

BALDWIN TOWNSHIP REGULAR MEETING

October 6, 2014

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

Call to Order – The October 6, 2014 regular meeting of Baldwin Township was called to order by Chairman Jay Swanson at 7:02 p.m.

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

Additions/Corrections to Agenda

- Add Commissioner Rachel Leonard to Discuss Legacy Grant
- Move Pending Issues on Dorweiler Property to after Variances
- Reschedule Bell Auto to October 21, 2014
- Add Approve/Disapprove Snowplow Repair to New Business
- Add Approve/Disapprove Park Swings and Basketball Court to New Business
- Add Approve/Disapprove Obtaining Quotes for Basketball Court to New Business
- Discuss/Approve/Disapprove Timbers and Mulch for Existing Playground Equipment to New Business
- Add Discuss Access Permit for Goose Lake to New Business
- Add/Approve/Disapprove Closed Employee Meeting
- Remove BR&E Update from Agenda

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

Treasurer's Report:

September 2014 Final Treasurer's Report – Receipts of \$37,511.98 and disbursements of \$114,968.07, check numbers 18678 through 18736 and 7 EFT payments leaving an unaudited balance of \$452,530.75.

October 2014 Preliminary Treasurer's Report – The clerk reported receipts of \$4,939.84 and disbursements of \$58,670.72, check numbers 18737 through 18777 and 2 EFT payments leaving an unaudited balance of \$399,832.72.

Sheriff's Report - Officer Wilson reported 166 calls for service for the month of September. There is increased security detail at both Young Park and the business district.

County Commissioner Rachel Leonard – Commissioner Leonard stated she had received three phone calls from Baldwin Township. She also handed out her book, which she stated took four years to put together. The book includes the Legacy Grant as she had originated it with solid waste funds and no tax dollars and it was done according to population. Someone even called Diane Arnold. Why would she say it

wasn't available anymore? She thinks Kathy Heaney told her because we had litigation with Vonco. It has finally been settled. The county board never dismissed it. Elaine Philippi stated she was told by Diane Arnold it wasn't active and she was told by Dave Lucas. Baldwin's portion is \$609,400 and it must conform with green materials. Chairman Swanson asked if she could find out why we are getting conflicting information. Commissioner Leonard stated she would talk with the County Administrator tomorrow.

Fire Department Report – Chief Rademacher reported there were 12 calls for service in the month of September. A joint house burn with Princeton Fire is scheduled for October 11. Upon receiving grant information from Supervisor Atwood, Baldwin Fire Department received a \$3,000 Agstar grant and has until the end of December to do purchasing. An engine has been purchased for the rescue vehicle. The next Baldwin Fire Department business meeting will be Tuesday, October 14 at 6:30 p.m.

Approve/Disapprove Resolution #14-18; Resolution Accepting Donations – Handshoe/Atwood unanimous to approve Resolution #14-18; a Resolution Accepting Donations. A \$2,000 donation was received from the Zimmerman Fire Department to cover the costs with replacing the motor in the rescue vehicle.

Public Comment - Mark Borghuis, 282nd Avenue, stated that he works for Livonia Township and wishes to let the board know he is working with Terry Carlile and Larry Handshoe and is doing the road grading. Livonia is happy with the ditch mowing and hopes we can do the same next year.

Approval of Consent Agenda – Rush/Atwood unanimous to approve the Town Board Meeting Minutes of September 16, 2014.

CONDITIONAL & INTERIM USE PERMITS:

Approve/Disapprove Conditional Use Permit Amendment for Bell Auto (County is asking for Town Board comment on the township requirement of drainage and grading plan) - Moved to the October 21, 2014 town board regular meeting.

PLATS: None.

VARIANCES: None.

OLD BUSINESS:

Mitigation Pond Issues on Dorweiler Property – Jay Swanson explained that, in the beginning, we needed a temporary easement to do that road. Mr. Dorweiler did not want to give an easement. The culvert is not necessarily as deep as it could have been. There was a berm. The fence was taken out. The berm has washed out at one time. There is no water on there now as he has seen. The ditch will hold all the town's water. There is a culvert under the Dorweiler's driveway where there wasn't before. Can we

mitigate so no water stays on his property? Jon Bogart has three proposals with some needing temporary easements and others needing permanent easements and costing between \$8,800 - \$21,000, depending on what the board wants to do.

