

## BALDWIN TOWNSHIP REGULAR MEETING

September 16, 2014

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

**Call to Order** – The September 16, 2014 regular meeting of Baldwin Township was called to order by Chairman Jay Swanson at 7:03 p.m.

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

### **Additions/Corrections to Agenda**

- Add 'Approve/Disapprove Repairs on Plow Trucks' to New Business
- Move 'Review/Approve/Disapprove Elk Lake Estates Drainage Letter' and 'Discuss/Approve/Disapprove 125 ½ Street Project' to under Road Report
- Move 'Review 2014 Road Conditions Map' and 'The Highlands Drainage Project Update' to under Road Report
- Add 'Discuss/Approve/Disapprove Agenda Packets' to New Business
- Add 'Discuss/Approve/Disapprove Belmont Ridge Warranty' to under Road Report
- Add 'Meal for Sherburne County Association of Townships Quarterly' to New Business
- Add 'Discuss/Approve/Disapprove New Legal Counsel on Cell Tower Issue' to New Business

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

### **Treasurer's Report:**

**September 2014 Preliminary Treasurer's Report** – The clerk reported receipts of \$6,274.53 and disbursements of \$110,802.68, check numbers 18678 through 18732 and 6 EFT payments leaving an unaudited balance of \$428,420.83.

**Road Report** – Larry Handshoe reported that the ditch mowing is done for this year. Setup for the FunFest is almost done. Work will be started on 100<sup>th</sup> Street in a couple of weeks. Some trading with Livonia Township is being done on grading and brush cutting.

**Discuss/Approve/Disapprove 125 ½ Street Project** – Leroy Anderson, 274<sup>th</sup> Avenue, and who has a business on 125 ½ Street says he's in support of the 3 year plan for improving the road. Dan Ciscovsky of 123<sup>rd</sup> Street said he agrees with Anderson. He said the gravel helped out a lot. Even though he appreciates the consideration after hearing a rumor of putting in curb and gutter and street lighting, he said the improvements don't need to get fancy.

Tom Rush stated that the project will only benefit the businesses there and believes the board should stick to the Capital Improvement Plan as we don't know the uncertainty of the neighbors to the north. Jon Bogart replied that the Capital Improvement Plan is not engraved in stone and it is up to the town board which roads will be done. Rush stated he believes heavy use main roads should be done. Jeff Holm stated that if we are not willing to invest any money up there then what is our argument with the City of Princeton? We will be demonstrating value of our commercial and industrial tax base. The town boards of the past paved a lot of roads and then developments went in off of those new roads, i.e., 100<sup>th</sup> Street. Randy Atwood stated that if anything would happen with the city, we could recoup. Jay Swanson stated his taxes at his home are \$4,000 and \$18,400 to have a business here with \$2,500 for town taxes which is more than one half of what I pay at my home that goes to this town. So to say only the businesses are going to benefit by tarring that road is, to me, a false statement. I firmly believe that when we talk about putting in an investment to our industrial/commercial area if it helps with our endeavor of business retention and economic development and expansion. If it keeps and retains the businesses it is a win-win situation. If we can finish that road and lure someone else in there then we are going to see the same things. \$18,000/year tax statements not \$3,000 or \$4,000/year tax statements.

Holm stated that the drainage issues in the area will also be addressed and feels that, if ignored, it would become a prime target and feels this is an opportunity to get ahead of the game. Conditions of the road this spring were unacceptable. 100<sup>th</sup> Street changed the scope of what we are looking at with a year permitting process. Swanson stated that we will have a year of preplanning for 100<sup>th</sup> Street so we would be looking at 2016 for bidding. We bounced 112<sup>th</sup> Street a year off so we could coincide with Livonia Township and both towns saved \$60,000 each. 136<sup>th</sup> Street is on the Capital Improvement Plan for \$1.5 million and it was brought to the Annual Meeting and the residents threw it back to the board. Rush stated that there are other roads in the township that are main arteries that need work and 125-1/2 Street was not on the radar until this spring. Swanson stated it was put on the radar due to the absolute impassability of the road.

Bogart reported the drainage has been solved for 125-1/2 Street, 316<sup>th</sup> Avenue and ½ of 314<sup>th</sup> Avenue. The other half of 314<sup>th</sup> has no place for the water to go. Discussion regarding MnDot and drainage. The water wants to flow east. Holm stated that there are multiple projects hanging in limbo and feels that the board should make a decision. Swanson stated that a 3-year plan makes it feasible. Bidding this year to make it asphalt ready; year 2: first lift and shouldering and year 3: 2<sup>nd</sup> lift. Bogart stated he would prefer to wait until spring as he doesn't want to leave the road all tore up. Put it out to bid in February. He has no concerns leaving the road asphalt ready for the winter. All of the drainage would be in year 1.

