

BALDWIN TOWNSHIP REGULAR MEETING

June 17, 2014

Present – Supervisors Jay Swanson, Jeff Holm, Larry Handshoe, Tom Rush and Randy Atwood.

Call to Order – The June 17, 2014 regular meeting of Baldwin Township was called to order by Chairman Jay Swanson at 7:00 p.m.

Pledge of Allegiance - All present recited the Pledge of Allegiance.

Additions/Corrections to Agenda –

Add to Old Business:

- Discuss Sandy Lake High Water Issue
- Discuss/Approve/Disapprove Land Use Workshops for Planning Commission

Add to New Business:

- Discuss Sandy Lake Swimming Beach Buoys
- Discuss ATV's on Township Roads
- Discuss Concrete for Park Pavilion
- Approve/Disapprove Resolution 14-14; Contract with Interested Officer
- Approve/Disapprove Tobacco License for Finish Line Café
- Approve/Disapprove Clerk Attending Legal Seminar and Closing Townhall for the Day

Requests for Agenda:

- Christie Miller; Road and Water Runoff
- LaDonna Sanning; Discuss Drainage of Road Water and Gravel

Approval of Regular Meeting Agenda With/Without Additions/Corrections – Holm/Handshoe unanimous to approve the regular meeting agenda as amended.

Treasurer's Report:

June 2014 Preliminary Treasurer's Report – The clerk reported receipts of \$5,285.27 and disbursements of \$28,440.62, check numbers 18456 through 18492 and 6 EFT payments leaving an unaudited balance of \$247,380.12.

Road Report:

Review/Approve/Disapprove Lake Diann Gravel Quotes – See below.

Drainage Issues with Road Ditch, The Highlands – John Boemer was present to discuss ongoing issues since 2002. He explained that arbitration ensued as the water backup was not disclosed when property was purchased. The township, at that time, thought it was their issue and he was told they would correct it. The builder had come to some kind of agreement with the township. It has been 10 years since the work was

done. He has had to deal with flooding issues since then. He purchased the lot to the northeast of him and water is coming from that direction. There is constant water flow underneath his driveway along with runoff from other roads and other properties to the east. 100 year old trees have died. He has done everything he can do to keep the road ditch open without encroaching on township property. The original water path was in front of the cul-de-sac before the property was built. He has an extensive background in construction. He has rented equipment. He wants to try to come to some kind of resolution on how it can be repaired and redirected. He realizes that there has been a lot of rain and snow this year and is not normal. He is consistently filling in the road ditch on the west side of his driveway because of washouts. Swanson stated that they looked at it during the road tour along with the township engineer, Jon Bogart. Bogart stated that there are two potential solutions. The volume of water that comes through there during larger events probably happened when the property was developed. When the cul-de-sac was put in it is essentially acting like a damn. One solution would be to increase the size of the ditch or the size of pipe or, on the north side of the cul-de-sac run pipe from there to the other side. The issue may be that now it may have turned into a wetland and may be a Corp of Engineers issue. Mr. Boemer stated that the issue is because property is being damned and now he has springs in his yard. When he moved in there were no wet areas. Swanson asked Bogart if a culvert on the northwest end of the cul-de-sac would help. Mr. Boemer answered. Swanson asked if there would be a problem with a larger culvert and deeper ditch. Mr. Boemer stated that would not be a problem as long as it was esthetically pleasing. Bogart stated that it may require some temporary easements to enable construction. Bogart was instructed to get an estimate together and bring it back to the town board for the July 15th regular meeting. Mr. Boemer stated another issue is the actual road surface. He had talked to Kim Good and she told him it was rodent problems. He stated it is damage due to the base material not installed correctly. Crack sealing was done last year and now vegetation is growing through the cracks. Mrs. Boemer stated that most of the water is coming from how the road is plowed. Swanson replied that ditches are used for snow storage. Mr. Boemer stated that they are taking all of the snow from 100 yards up and depositing right in front of his home.

