \$1250 per year was approved by the Town Board on 7/08/03
- \*The Pension amount of \$1,500.00 per year of service was approved by Mission Township town board on 07/05/05.
- \*These bylaws were substantially revised, updated, and readopted by the Relief Association and approved by the Town Board on 7/5/2010. The newly adopted bylaws superseded the previous bylaws.
- \*Amendments related to the absence of members, return to service, payment of benefits to survivors, and supplemental benefits were adopted by the Relief Association and approved by the Town Board on 12/06/2010.
- \*Amend the bylaws to remove the \$12 membership dues in Article III and remove references to dues throughout the document. The amendment was approved by the Relief Association on June 24, 2013.

\*The Pension amount of \$3,000.00 per year of service was approved by Mission Township town board on 07/14/25.

# Mission Township Fire Department Relief Association

#### Investment Guideline 1997

- 1. Investment Philosophy-Asset Allocation. The Trustees shall allocate the Association's funds among common stocks, bonds and cash reserves. In so doing, the Trustees must strive to both preserve principal and achieve long-term appreciation of the Association of the Association's funds. Varying overall market conditions will, and should, cause the Trustees to place greater emphasis on either the preservation of principal or capital appreciation at certain times. Accordingly, it is the philosophy of the Trustees that no more than 40% of the Association's funds may be invested in equities if, in the Board's opinion, the equity outlook is very positive. Conversely, there may be times when little or none of the fund's assets are invested in equities.
- Investment Philosophy-Bonds. The Trustees shall manage the ownership of bonds to take advantage of changes in the bond market. All bonds must have at least an A rating by a recognized rating organization, and be readily marketable.
- Investment Philosophy-Cash and Cash Equivalents. All cash, whenever possible, must be invested in guaranteed interest bearing accounts or securities. Cash investments must be free from risk of loss or price fluctuation and must be instantly saleable.
- 4. Preservation of Principal-The Trustees must make reasonable efforts to preserve the principal of the Association's funds, but preservation of the principal shall not be imposed on each individual investment. It is understood that the dual goals of preservation of principal and capital appreciation may cause fluctuation in the total value of the funds.
- 5. Types of Assets-The Trustees must invest the funds of the Association according to the laws and regulations imposed by the State of Minnesota. In addition, the following types of assets or transactions shall be expressly prohibited:

Short Sales Letter Stock Commodities

Puts and Calls Foreign Securities other than those listed on the New York Stock Exchange.

The Trustees must endeavor to diversify the holdings of the fund to minimize risk. Investment in equity securities of companies whose principal business activity is in the same industry or category shall not exceed 10% of the portfolio.

Adopted thisday of	, 2010.
	BY THE BOARD OF TRUSTEES
	President
Secretary	



# MISSION TOWNSHIP CROW WING COUNTY, MINNESOTA

Resolution No. 2025-07

# RESOLUTION APPROVING AMENDMENTS TO BYLAWS OF THE MISSION TOWNSHIP FIREFIGHTERS RELIEF ASSOCIATION AND PROVIDING MUNICIPAL RATIFICATION

WHEREAS, the Mission Township Firefighters Relief Association (the "Association") has voted to amend its bylaws on February 11, 2025; and

WHEREAS, said amendments affect the service pension and other benefits payable from the Retirement (Special) Fund of the Association; and

WHEREAS, the last municipal ratification of an increase in the pension benefit was on October 6, 2014; and

WHEREAS, the Association has provided to the Town Board an analysis from Jordan White of Clasen & Schiessl CPAs, Ltd., (the Association's accountant) dated January 31, 2025, showing there is a sufficient projected fund surplus after implementation of the pension benefit increase using accepted industry calculations; and

WHEREAS, the Association has submitted the amended bylaws to the Town Board for municipal ratification pursuant to Article XII of the Bylaws of the Association, and Minn. Statute § 424A.092, subd. 6.

**NOW, THEREFORE BE IT RESOLVED** by the Mission Town Board that the amendments to the Bylaws of the Association dated February 11, 2025, are hereby approved, subject to receipt of a declaratory judgement from a court of competent jurisdiction that adoption of said amendments to the Bylaws of the Association (a) shall not render the Association ineligible to receive fire state aid funds, and (b) does not violate the laws of the State of Minnesota governing service pensions and other benefits to which members of the Association may be entitled.

