

BALDWIN TOWNSHIP PUBLIC HEARING

June 14, 2010

Present – Supervisors Larry Handshoe, Jeff Holm, Jim Oliver, Tom Rush and Jay Swanson.

Call to Order – The June 14, 2010 Baldwin Township Public Hearing was called to order by Chairman Jeff Holm at 7:00 p.m.

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

Public Hearing Regarding Headwalls and Obstructions in Road-Rights-of-Way – Chairman Jeff Holm opened the meeting by saying this is the second public hearing on the subject of headwalls and obstructions in the road right-of-way. At the first hearing on June 7 there were over 50 people attending. He further stated that a Baldwin special meeting will be held at 8:00 p.m. to approve/disapprove suspension of the August 1, 2010 deadline for headwall/obstruction removal.

Gary Paulus, 30238 – 104th Street, Winding Trails - Mr. Paulus stated that the small boulders holding up the dirt have been there for 9 years. He did not know that it was not acceptable since it was a cheap and inexpensive way of keeping his driveway from sliding in.

Kim Thelen, 29345 – 139th Court – Ms. Thelen stated that she thought that if the speed limit was 40 mph or under headwalls did not pertain. Holm introduced the township attorney, Troy Gilchrist, who gave a background on state statute concerning headwalls and how it pertains to town roads.

Troy Gilchrist, Baldwin Township attorney, stated that he worked on the legislation in the mid 1990's. There were concerns from townships of vertical headwalls off of driveways and, if snowmobilers leave the road and hit it, townships concerns is a perceived hazard in the road right-of-way and, if townships do not correct, could be conceived as a breach of duty to the public. The headwall provision is a regulatory control of the whole issue. They need to be built in such a way to minimize hazards. The statute is worded with a list of things that are misdemeanors with the headwall language is subdivision 4, "erect or reconstruct driveway headwalls in or on the right-of-way of a highway or road, except as may be allowed by permit from the road authority imposing reasonable regulations as are necessary to prevent interference with the construction, maintenance, and safe use of the highway or road and its appurtenances". The statute is not limited to speed limits. That statute deals with mailboxes and roads that are posted under 40 mph. With the township ordinance, the rules are regardless of speed. The headwall provision was passed in the mid 1990's. A resident questioned that, now that the township has notified the residents, do they have to enforce removal of these objects? Gilchrist responded that, if there is a hazard, there is no process where a township can absolve themselves of the liability. The township duty is to the public as a whole. The township is the easement holder and has an obligation to protect the public. Tom Rush questioned what happens when we remove

all of this and driveways collapse. Is the township not liable for maintaining that? Gilchrist responded that the township is not responsible for maintenance of a driveway. There should be guidance given by the board to the residents.

Mike Winskowski, 31222 – 142nd Street – Mr. Winskowski stated that his driveway falls in when the headwall isn't there. He stated that someone from the county told him that, as long as it was at a 45 degree angle, it was okay.

Jim Oliver questioned if it made any difference what materials are used to obtain a 4:1 slope. Gilchrist stated not necessarily unless standards have been adopted. It is subject to the road authority.

Mike Winskowski questioned if the residents should be made aware when obtaining a driveway permit.

Chris Gadacz, 11438 – 290th Avenue – Mr. Gadacz stated that at least half of the houses won't be able to restore to a 4:1 slope. He lives in a cul-de-sac with not a whole lot of traffic. Try to do this with the least amount of obstruction. Are we still no open to being sued. What is the difference? Holm stated that there are situations where the developers and the builders did not do it right. They left some homeowners where they were not in compliance from day one. Or with the way the road was installed. Tom Rush questioned why a culvert is installed 33 feet and not 34 feet. Gilchrist responded that the township should agree to "this is the best you can do", which shows that you acted reasonable. The culvert issue is that it matches up with the public road ditch. There are certain hazards you cannot eliminate, i.e., snowmobiles. Mr. Gadacz stated that there is much gray area and asked the board to work together to achieve the same thing as he wants properties to look good and go up in value. The board's time could have been better spent.

Chuck Nagle, 29530 – 131st Street – Mr. Nagle stated that he did not get a letter. He wasn't aware of this issue until last week. Should he leave his culvert in or take it out in order not to be in violation. The ditch is deep and he does not think he has an erosion problem. He is looking for guidance. The developer put it in and he assumed it was right. Swanson replied that the township has adopted driveway standards and if the culvert was put in by the developer it should probably stay there.

Dave Cowles, 12710 – 281st Avenue – Mr. Cowles stated that he has riprap down on his. He did what Baldwin Township did across the road from him. Holm stated that the engineer has recommended some materials to minimize runoff. The board needs to look at what is acceptable.

Ron Messer, 29242 113th Street - Mr. Messer stated that he was here 7 years ago and, at that time, the clerk said everything was okay. Nobody said anything back then about the standards. He would like someone to come out and look at it. He feels that this is part of the décor of living in the country.