Christie Miller; Road and Water Runoff – Ms. Miller handed out photos of her property (in Elk Lake Estates) and questioned how many years would the board put up with that in their property. It has been 9 years for her. The township spent money on top of the hill by tarring it and put in a rain garden. Digging right in front of the pipe is absolutely unacceptable. She has cleaned off her driveway twice this year. Swanson replied that it would be nice to dig a swale but the township would need an easement from her neighbor and they will not. Ms. Miller stated the road has been rising for years and is now 12 inches higher than what it was initially. When her neighbor bought that property it was a natural runoff and when he wanted to build a garage the county said no as it was a natural runoff. It might be precedence at the county level. Bogart stated that the township will need an easement. He remembers when her neighbor came in and asked the board to pay to fill in the lot. The county allowed him to bring in the fill. Ms. Miller stated that there used to be culverts many years ago. The water is ruining the foundation of her house and they have done all the temporary solutions they can do.

Swanson stated that Baldwin maintenance will fill in the hole. Discussion suspended to open quotes that were scheduled for 7:30 p.m.

Review/Approve/Disapprove Lake Diann Gravel Quotes (7:30 p.m.) - Quotes received were: Helmin Construction: \$32,576.00 and West Branch Construction: \$34,250.00. Both companies submitted their quote with a bid bond. George Mastey of MTD Excavating, LLC submitted a quote of \$25,085.80. Jon Bogart stated that the irregularities with the MTD Excavating quote is that it comes with a cashier's check and not a bid bond and it was turned in late. The competing companies will make an argument that the bid bond cost them something and the extra time allowed is unfair. If the board decides to waive the irregularities then you should be stating why it is in your best interest.

Atwood/Rush unanimous to award to Helmin Construction as they met the requirements of our bid and they were low. Holm stated we have had problems in the past and we chose to follow the procedure for competitiveness and fairness. Swanson stated that we have procedures in place and the deadline was not met.

Christie Miller; Road and Water Runoff (Continued) – Bogart stated he had talked to her neighbor and he was not willing to give an easement. Holm stated that there is a 10 foot setback on every lot for utility and drainage and suggested checking with the county and work with the zoning staff to see if there are any solutions. The item will be added to the July 7th regular meeting agenda for an update on what is going on with the county.

LaDonna Sanning; Discuss Drainage of Road Water and Gravel – Photos were presented to the town board. Mike Ziegler, speaking for Ms. Sanning, stated that he had asked Larry Handshoe and Jon Bogart to meet him at Ms. Sanning's house. She has the lowest piece of property on the entire street (133 ½ Street) and to solve problems it needs some kind of retention pond built and was hoping there would be a way to get more input to help her out. Bogart stated he checked with Bill Bronder as we have a willing person to give us an easement to determine if there was any money this year to do something. There is no money right now as it all has been pledged. It would be worth pursuing if the township can come up with 3-4 projects and ask for a larger sum of money. This is the same situation as the top of 142nd Street where the sand is going into the lake. We need a place to collect it and it will be a maintenance issue. Paving a portion of the street may be the answer. Look at curb and a piece of pavement and a piece of storm sewer with a saffle baffle or maybe another rain garden. There are other drainage issues out there also. How does the board want the neighborhood to look and feel? Swanson questioned if the road was paved if it would create problems downstream. How long and how much to create a concept plan and include dealing with Mr. Bronder. Bogart replied that he is in preliminary discussions with him right now and we will need to make an application. In the interim a swale could be dug if the township had an easement and create a sediment pond. Swanson asked that the issue be brought back to the board at their July 15th regular meeting with Bogart submitting a plan for the entire area. Holm/Handshoe unanimous to get Bogart Pederson to start

working on determining what size easement and what remedy would take care of the situation.