Jon Bogart explained the history of the project. As time went on, concerns by Julius Dorweiler were received as water was coming in off the roadway and going to his lower property on the southwest corner and was concerned our water was going to cause him flooding. Bogart came back with an alternative and built a little berm between the township ditch and the hole on Dorweiler's property. He has checked the hydraulics and it is adequate to handle all of our water plus some. We left the silt fence across the culvert underneath his driveway because vegetation was not fully established in the ditch as we needed to satisfy NPDES requirements. Last spring we still had a fair amount of snow and the wettest spring on record. Water spilled out over the berm and knocked out 3 inches of the berm with ½ buck of black dirt from skidsteer used to repair the berm. Water got to be about 12-14 inches deep on the Dorweiler's property and took about 3 days for it to go away. Mr. Dorweiler has a concern about a vein of gravel under the soil and it used to drain all the water so there was never any ponding and he now thinks we have covered up that vein. In Bogart's opinion he feels we have made the situation better with the township water not going into the hole and is now going into the culvert and not making it onto the Dorweiler property. Mr. Dorweiler does not agree. Bogart presented 3 options to the town board to try to come up with a resolution:

Option 1: removes old culvert – drops it 2.3 feet – so that his entire hole would drain out to wetland to north. Engineers estimate of \$13,572.35.

Option 2: we would not drain the entire hole – drop culvert to 1021 elevation. Leave about 11 inches of water in there. We would remove the berm. Engineers estimate of \$8,808.43.

Option 3: use a piece of stormsewer - not very feasible option. Very expensive and Mr. Dorweiler would not be happy with. Engineers estimate of \$21,253.73.

Mr. Dorweiler stated that it was more than just a vein. It was a normal sump created over time and was close to a foot deep and located on the Baldwin right-of-way. His concern is that the sump is covered with dirt and there is no place for the water to go except seep through the gravel and hopefully dissipates. He did not want a culvert there. He would like to address one thing: we were asked to give 2 easements. We signed both. He has worked in this area for 30 years. When asked for easements compensation is needed for both. One easement was 2 feet on the south end of his property and the other in area for wetland.

Bogart stated that one of the things Mr. Dorweiler was concerned about was he did not want township water on his property and then we came up with a berm. Mr. Dorweiler responded that there is a good 2 foot barrier and that water will sit there and saturate the fill of his driveway. He has lived there 12 years and, except for this spring, never had water standing there. Swanson questioned if having the wettest spring on record

have anything to do with it. Holm stated he would like to see what would happen if we received another 2 inch rain event. Bogart stated he has monitored it all summer and there is no water yet. Mr. Dorweiler stated that he does not want the board to think they are asking for something special nor the citizens. He has serious reservations that the dirt berm that was put in can keep water off of 112th Street into the ditch. He wants to be a good citizen but doesn't want to be trod on. Bogart suggested that the town board go out and talk to Mr. Dorweiler and see for themselves and then come back in 2 weeks. Rush asked if the board could tie this into the workshop next week with Swanson replying yes. Mr. Dorweiler stated that, for the record, Bogart thought we had refused to sign the easements. That is not true. There were 2 easements presented to them for their signature and they signed them both. No other easement was presented to us for any other reason. One of the proposals that Bogart made to him was to put in a drain and put tile on his property and he said absolutely not. Bogart stated that this is not a township issue as he had made a promise to Mr. Dorweiler to make him happy and he likes to keep his promises. Mr. Dorweiler is correct, 2 easements signed.

Park Committee Report – Tom Rush estimated there were between 200 to 250 people at the Baldwin FunFest. The pavilion is finished, and there have been calls from parties interested in renting it. The Park Committee will draft a Rental Contract to present to the Town Board.

TCI Baldwin Volunteer Corps Update – Supervisor Rush will be the liaison to the Baldwin Volunteer Corp with Supervisor Swanson as the backup liaison. Even though there is a need for more volunteers for the Baldwin FunFest, a lot of positive comments were made about the event and the park.

Joint Committee with City of Princeton Status – No activity.

BR&E Update – Deleted from agenda.

Approve/Disapprove Releasing DRT Biosolids, Inc. Bond in the Amount of \$13,000 – Handshoe/Atwood unanimous to approve releasing the \$13,000 bond for DRT Biosolids, Inc.

Approve/Disapprove Sale of Truck #4 L9000 Tandem for \$3,000 – Holm/Handshoe unanimous to disapprove the sale of truck #4 L9000 tandem for the amount of \$3,000.

Review/Approve/Disapprove Repairs on Truck #3 – Terry Carlile, Maintenance, stated that everything on top from Central Fleet Service is labor. Central Fleet Service quote: \$7,500.60. They missed a crack in the transmission plus an oil leak at the injector pump. Boyer Truck quote: \$12,422.66. Carlile reported that Boyer Truck did find us another tandem. A 2007 International at a cost of \$64,900. Another is a Sterling for \$55,000. Was hoping to trade and they will give us \$6,000. We will still be down to 4 trucks. Another option is if we trade truck #3 for the \$64,000 truck and if we up the ante a little bit we could have both trucks for a

total of \$114,000. Holm stated that he can't see giving it away and suggested salvaging the parts off of it and put that truck at the same sale where the other one is going. Swanson stated that the key is do we want to replace a single axle with a tandem axle truck. Rush/Atwood motioned to approve repairs at Boyer Truck for \$12,422.66. Upon voice vote, the motion carried with Handshoe and Holm opposed.