Roger Patten, 28641 – 127th Street – Mr. Patten stated that there are no headwalls or boulders in his yard. There is a rubber tire around his mailbox that sticks up about 8

inches. He sees no problem here. Holm stated that is why the board needs to revisit and clarify some things. Mr. Patten stated that time and money could be spent on better things than this.

Jim Oliver stated that the majority of people last week were about mailboxes. Gilchrist stated that the state has a statute that addresses mailboxes specifically.

Lance Soderholm, 13667 – 302nd Avenue – Mr. Soderholm stated that some of these things are holding the driveway up. He may have to purchase culvert extensions, flares, will have to bring in a lot of dirt and may have to extend his driveway 5-6 feet o each side. It was checked off by someone. Swanson stated that the township will work with him.

Matt Peterson, 28245 – 121st Street – Mr. Peterson stated that he has a portable basketball hoop in the cul-de-sac. He is the only house on the cul-de-sac. What is the problem with a portable basketball hoop? It is removed every fall. Swanson stated that we are condoning our kids to play in the street. Mr. Peterson stated that it is a private cul-de-sac and nobody should be down there. If you don't live down there you should not be there. There is also a basketball backstop which is used by the youth in the neighborhood. What is the problem? Spend money on parks and programs for the youth. We build these things for them.

Amy Erickson – Ms. Erickson stated that she does not know which one to remove (from her photo). She has lived here 10 years and has authorization to live there. Will the residents be reformed prior to the August 1st deadline? Holm stated that the township will post the results of the meeting at the regular posting places along with the website. Ms. Erickson stated she would prefer another letter.

Chris Gadacz, 11438 – 290th Avenue, Baldwin Cove – Mr. Gadacz questioned if the 40 mph is just for mailboxes. Gilchrist responded that it is not speed dependent regarding headwalls. The township is being more restrictive than the state in regards to removing the 40 mph requirement. In regards to headwalls the township is not being more restrictive. Mr. Gadacz questioned how much risk there is to the public and that there should be some kind of common sense factor. He asked the board to take this stuff into consideration. How will the board work on a case by case basis? Will it just be Supervisor Swanson or the entire board? Gilchrist stated that it is a matter of degree. It comes down to the board, or its designated representative, to make the determination on behalf of the town. He recommends that the board tackle the major headwalls first. He recommends that the board address the issue about no longer getting another letter when the board changes. Possibly do a permit process. Something in writing.

Lance Soderholm stated that he had signed off on papers from the previous board and had signed off on accepting responsibility. The clerk stated that she found two driveway applications. Mr. Soderholm stated that he had signed a waiver. The clerk stated that she did not find anything in the files. Holm stated that the board needs to have a workshop to determine where the board will go.

Holm reminded the residents in attendance of the June 29th community visioning session which has been paid for by the Initiative Foundation.

Adjourn – Handshoe/Rush unanimous to adjourn the public hearing at 8:08 p.m.

BALDWIN TOWNSHIP SPECIAL MEETING

June 14, 2010

Present – Supervisors Larry Handshoe, Jeff Holm, Jim Oliver, Tom Rush and Jay Swanson.

Call to Order – The June 14, 2010 Baldwin Township special meeting was called to order by Chairman Jeff Holm at 8:08 p.m.

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

Approve/Disapprove Suspension of the August 1, 2010 Deadline for Headwall/Obstruction Removal – Rush/Oliver unanimous to approve suspension of the August 1, 2010 deadline for headwall and obstruction removal.

Swanson acknowledged that the headwall and obstruction issue is a controversial subject, and even though there is approval to suspend the August 1 deadline, the problem is not going away. Oliver agreed saying it was a board decision to address headwalls, and that it will be a continuous process.

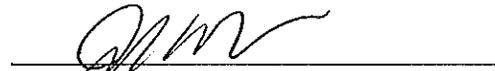
On the July 12, 2010 town board regular meeting agenda a workshop will be scheduled to address the headwall/obstruction topic only.

Approve/Disapprove Check Number 14737 in the amount of \$616.70, Reimbursement for Postage - Swanson/Handshoe unanimous to approve check number 14737 in the amount of \$616.70 for reimbursement of postage.

Adjourn – Swanson/Handshoe unanimous to adjourn at 8:15 p.m.



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



Approved By: (s/) Jeffrey Holm
Chairman, Board of Supervisors
Baldwin Township

Attendees: Troy Gilchrist, Lester Kriesel, Peggy Patten, Roger Patten, Kim Thelen, Hank Simon, Lance Soderholm, Amy Soderholm, Van Hendrichs, Ron Messer, Cary Paulus, Tami Rohweder, Chris Gadacz, Amy Winskowki, Wanda Hegra, Craig Hegra, Jeremy Bernard, Eric Kisner, Dave Cowles