Holm/Atwood motioned to approve going forward with the 125-1/2 Street project as spelled out in the previous proposal dated September 8, 2014 and getting it tar ready in 2015; first lift in 2016; and second lift in 2017 and addressing drainage issues. Holm stated that he doesn't feel we have the opportunity to go forward with 100<sup>th</sup> Street.

120<sup>th</sup> Street should be placed on the back burner and the people have spoken about 136<sup>th</sup> Street. Upon voice vote, the motion carried with Handshoe and Rush opposed.

**Review 2014 Road Conditions Map** – Bogart said the 2014 road conditions map should read 85.75 miles rather than 84.67. He said the town needs to be vigilant about keeping up with crack sealing and chip sealing; and would like the town boards input on the Capital Improvement Plan.

**Schedule Workshop** – A road project and capital improvement plan workshop is scheduled for October 14, 2014 at 7:00 p.m.

**The Highlands Drainage Project Update** – Bogart said that no culverts were put in and the last thing we want is to release water from upstream. He said there should be a culvert into the entrance of The Highlands. Further study needs to be done.

**Discuss/Approve/Disapprove Belmont Ridge Warranty and Releasing Letter of Credit** – Rush/Handshoe unanimous to approve ending the warranty for Belmont Ridge and releasing the letter of credit.

**Elk Lake Estates Drainage Letter** – Rush/Handshoe unanimous to table until the October 6, 2014 meeting.

**Lake Diann** – Bogart reported that easement documents have been prepared and people said they would sign (2 residents). He is recommending spring to begin the project. Handshoe/Holm unanimous to approve procuring easements and wait until spring.

**Approval of Consent Agenda** – Rush/Handshoe unanimous to approve the Town Board Meeting Minutes of September 8, 2014.

**CONDITIONAL & INTERIM USE PERMITS:** None.

**PLATS:** None.

**VARIANCES:** None.

**OLD BUSINESS:**

**County Planning & Zoning Report** – Bryan Lawrence not present.

**Baldwin Planning Commission Update** – Atwood said that at the Planning Commission meeting there was a motion made to send to the Town Board asking to provide a written response concerning having 2 packets available and to put the agenda and packet on the Baldwin website. Holm/Handshoe unanimous to table in order to make a written response. Rush asked about Bridget Chard's status as the Comprehensive Plan is done. Swanson stated that the Planning Commission usually

looks at issues that come before the town and feels Chard is here to do the Comprehensive Plan and review issues. The last year and a half was spent with the Comprehensive Plan. Handshoe stated he believed we would just need her for the Comprehensive Plan. Atwood stated that they are not able to take off running yet. He also talked to Bridget Chard about the Commissioners attending a county planning meeting or a city planning meeting. Holm recommends that the Planning Commission look at the County vs. Vonco II and the board look at the bylaws of the Planning Commission and code of conduct. Holm made a point of clarification that his motion is to table to make a written response.

Atwood stated that they also reviewed the possibility of the EPA wanting to take over every body of water. It has been shot down by the House.

They also discussed informal quarterly meeting with residents and if the board would entertain something like that.

**Review 2014 Road Conditions Map** – See above.

**The Highlands Drainage Project Update** – See above.

**SBA Update** – Swanson stated that Bob Vose has been sending a few emails and he talked with Mike Couri. No agreement and nothing further at this time.

#### **TABLED ITEMS:**

**Review/Approve/Disapprove Elk Lake Estates Drainage Letter** – See above.

**Discuss/Approve/Disapprove New Plow Truck** – The board reviewed a handout prepared by Terry Carlile regarding a new 2014 Western Star plow truck. Swanson asked if the board preferred a new or used truck. Rush replied used. Atwood replied used. Handshoe stated a truck that we would use year round and used ones are tough to find. Holm replied used. Swanson stated we could get 2 used for the price of 1 new. Per Ehlers it would cost \$12,000 to issue a bond. Rush suggested taking \$30,000 from the Capital Fund and make a down payment. Swanson stated that 2 trucks cost the township \$20,000 in maintenance costs last year. We have a tandem axle dump truck used for much more than snowplowing. He believes that the current tandem axle truck should be replaced with another tandem axle. He is not sold that we need 2 one ton trucks. Handshoe responded that they get a workout on the cul-de-sacs. Rush asked what price tag do we want to put out there? Carlile reported that the 2 trucks that were already here were priced at \$69,900 and \$89,900. Atwood questioned if the town could lease a new one for a year. Carlile replied that the options are 5 or 7 year. The town would receive \$3,000 for the old truck. Swanson stated that we still have 4 trucks to plow with. Carlile stated that if we had horsepower he would be fine cutting back to 4 trucks.

