

BALDWIN TOWNSHIP REGULAR MEETING

December 19, 2016

Present – Supervisors Brad Schumacher, Tom Rush, Jay Swanson and Larry Handshoe. Supervisor Jeff Holm arrived at 7:05 p.m.

Call to Order – The December 19, 2016 regular meeting of Baldwin Township was called to order by Chairman Brad Schumacher at 7:00 p.m.

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

Additions/Corrections to Agenda

- Add "Discuss/Approve/Disapprove Pricing for Ball Field by PYSBA for Use and Tournaments" under Park Committee Report
- Add "Approve/Disapprove Chairman to Follow Up with Disconnection of Sewer on Parcel ID 01-509-0410 as of January 11, 2017" under New Business

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

Treasurer's Report:

December 2016 Final Treasurer's Report – The clerk reported receipts of \$406,099.80 and disbursements of \$62,325.14, check numbers 20680 through 20751 and 6 EFT payments leaving an unaudited balance of \$1,014,521.15.

Road Report – Swanson reported on snowplow events and truck repairs.

Approve/Disapprove Going Out for Chip Sealing Bids – Swanson/Rush unanimous to approve going out for chip sealing bids in February of 2017 based on the recommendation of the township engineer.

Approve/Disapprove Going Out for Crack Sealing Bids – Swanson/Handshoe unanimous to approve going out for crack sealing bids in February of 2017. It was determined that the township would start over and do all four quarters of the township beginning with the northwest section.

136th Street Road Design Update – Jon Bogart informed the Town Board that the county would want an agreement with us if we tag teamed with them on 136th Street while they are working on County Road 45. The county plans on bidding in March. If the town board does not want to join the county then the township should bid in February. The wetland permit would have to be applied for in January. He should have plans close to final in February. Handshoe questioned how much the town would save. Bogart replied that the township saved almost \$100,000 on 112th Street by joining with the county. Rush questioned if the park trail would be included. Bogart stated that the county will get that done at the same time (313th Avenue) with the county paying for it.

With the survey done by the county he does not think an easement will be needed. Swanson referenced past projects where the township teamed with the county and saved money and stated that this project is moving forward regardless. The township will have to bond. Rush stated that Bogart had estimated \$1.5 million and that was conceptual. Bogart will have a good estimated cost by the mid-February meeting. Swanson stated that the cost of bonding will be needed. Bogart stated the plans will be submitted to the TEP panel in the next week or two for the wetland permits. The Corp. of Engineers permit may take up to 3 months. We may have to let a separate contract to cut the trees in the road right-of-way. Construction usually begins after June 1st. Handshoe questioned how it is bid for the stumps in the road as they will need to come out of there. Bogart responded that we don't know what is down there until we open it up. It will be a line item. The soil borings did not hit a single stump. Bogart asked if the Town Board would like to do this road as a reclaim and stay with a 22 foot width or 24 feet? Swanson suggested 24 feet. Schumacher suggested 24 feet. Bogart stated that the road standards state 24 feet with 3 foot shoulders. Added to the January 9th regular meeting will be 'discuss/approve/disapprove teaming up with the county on 136th Street'.

Approve/Disapprove Final Payment Certification for Georgetown Addition, Hardrives, Inc. – Handshoe/Rush unanimous to disapprove the final payment certification to Hardrives, Inc. for the Georgetown Addition project since the township is still waiting for Form IC134.

Approve/Disapprove Sheriff Involvement at Property Located in Northgate Estates – Swanson stated that this was brought up at the open forum at the last meeting (posts alongside of the road) and was unsure on how that was left. Schumacher reviewed the meeting minutes. Swanson stated that we cannot allow him to do that and suggested a hold harmless agreement signed by the owner. Schumacher stated that if they are hit the township will not pay for them. Swanson/Handshoe unanimous to disapprove sheriff involvement. Carlile stated that they should be pulled out for safety issues.

Public Comment – Ross Gabrielson, 254th Avenue NW, Big Lake, was present and wished to discuss an electrical box for his septic tank being knocked over. Mr. Gabrielson presented a background of his issue with pictures given out. The home adjoins a public access. The property is on Lot 11, Block 1, Forest Hills. The township vacated the access and gave ½ to one owner and the other ½ to the other owner. He purchased the property subsequent to that and installed a septic system on it. Back in April 1991 Baldwin Township decided that they wanted the lot back after he had purchased it and put the septic in. The only part on the public access is the drain field. Just recently the neighbors had a party and vehicles parked there. The best part to turn around is where his drain field is. He is not liable for it. What is he supposed to do? It would be easy to put up posts to limit traffic down there and make it a path. He has disagreements with the township license agreement as it makes the township not liable. He would appreciate the town board looking at it and discuss and come to some

agreement that would be mutually beneficial. We both have paid out legal fees. There are multiple people driving on it.