TABLED ITEMS:

Approve/Disapprove Amended Resolution 12-11; A Resolution Controlling Access to Baldwin Township's Information, Supervisors and Staff from One Charles W. Nagle – Swanson reported that the amended Resolution 12-11 is in the offices of Couri & Ruppe for review.

Review/Approve/Disapprove Elk Lake Estates Drainage Letter – Swanson stated that he has not prepared it yet. Christie Miller stated another season gone and a previous board did not even check it out. She has had her septic pumped 5 times this year and nothing has gotten done. Swanson apologized to Ms. Miller and stated he will try to have it for October 21st.

Discuss/Approve/Disapprove Planning Commission Agenda Packets on Website
Atwood stated he thought the issue was going to be reviewed by Couri & Ruppe or determine if MAT has a procedure. Judy Thorson, Planning Commission Chair, stated that the Planning Commission is asking for clarification on if agendas or agenda and packets on the website. Holm motioned that the board will take in advisement as we are in the process of reviewing policies and procedures and will take it under advisement for now. Handshoe seconded the motion. Holm stated that the agenda is a good idea but not an agenda packet. Motion carried.

NEW BUSINESS:

Discuss/Approve/Disapprove Mitigating Pond Issues on the Dorweiler Property
See above.

Legacy Grant – According to resident Ross Perry, Sherburne County said that the Legacy Grant had been exhausted by 2006.

Approve/Disapprove Liquor License for Finish Line Café – Rush/Atwood unanimous to approve the liquor license for the Finish Line Café.

Appoint Election Judges for November General Election – Atwood/Swanson unanimous to approve appointment of the election judges for the November general election with an accepted friendly amendment from Holm to strike out Kimberly Good's name since her name is on the ballot. With a voice vote taken Supervisor Atwood voicing aye, Supervisor Rush voting nay, Supervisor Handshoe voting nay, Supervisor Holm voting aye, and Supervisor Swanson voting aye. With aye votes prevailing, the motion carries.

Approve/Disapprove Newsletter – Rush/Swanson unanimous to approve the newsletter with amendments and with final approval from Supervisor Atwood.

Approve/Disapprove Renewing Special Fuel Dealer License – Rush/Handshoe unanimous to approve renewing the Special Fuel Dealer license.

Determine Which Supervisor's Name Will be Added to Minnesota Revenue Local Board of Appeal & Equalization Trained Board Member Certification – Rush/Atwood unanimous to add Supervisor Jeff Holm's name to the Minnesota Revenue Local Board of Appeal & Equalization trained board member certification.

Approve/Disapprove Resolution 14-17; Resolution Accepting Donations – Rush/Handshoe motion to approve Resolution 14-17; a Resolution Accepting Donations. With a voice vote taken Holm, Handshoe, Atwood and Rush voted yes; Swanson abstained.

Schedule Workshop with Mike Couri, Couri & Ruppe – A workshop is scheduled with Mike Couri of Couri & Ruppe for October 16th at 7:00 p.m.

Approve/Disapprove Payment to Swantec, Inc. in the Amount of \$52.50 – Rush/Handshoe motion to approve payment to Swantec in the amount of \$52.50. With a voice vote taken Holm, Handshoe, Atwood and Rush voted yes; Swanson abstained.

Approve/Disapprove Name Tags for Planning Commission, BVC & Town Board – Rush/Handshoe unanimous to approve paper with a plastic sleeve name tags for the Planning Commission, Baldwin Volunteer Corps and Town Board.

Approve/Disapprove Snowplow Repair – Quotes for repairing the snowplow blade were received from Brand Manufacturing and Swantec. Rush/Handshoe motion to approve using Brand Manufacturing to repair the snowplow blade. With a voice vote taken Holm, Handshoe, Atwood and Rush voted yes; Swanson abstained.

Approve/Disapprove Park Swing and Basketball Poles – Rush stated he met with Steve Mead from GameTime at Young Park. Quotes were received for park swings and basketball poles along with wood fiber for the park swings. The quote for the park swings and basketball poles is \$5,381.86 minus \$250.00 for installation plus \$1,525.00 for 48 yards of wood fiber. Sylva can supply the wood fiber for \$976.00. Atwood questioned if the dirt work was accounted for. Rush stated he talked to the contractor for the boardwalks and he is willing to get paid as he goes. Rush is recommending 2 basketball poles. Holm stated we need to vote if we want a basketball court. Rush/Handshoe motion to have a basketball court at Young Park. Upon voice vote, the motion carried with Holm and Atwood opposed.