Rush/Handshoe motioned to disapprove a new plow truck and get a used one with a threshold of \$75,000. Rush rescinded his motion.

Handshoe/Atwood motion to go up to \$100,000 with a plow ready truck. Upon voice vote, the motion carried with Rush opposed.

Supervisor Tom Rush left at 8:48 p.m.

Holm stated that they are assuming a tandem axle truck and it is not in the motion. There should be something in the record.

Handshoe/Holm unanimous that it is a tandem that we look for.

**Approve/Disapprove Repairs on Plow Trucks** – Handshoe reported that there are 2 trucks that need to be fixed. The 1995 went in for a DOT inspection at Central Fleet and they found other issues at a cost of \$2,020.06. Swanson/Handshoe unanimous to approve \$2,020.06 for the 1995 plow truck repairs per Central Fleet's bid. There is a 90 day warranty on labor.

The 1990 truck also went in for a DOT inspection at Central Fleet and they found other issues at a cost of \$7,500.60. Atwood questioned the recommendation replacing the transmission at a cost of \$2,575.00 and also the estimate to fix transmission leaking at a cost of \$615.23. Swanson stated he would like clarification on Supervisor Atwood's concern and a second opinion on the transmission. Swanson/Atwood unanimous to get clarifications as stated and clarification on \$14.18 for wiring fix and if the \$2,575.00 includes a core charge and obtain a second opinion from Boyer Ford.

**Discuss/Approve/Disapprove Agenda Packets** – Swanson stated the issue is being brought forward by the Planning Commission. Legal counsel is saying one packet available for people to look at. At some meetings parts of the packet are missing. The township needs an information packet procedure that fits all committees and the board. Holm suggested accepting a policy and have a case by case adoption by the committees. Atwood/Handshoe unanimous to allow Chairman Swanson to discuss with Couri and Ruppe and work with them to create a policy to make it legal for the open meeting law.

**Meal for Sherburne County Association Quarterly** – Handshoe/Atwood unanimous to approve providing a chicken meal for the Sherburne County Association Quarterly meeting prepared by Coborns.

**Discuss/Approve/Disapprove New Legal Counsel on Cell Tower Issue** – Swanson stated he had talked at length with Mike Couri and he believes \$1,500/month rent is an acceptable number. He is in agreement for not accepting the \$100,000 offer. The lease agreement never included a clause in there for reimbursed legal fees as it states that the winner of the dispute will be paid legal fees and we could be looking at \$100,000-\$125,000 for legal fees. The agreement is not covering the township as it is

putting the township on the hook for whatever legal fees there would be. Holm/Atwood unanimous to change legal counsel on this matter to Couri & Ruppe.

Swanson then read a draft letter to Robert Vose stating that his services are no longer required. Atwood/Holm unanimous to approve sending this letter.

Holm/Handshoe unanimous to add to the October 6, 2014 regular meeting agenda to schedule a workshop meeting with Mike Couri.

**Discuss/Approve/Disapprove 125 ½ Street Project – See above.**

**NEW BUSINESS:** None.

**ANNOUNCEMENTS:**

- Funfest, Saturday, September 20<sup>th</sup>, Noon – 4 p.m.

**ANY OTHER BUSINESS:**

Handshoe asked about the Planning Commission guidelines and code of conduct. Holm stated that the board should review their bylaws and make sure there is a code of conduct as he feels there are reoccurring issues. Atwood stated that it was not part of the Planning Commission official business. A legal review should be done before the board does anything.

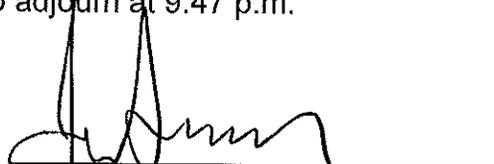
Swanson read a thank you card from Mark and Judy Thorson which also included cookies.

**Motion to Approve Bills for Payment -** Holm/Handshoe unanimous to approve payment of check numbers 18723 through 18732 and 1 EFT payment totaling \$8,809.43.

**Adjournment –** Holm/Handshoe unanimous to adjourn at 9:47 p.m.



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



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

10-6-2014  
Date

Attendees: Lester Kriesel, Dan Ciscovsky, Pat Fitzpatrick, Audrey Misiura, Tim Wolff, Ross Perry, Elaine Philippi, Jon Bogart, Terry Carlile, Chuck Nagle