Schumacher stated that the township is well aware on how much money is spent on fencing and we could spend thousands of dollars on this access and it won't get you what you want. He is willing to drive over and look at it. Mr. Gabrielson stated that he had suggested at one time exchanging access for this property. Mr. Gabrielson's daughter stated that there is a class 5 road with a sandy beach on the other side of his property. Where it is now is wooded and there could be damage to the shoreline. Schumacher stated that the Park Committee could look at that but it still would cost thousands of dollars. Mr. Gabrielson stated that 4x4 posts would stop people from driving down to the lake which is not a major expense and would take care of kids having parties down there. He is willing to buy 20 feet on that one side if the township wants to sell or if the township would like to make a trade. At one time he had ownership rights. Schumacher stated that this Town Board is not able to make a judgement on this but it can go back on another agenda. He will take a look at it. Swanson stated that the township has spent thousands of dollars on legal fees for a license agreement. The board at one time tried to vacate it, however that board did not have the power to vacate it back then. Nobody but the public owns it. He is willing to leave the septic system there with a signed license agreement. The township is not going to force you to move it if you will hold us harmless. The township does not have the power to give 1/2 of the access to each property owner. We can't sell. We came up with a license agreement and that is what we offered. Schumacher stated that there are options that the township can do but it will not resolve issues of beer bottles and stop people from destroying property. He will meet him and then the Town Board has to decide and our Park Committee needs to discuss. Holm stated that there are two ways he can see this going. Our hands are tied and mistakes were made in the 1980's or the 1990's. What is the scale of this access and what is the access for and what type of vehicles use it. Options are: court or an access and limit use of vehicles. The driving over the drain field is the issue. There is not a boat ramp down there. Mr. Gabrielson suggested talking to the DNR and see what their attitude is. Does the township want to go to court to see who will pay for it? Schumacher stated that we cannot give you something we have no ability to give you. Swanson stated that court would have to be instigated by Mr. Gabrielson. Rush stated that the Park Committee will discuss at their next meeting. Holm stated that when the boards in the past have made decisions without authority it creates confusion. It is a generous offer to make a swap but he doesn't want to bind future boards by wrong actions. Mr. Gabrielson stated that he needs to get it resolved to the point where he can sell the house.

Approval of Consent Agenda – Swanson/Rush unanimous to approve the Town Board meeting minutes of December 5, 2016 and to approve the Planning Commission 2017 meeting schedule.

CONDITIONAL & INTERIM USE PERMITS: None.

PLATS: None.

VARIANCES: None.

Approve/Disapprove MS4 Application – Handshoe/Swanson unanimous to disapprove filling out the MS4 Application.

Discuss/Approve/Disapprove County Proposed Options for Goose Lake Park – Bogart stated that there are 3 options: 1.) make application but needs to have all the site lines on it; 2) wait for it to turn back from a county to a township road; and 3) eliminate the county from the equation. The township needs to provide engineering justification supporting the data for site distances being met for the posted speed limit. The Town Board needs to decide what they want to build in that park. Rush stated that 12 parking stalls with trails and a few benches is the plan for the park. Schumacher asked how much it would cost for site lines and trees. Bogart stated he is willing to do it for free. Swanson stated that when the county gave it to us they told us we had plenty of access then they said the access is in the wrong spot with the curve in the road. We need to find out if that piece of property was ever vacated by the county or by anybody. Schumacher stated that we got it done for free. Bogart stated two pieces of information was found: County Road 46 and where it was vacated and then the exact same description for County Road 87. It only confirms legal status on a particular county road and it did not confirm the status of the easement. Swanson stated that if it has not been vacated then that access still exists and then we can move forward. He has not been made aware of anything that does not say there is no access. Bogart stated that there is no documentation for the easement over that. At one time the county road stopped and then turned south. Rush/Handshoe unanimous to approve option 2; provide engineering plans that shows site lines. Swanson thanked Bogart for his good will.