**NOW, THEREFORE BE IT FURTHER RESOLVED** that the Town Board requests the Association to file a copy of the revised Bylaws of the Association with the office of the Minnesota State Auditor, unless otherwise not required.

Adopt this 14th day of July 2025.	BY THE TOWN BOARD
Attest:Naomi Scott, Town Clerk	Jon Auge, Chair



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

# Mission Township Funk Cartway Petition Potential Routes 2 & 3

♣ Agricultural/Forestry District
 ♣ Commercial District
 ♣ Rural Residential - 20
 ♦ Airport District
 ♣ Commerical/Heavy Industrial District
 ♣ Rural Residential - 10

✓ Rural Residential - 2.5
 ✓ Shoreland District
 ✓ Rural Residential - 1
 ✓ Urban Growth District

Date: 7/11/2025 Time: 6:48 AM



Real People. Real Solutions.

7656 Design Road Suite 200 Baxter, MN 56425-8676

> Ph: (218) 825-0684 Fax: (218) 825-0685 Bolton-Menk.com

July 8, 2025

Jon Auge Mission Township Via e-mail at missionsupjon@gmail.com Crow Wing County, Minnesota

RE: Proposal for Engineering Services

East Bass Lake Road Improvements – County Road 109 to County Road 116 Mission Township, Crow Wing County, Minnesota

Dear Mr. Auge,

Mission Township has identified the improvement of East Bass Lake Road from County Road 109 south to County Road 116 for the 2026 construction season. The Township has received a DNR State Park Road Account (SPRA) Grant for improvements from County Road 109 south approximately 2,900 feet to the Bass Lake Public Water access. It is our understanding that the Township would like to complete the necessary planning and design so that construction plans can be completed by the end of November/Mid December 2025 for inclusion in a larger Crow Wing County Pavement Project bid document.

Bolton & Menk understands the services should be based on the following improvement scope:

- East Bass Lake Road Prepare construction plans for a Full Depth Reclamation (FDR) of existing bituminous pavement and aggregate base. As the project is partially funded by the SPRA the plans will need to be submitted to the MnDOT State Aid Office for review and approval.
  - The existing paved width of 24-feet with 2-foot-wide aggregate shoulder will be maintained.
  - Reclaimed material will be utilized as aggregate base material and an additional 2.5" of new bituminous pavement placed.
  - o Aggregate shouldering will be placed to match the new bituminous
  - o Driveway approaches will be reconstructed a minimum of 5' from the road edge to match the raised elevation.
    - Driveway materials (aggregate, bituminous, or concrete) will match existing materials.
  - Swing away mailbox supports will be installed.

#### **Engineering Scope:**

To assist Mission Township, we propose the following scope completion relative to the identified improvements.

Name: Mission Township Date: July 8, 2025

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#### **Design Phase:**

Preparation of construction plans to be submitted MnDOT State Aid for review and approval and ultimately submitted to Crow Wing County Highway Department for inclusion in their 2026 paving project contract. Plans shall include Title Sheet, Statement of Estimated Quantities, Typical Street Section, Typical driveway details, plan and profile sheets detailing FDR locations and extents of driveway reconstruction, and traffic control plans.

#### **Construction Phase:**

Upon award of the construction contract by Crow Wing County and confirmation Mission Township will proceed with 2026 construction we propose to:

- Attend the preconstruction meeting with County and Contractor staff to verify project schedule and answer questions related to East Bass Lake Road.
- Review material shop drawing submittals for conformance with plans and specifications.
- Attend Township meeting with project property owners.
- Ahead of contractor commencing construction mark with paint project extents.
- During construction provide an on-site construction representative to observe construction is completed in accordance with plans and specification, measure and track pay quantities with contractor, and answer questions from adjacent property owners.
- Submit pay quantities to Crow Wing County for inclusion in contractor pay estimates.

#### **Professional Fee:**

The State Park Road Account grant application estimated the construction cost to be \$377,500. We propose to bill Mission Township on an hourly basis up to a not to exceed amount of 15% of the estimated construction cost equal to \$56,625. We propose the following breakdown for the design and construction phases:

- Design Phase bill hourly up to not to exceed amount of 8%, which equals \$30,200.
- Construction Phase bill hourly up to not to exceed amount of 7% which equals \$26,425.