Road Report – Handshoe reported that 4 ton has been used for patching and the west side of the township has been mowed. New brakes have been installed on the one ton trucks. Chloride is scheduled for the 30th of June. There are culvert issues on 305th Avenue, 283rd Avenue and 120th Street. Bogart stated that the 283rd culvert is the worst. We need to saw cut, remove asphalt and take material off the culvert and find out why it failed. Handshoe stated that we have been filling it in for the last couple of years. Handshoe reported that the 305th culvert is holding. Bogart stated he would like to see the 283rd culvert done right away as it could be a hazard. Get a quote from West Branch Construction and get it taken care of. Handshoe stated that it can be taken care of within the next couple of weeks. Atwood questioned if it would be possible to get 2 quotes. Swanson responded that the board doesn't know what the job is yet. Bogart suggested having maintenance personnel rent a saw cut machine and get in with a bucket loader and fill it back in with Class 5. Swanson stated it would be a 3 fold project: take care of the emergency; part 2 to have Handshoe obtaining quotes for a culvert; and part 3 would be the bituminous. Holm/Rush motioned to start the emergency portion by cutting it open and see what is going on and see what we need to do with assistance from Bogart Pederson and assistance from maintenance employees. Swanson asked for clarification of the motion if it included concrete. Holm responded that it was not part of the motion. It is an emergency situation and if it will collapse the board could call an emergency meeting. Upon voice vote, the motion carried with Swanson opposed.

Handshoe stated that the 120th Street and 305th Avenue culverts can be worked on a bit. He will bring to a separate meeting. Holm/Atwood unanimous to, based on the recommendation of the township engineer, put in concrete culvert based on the same size as is there. Swanson questioned if it would include tearing it out at this time and is the intent of the motion that, if the culvert is junk, it will be replaced with a concrete culvert? Holm replied yes. Bogart stated that the Corp of Engineers has changed the rules again and, for emergency repairs, we can do it but need to file paperwork within 30 days. If we touch the wetlands first fix the problem then call the county to fill out the paperwork.

Approval of Consent Agenda:

Approve Town Board Meeting Minutes of June 2, 2014 – Rush/Holm unanimous to approve the town board meeting minutes of June 2, 2014.

CONDITIONAL & INTERIM USE PERMITS: None.

PLATS: None.

VARIANCES: None.

OLD BUSINESS:

County Planning & Zoning Report – Bryan Lawrence reported the last meeting of the Sherburne County Planning & Zoning was April 17th. At the next meeting Titan Machinery is looking into a contractors and auction yard while submitting a preliminary and final plat. Lawrence was told that one of the Baldwin's Interim Use Permit holders has violated the conditions of the permit and will be looking to change those conditions. There was discussion regarding the Smrcka variances. The town board was told that the variances were denied by the Sherburne County through the Board of Adjustment.

Baldwin Planning Commission Update – Atwood reported that the Planning Commission is having a Public Hearing on July 9, 2014 to discuss the Comprehensive Plan. A motion to conduct open houses previous to having a public hearing failed. Copies of the Comprehensive Plan will be made available to the public at the town hall June 25th. The commissioners will be conducting their regular meeting after the public hearing on July 9, 2014.

After discussing upcoming Land Use Workshops, Holm/Rush unanimous to approve registration costs and mileage for the commissioners interested in attending.

Atwood asked the supervisors to consider the possibility of revisiting the annual meeting to reexamine the road and bridge budget.

Approve/Disapprove Amended Resolution 12-11; A Resolution Controlling Access to Baldwin Township's Information, Supervisors and Staff from One Charles W. Nagle – Holm/Handshoe unanimous to table until the July 7, 2014 regular meeting of Baldwin Township.

Reaffirm 2nd Driveway Procedures – Swanson stressed a permit must be pulled and paid for through the township clerk before it is relayed onto the township engineer for his input then onto the town board for their approval.

Discuss SBA Offer – Swanson reported that for the most part SBA has agreed with what Baldwin Township counteroffered, although he has a problem with the legal fees limit of \$7,500 since the fees incurred are actually quite a bit higher than that. There was also discussion regarding the strike out concerning notice to the Township before construction work. Swanson will consult with the attorney the issue of back rent and legal fees. The town board was also told that a crew from Verizon was surveying the site. Handshoe/Rush unanimous to table until the July 7th regular meeting of Baldwin Township in order to pursue some answers.