OLD BUSINESS:

County Planning & Zoning Report – Bryan Lawrence not present.

Park Committee Report – Rush reported there was vandalism to the ball field at Young Park due to snowmobilers having gotten through the fencing. A resident voiced concern for the future of Goose Lake Park since vandalism does exist. Swanson is going to do a modification to the backstop. The next Park Committee meeting is January 19, 2017. Members are needed.

Discuss/Approve/Disapprove Pricing for Ball Field by PYSBA for Use and Tournaments – The PYSBA would like to use the ball field Monday through Thursday from 5:00 p.m. to 9:00 p.m. with up to two tournaments a year starting in April. Proposed pricing would be \$5 per child and \$20 per tournament. A Google calendar will be used for scheduling, and the PYSBA will maintain the fields. The Princeton teams will not be charged. Rush/Swanson unanimous to approve that the clerk has access to the Google calendar, and get the fees that were stated depending on registration. Rush will attend the Wednesday, December 21 meeting of the PYSBA to clarify all questions.

Baldwin Volunteer Corps Update – No update.

OSHA Update – Schumacher stated that the township received a letter back from Attorney General Swanson. The same letter will be sent to the Department of Labor commissioner and will be available for approval at the next regular meeting.

Water Tender Update – It is believed that the water tender is in service.

TABLED ITEMS:

Discuss/Approve/Disapprove County Proposed Options for Goose Lake Park - See above.

Review/Approve/Disapprove Town Hall Improvement List – Rush/Swanson unanimous to table until the January 9, 2017 regular meeting of Baldwin Township.

Approve/Disapprove MS4 Application – See above.

NEW BUSINESS:

Discuss Meeting with Paychex – Schumacher informed the Town Board that he had met with Dionne Payne with Paychex. Laurel Ferguson, also with Paychex, will be working on OSHA with us. We are emailing our logo to her. We have emailed our handbooks to her. There will be no extra charge for her to attend employee reviews. She reviewed employee law with himself and the clerk. January 19th is the tentative date for meeting with the fire chief and either himself or Swanson to go through their handbook. They charge \$600 for an annual review of our handbooks. He had suggested to her that job descriptions and compensation be here by March. Swanson asked if the deputy clerk was discussed. Schumacher replied 'no'. She will be here January 10th to discuss the employee handbook. The clerk will post all meetings with Paychex.

Approve/Disapprove Paychex Attending Employee Reviews – Swanson/Rush unanimous to approve having Paychex attending the employee reviews.

Local Board of Appeal Online Training Update – The clerk reported that Supervisor Holm was the only trained supervisor. The board instructed the clerk to send the link to all the supervisor's for online training.

Approve/Disapprove Tuesday, April 11, 2017, 3:00 p.m. for Local Board of Appeal & Equalization Date and Time – Rush/Handshoe unanimous to approve Tuesday, April 11, 2017 at 3:00 p.m. for the local Board of Appeal & Equalization meeting.

Approve/Disapprove Monday, December 26th & Monday, January 2nd as Holidays Swanson/Rush unanimous to approve Monday, December 26, 2017 and Monday, January 2, 2017 as holidays.

Approve/Disapprove Chairman to Follow Up with Disconnection of Sewer on Parcel ID 01-509-0410 as of January 11, 2017 – Deputy Wilson delivered intent of disconnection of sewer to the resident on Parcel ID 01-509-0410 in the final effort of the Town Board to be in compliance with the easement. Swanson/Rush unanimous to approve having the chairman follow up with the disconnection of the sewer located at Parcel 01-509-0410 as of January 11, 2017.

Announcements:

- Commissioner Recognition, Tuesday, December 20th, 10:30 a.m.-Noon, Sherburne County Government Center
- Filing for Town Office Opens January 3 and Ends January 17, 2017 5:00pm

Any Other Business: None.

Motion to Approve Bills for Payment – Swanson/Handshoe unanimous to approve for payment check numbers 20720 through 20751 and 6 EFT payments totaling \$21,596.57.

Adjournment – Swanson/Rush unanimous to adjourn at 8:57 p.m.



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



Approved By: (s/) Brad Schumacher
Chairman, Board of Supervisors
Baldwin Township

1-9-17

Date

Attendees: Ross Gabrielson, Sonia Shafer, John Shafer, Scotty Harder, Judy Thorson, Shari Velazquez, Gehrig Scheffel, Jon Bogart, Terry Carlile