The Township will be billed hourly for work performed on the project according to our 2025 fee schedule. The hourly rates for a Project Manager is \$196/hour, a Design Engineer \$150/hour, and Engineering Technician \$130/hour. If the hourly billing is less than the not to exceed amounts listed above, the Township will be billed accordingly.

#### Schedule:

We propose following this general schedule:

Topographic Survey

• Submit plans to State Aid for Review

Complete Construction Plans
 Public Rid & Award (Crow Wing Court

Public Bid & Award (Crow Wing County)Construction

August 2025

October 2025

Mid-December 2025

February/March 2026

Summer 2026

Name: Mission Township

Date: July 8, 2025

Page: 3

Thank you for the opportunity to present this proposal. Please contact me at 218-821-5242 or via e-mail at <a href="mailto:Bryan.Drown@bolton-menk.com">Bryan.Drown@bolton-menk.com</a> if you have questions.

Sincerely,

Bolton & Menk, Inc.

Bryan G. Drown, PE

Municipal Project Manager

Buyur D. Drown

# **Memorandum**

**To:** Mission Town Board

From: Jon Auge, Chair

**Date:** July 10, 2025

**Subject:** Potential Facilities Use Policy



#### **Background**

Up to now, there has been no policy on the use of town facilities and equipment. It's fair to say our present practice is what has been in place for years and begs the question of what's needed in 2025. While we have a form to reserve the Park Pavillion, there is no reservation form for the Town Hall. There is a deposit required to reserve the Park Pavillion, whether resident/property owner or not, but no deposit required to reserve the Town Hall. And past practice suggests the deposit has been waived at times by the clerk. Up to recently our form allowed Park Pavillion renters to request park equipment for use during their reservation. We allow residents to reserve the Town Hall tables and chairs (not the new ones) for use outside of the Town Hall, which has created issues at times with Town Hall reservations. We have no policy on smoking or use of alcohol nor guidelines (usage and clean-up) for those reserving our facilities. And our liability waiver may provide inadequate protection for the town. All reservations require staff time at a cost to the Town, while most collect no fee. Finally, we are beginning to see more groups from outside of our community seeking to reserve our facilities, including some for-profit enterprises.

#### **Issues for the Town Board**

- 1. Should we develop a Use of Facilities Policy? A policy will provide guidance for our staff, clarity on usage expectations for those who reserve, and better liability protection for the town. As information, a quick check shows that Ideal and Crow Wing Townships have such a policy, and all reservations require a fee whether residents/property owners or not, presumably to cover staff costs.
- 2. Items to consider for inclusion in a potential policy are as follows:
  - <u>Use of the Facility</u> What can be used, set-up & clean-up guidelines, expected conduct, safety & security, and supervision of the event.
  - <u>Fees</u> Who should be charged and how much? Is this a service offered to residents/property owners, so they are exempt from fees? Should non-profit groups have an automatic waiver from fees, and must they be groups within our township? When are waivers of fees allowed and who decides?
  - <u>Damage Deposit</u> When to require a deposit, how much, and how to handle refunds. When are waivers of deposits allowed and who decides?
  - <u>Alcohol</u> Allow or not, prohibit sale, and if allowed, how to address assumption of liability by those reserving.
  - <u>Smoking</u> Since these are public facilities, smoking is not allowed by CWC Ordinance but should state in any policy developed.
  - <u>Hours</u> Should there be "available reservation hours" for each facility, and if yes, what should be the allowed hours?
  - Admission Should charging for admission be prohibited? Should for-profit activities be prohibited?

- <u>Clean-up & Damage</u> Should we have a checklist for clean-up requirements? How do we assess damage?
- Park Pavillion Is the reservation limited to the Pavillion or include other Park amenities?
- Others?
- 3. Currently, we have multiple individuals who assist with reservations, requiring varying levels of time. How should we staff for reservations and who is responsible for what?

If the Town Board feels that a policy would be useful, then the next step is to provide direction on the items listed in Item 2 above. Then a draft policy can be prepared for board review, along with a new reservation form and potential checklist. The goal should be to keep it as simple as possible while covering the key items. Finally, I would suggest we have our attorney review the final policy and form before implementing.