Discussion regarding site preparation work. Holm stated that where it will go and how big it will be along with soil remedies need to happen. The last thing will be the hoops. Rush stated he is asking to purchase 2 hoops and put them in storage.

Rush motion to approve up to \$9,000. Seconded by Handshoe. Holm questioned if any other companies were looked at with Rush replying that these guys built the previous equipment. Upon voice vote, the motion carried with Holm opposed.

Approve/Disapprove Obtaining Basketball Court Quotes – Rush/Atwood unanimous to disapprove obtaining quotes for a basketball court.

Discuss/Approve/Disapprove Timbers and Mulch for Existing Playground Equipment – Rush stated that the mulch should be up the stickers on the equipment and we are 7 inches down. Another roll of timbers and an opening needed for the entrance. The quote from Sylva was \$1,121.00. \$787.00 for landscaping timbers. The salesperson also said we need a handicapped ramp. Atwood asked if all of this has been brought to the Park Committee with Rush answering no. Rush/Handshoe unanimous to approve.

Discuss Access Permit for Goose Lake – Apparently after going to Sherburne County for an access permit for Goose Lake, Lester Kriesel was told that an easement was needed first. Question arose why an easement wasn't granted when the plat went through. Rush will do further investigation.

Discuss/Approve/Disapprove Closed Employee Meeting – Rush stated that on September 11th, the day of the Planning Commission meeting, Commissioner Ross Perry met with Bridget Chard and business owners. The Planning Commission and Planner are advisory to the Town Board. He would like to have a meeting with our planner and Commissioner Ross Perry. He did not find out about this until the day after the meeting. It was not board approved. Atwood stated the Chard did this on her own time. Rush questioned why she was meeting with Commissioner Ross Perry and pass out literature. Swanson stated that when he found out he was livid. How could our hired planner go to a meeting with business owners without the board not knowing it? She was asked by Ross Perry and the business owners and she talked about subordinate service districts and cost sharing. Swanson had a long conversation with Bridget Chard and told her this cannot happen again without board approval. She said she solely went there to give information but she helped form a lynch mob. He had heard from a business owner about a meeting happening and he had no clue. Leroy Anderson came to his office to ask if he could speak at the meeting. Handshoe stated that he heard that they wanted to bond for every road that needs to be repaired. Holm suggested advising the Planner and, with the planning commissioner, sit him down face to face. Holm/Atwood unanimous to send a letter to Bridget Chard just to advise her to refrain from any actions without approval of the board. Swanson stated that he had talked to Bridget Chard immediately after and she apologized profusely. Holm made an amendment to his motion to include the Chair and/or Planning Commission liaison in his motion. Atwood accepted Holms amendment.

Swanson stated that you cannot turn on and off being a Commissioner on the Planning Commission. Holm stated that he serves at the pleasure of the board. The board will

meet with Ross Perry on October 20, 2014 at 7:00 p.m. upon the clerk determining if the meeting is legal.

Announcements

- Town Board Workshop, Tuesday, October 14th, 7:00 p.m.
- Quarterly Association of Townships Meeting, Wednesday, October 15, 6:30 p.m., Baldwin Township
- Sherburne County Rural Runoff Workshop, Thursday, October 23, 5 p.m.-9 p.m., Sherburne History Center, Becker (Registration Required by October 16th)

Any Other Business

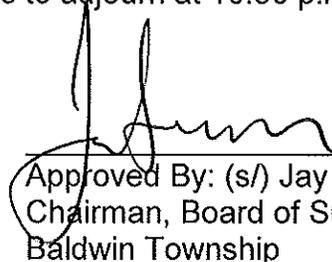
Swanson stated that Ross Gabrielson has presented options to the board for the access on Lake Helene. He had talked with Bob Ruppe about this who had talked to Mr. Gabrielson's attorney. The previous town board tried to vacate that property. The issue will be added to the workshop discussion.

Motion to Approve Bills for Payment - Handshoe/Atwood unanimous to approve for payment check numbers 18737 through 18777 and 2 EFT payments totaling \$58,670.72.

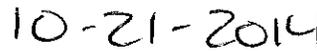
Adjournment – Handshoe/Atwood unanimous to adjourn at 10:50 p.m.



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



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



Date

Attendees: Judy Thorson, Lester Kriesel, Christi Miller, Julius Dorweiler, Nancy Dorweiler, Elaine Philippi, Ross Perry, Jon Bogart, Terry Carlile