Discuss Sandy Lake High Water Issue – Holm said he had attended the meeting of the Sandy Lake Improvement Association where it was determined that the high water issues would remain an internal decision. It was agreed that the high water level was determined when the culvert was put in; and that the association needed to do some of their own research on the issue. They motioned for the town board not become

involved. The association is going to fix the north boat landing on June 28 with the approval of \$200 coming out of their own budget.

TABLED ITEMS: None.

NEW BUSINESS:

Discuss/Approve/Disapprove Pavilion Ceiling & Service Door Quote – The board reviewed the quote from Latcham-Lind Lumber and they decided to take off the attic access door from the quote. Holm/Atwood unanimous to approve.

Approve/Disapprove Payment, Reliance Electric Invoice Dated 11/1/2013 – Atwood/Handshoe unanimous to approve payment Reliance Electric invoice dated November 1, 2013.

Discuss Cemetery Rules – Rush stated that it is getting harder for the maintenance crew to maintain the cemetery when miscellaneous items are placed around the sites. It's being suggested to remove everything except one flower planter. Handshoe/Rush unanimous to table until the July 7th regular meeting of Baldwin Township in order to find out what other cemetery policies are.

Discuss Sandy Lake Beach Buoys – The Sandy Lake Association told Supervisor Holm there are no buoys to divide the boating area of the lake with the swimming area. Holm will talk with Joe Shannon.

Discuss ATV's on Township Roads – Holm suggested the town board consider an ordinance to limit ATV use on township roads. Even though this is a problem, it was discussed to be more of an enforcement issue.

Discuss Concrete for Park Pavilion – Rush wanted clarification since he will be going out for bids on the concrete for the basketball court and pavilion. He will have quotes ready for the July 7th regular meeting of the township.

Approve/Disapprove Resolution 14-14; Contract with Interested Officer – Handshoe/Rush unanimous to table until the July 7th regular meeting of the township.

Approve/Disapprove Tobacco License for Finish Line Café – Rush/Handshoe unanimous to approve the tobacco license for Finish Line Café.

Approve/Disapprove Clerk Attending Legal Seminar, Thursday June 26th and Town Hall Closed for the Day – Swanson/Atwood unanimous to approve the clerk attending the legal seminar on June 26th and closing the town hall for the day.

Announcements:

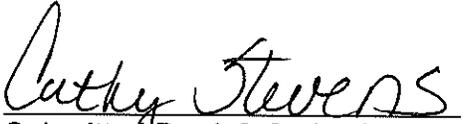
- Township Legal Seminar, Thursday, June 26th, 9 a.m.-4 p.m., Albertville City Hall
- Office Closed Friday, July 4th for Independence Day

- Office Closed June 26, 2014 for Legal Seminar
- Fix Sandy Lake Landing, June 28, 2014

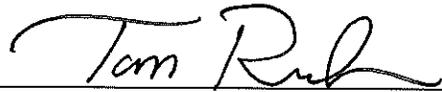
Any Other Business: None.

Motion to Approve Bills for Payment – Atwood/Rush unanimous to approve check numbers 18456 through 18483 and 18485 through 18492 and 6 EFT payments totaling \$28,440.62 minus check number 18484 in the amount of \$353.20 payable to Swantec, Inc.

Adjournment – Handshoe/Rush unanimous to adjourn at 10:23 p.m.



Submitted By: (s/) Cathy Stevens
Clerk/Treasurer
Baldwin Township



Approved By: (s/) Jay Swanson
Chairman, Board of Supervisors
Baldwin Township

7-7-14

Date

Attendees: Christie Miller, Mike Ziegler, Adrian Nicholson, LaDonna Sanning, Lester Kriesel, Craig Storie, Bryan Lawrence, Cheryl Goetz Dobson, Audrey Misiura, Chuck Nagle, Jon Bogart, John Boemer