Attachment - Current Shelter Reservation Form

# SHELTER RESERVATION MISSION TOWNSHIP PARK

Dear Applicant,

Your Park Shelter Reservation will be confirmed by returning within 10 days the SIGNED form with a DEPOSIT check for \$150.00. If, on inspection at the end of your reservation time, there is no damage attributed to your group, your DEPOSIT will be returned IN FULL. It is a good idea to keep the permit with you on the day that you plan to use the facility to prevent any misunderstanding that might occur.

Park hours are 9 am - 10 pm.

No glass bottles are allowed in the park.

The use of the following items must be approved by the Township Board in the month prior to the event.

- Concession Menu
- Alcoholic Beverages
- Portable Sound Systems, Public Address systems, Boom Box, Car Stereos or other Artificial Noisemakers

A shelter RESERVATION FEE is also required as follows: (This fee is waived for Mission Township Residents)

- 50 people and under \$150.00 fee
- 51 people and over \$300.00 fee

Please make two separate checks payable to MISSION TOWNSHIP along with a copy of this completed form to:

Mission Township Naomi Scott, clerk P.O. Box 126 Merrifield, MN 56465 Telephone (218)765-4377

Park Address – 13871 Mission Park Drive, Merrifield, MN 56465

Name of Organization		Date(s)	Start & Complete Times
Contact Person	Home Phone	Work/Cell Ph	none
Address			

#### RELEASE OF LIABLILITY FOR MISSION TOWNSHIP

In consideration of your accepting my application for shelter, grounds and facilities use, we hereby for myself or any representatives of my organization or family, waive and release any and all rights and claims for damages I or representatives of my organization or family have against the Town of Mission and its Agents or Representatives for any and all injuries suffered at any activity sponsored by the Mission Township Park or any injury while at or as a result of the activities in the Park. We also assume full responsibility for any damages to equipment, shelter, grounds and facilities during our use.

SIGNATURE	
NAME (Please Print)	Date

# **Town Board 2025 Key Initiatives**

**Updated 7-14-2025** 



Key Initiative	Leader	Timing	Status/Notes
Transition from elected to appointed Town Clerk and establish Clerk Office	Auge Steele Scott	V	✓Establish 2025 Expectations (Q1) ✓Purchase equipment & supplies for office (Scott) ✓Complete office construction (Steele)
Determine the next steps regarding town maintenance position	Board	$\overline{\mathbf{V}}$	✓Determine 2025 plan for Park maintenance & plowing ✓Advertise & hire per plan
Finalize Clerk transition	Auge	<b>V</b>	✓ Complete 6-month review of clerk transition
Cleanup Transfer Station site, install hazardous signage, and evaluate rate structure	Lee	Q3	✓Cleanup debris & transfer items to CC site ✓Install hazardous signage on hill & entrance ✓Evaluate rate structure (cost/benefit) for Board review
Complete Asset Inventory for all departments	Zabilla	Q3	✓Update Fire inventory for new Equipment (Chief) ✓Finalize Park inventory (Steele) ✓Finalize Roads & Town Hall Site inventory (Auge) ✓Install asset tags on significant equipment
Review & revise Cemetery policies & brochure	Scott	Q3	✓ Identify policy changes for Board approval ✓ Draft new brochure and print
Revise town policies to comply with FEMA grant requirements	Steele	Q3	✓Identify & draft policy revisions for Board approval
Determine final CIP projects utilizing 2024 bonds	Auge Zabilla	Q3	✓ Identify available funds (bonds + reserves) ✓ Identify potential projects & est. cost from CIP list ✓ Board to select projects and authorize planning
Organize town records and archive or destroy older documents	Scott	Q3	✓ Prepare Record Retention Schedule for Board approval (Q1) ✓ Cleanup town records per adopted schedule
Document Cemetery processes and cleanup records	Scott	Q3	✓Document Cemetery processes for sale of lots & coordinating & recording burials (Q2) ✓Cleanup & organize existing Cemetery records
Explore digitization of town records, including a Cemetery records system	Auge Scott	Q4	✓Explore options & cost to digitize records ✓Explore options & cost for a Cemetery records system
Redesign town website	Auge	Q4	✓Develop RFP for Board approval (Q2) ✓Board to choose provider & approve contract (Q3) ✓Complete work (Q4)
Develop proposal to update Town's Comprehensive Plan	Auge	Q4	✓ Develop a proposal, including timing & cost, for an update of the Town's Comprehensive Plan