

BALDWIN TOWNSHIP REGULAR MEETING

September 5, 2017

Present – Supervisors Brad Schumacher, Larry Handshoe, Bryan Lawrence, Jay Swanson and Tom Rush.

Call to Order – The September 5, 2017 Baldwin Township regular meeting 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 "Approve/Disapprove Partial Payment to Septic Check" under Consent Agenda

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

Treasurer's Report

August 2017 Final Treasurer's Report – Receipts of \$21,160.93 and disbursements of \$121,249.04, check numbers 21350 through 21412 and 8 EFT payments leaving an unaudited balance of \$823,837.82.

September 2017 Preliminary Treasurer's Report – The clerk reported receipts of \$0 and disbursements of \$143,973.85, check numbers 21413 through 21444 and 0 EFT payments leaving an unaudited balance of \$680,974.67.

Sheriff's Report – Not present.

Fire Department Report:

Relief Association Report – According to Jim Oliver the balance in the Relief Fund is \$495,987 even after Ross Martin took a retirement payout of approximately \$12,000. They met with Wells Fargo tonight. Will be setting up time with the board/relief association and investment firm which can either be October 2 or October 16 during a regular board meeting.

Road Report:

Ditch Mowing Concerns – Neil Hase, 300th Avenue, was present with a concern regarding the timeline and dates which might work better for wildlife and ditch mowing. He stated what everyone is doing is detrimental, especially for the monarch butterfly. June is the best time. It is wrecking our environment. He is aware that there are concerns with stop signs, etc. but it would be best not to mow in July and August.

Supervisor Schumacher stated that the township normally mows in the spring and again in the fall.

Road Report (continued):

Supervisor Swanson reported that the township had received information on the insurance claim and the ditch mower. We are working on patching. Crack sealing is starting. The triple seal by Elk Lake went well. Schumacher reported that he met with the contractor to make sure dials were correct for the amounts that were allocated. Supervisor Handshoe reported that Lake Diann looks good too. Schumacher reported that there were actually 2 culverts stacked on top of one another.

Nick Anderson, Bogart, Pederson & Associates, presented an update on the 136th Street project. He reported that the first ½ mile was graveled this week and excavation continues. Grading will be done in the next 4-5 weeks. Pavement will probably done mid-October. A little under \$100,000 has been used on the contingency. The grade has firmed up. Supervisor Rush thanked Jon Bogart for doing the survey at Young Park. Mr. Anderson stated he will let Jon know.

Approval of Consent Agenda -

Approve Town Board Meeting Minutes of August 21, 2017 – Rush/Lawrence unanimous to approve the Town Board Meeting Minutes of August 21, 2017.

Approve Attending Fall Maintenance Expo – Rush/Handshoe unanimous to approve attending the two (2) day Fall Maintenance Expo.

Approve Aspen Mills Invoices – Rush/Handshoe unanimous to approve payment of the Aspen Mills Invoices.

Approve/Disapprove Partial Payment to Septic Check – Swanson/Handshoe unanimous to approve a partial payment to Septic Check in the amount of \$120,507.50.

CONDITIONAL & INTERIM USE PERMITS:

Approve/Disapprove Conditional Use Permit for a Personal Storage Structure, James Burns – As Mr. Burns lives out of state, neighbors Don and Sharon Fischer, 285th Lane, were present on his behalf. Their permanent address is in Brooklyn Park. Supervisor Lawrence stated that the Planning Commission looked at it and had questions. Through Mr. Burns' emails he has answered the main questions. His cabin is across the street from the lot. Mrs. Fischer stated that Mr. Burns was surprised that they were not combined as he thought they were. The Clerk stated that Marc Schneider, Sherburne County Zoning, informed her that the lots were combined in 2013. Lawrence stated as for the purpose of the building the Planning Commission did not have answers and they moved to deny until they had better information. Based on the emails from Mr. Burns and Marc Schneider, it is an outbuilding across from his lot and is not an uncommon request in Sherburne County. Schumacher asked with this

new information does it change? Lawrence stated that if the Planning Commission had those questions answered they would have probably moved to approve. Schumacher stated that he drove out there and looked at Beacon and Bogart's survey. It looks tight. Lawrence questioned if there was a place for a secondary septic. There is a License Agreement with the township for the septic to go across the road. Swanson stated that it doesn't necessarily answer the question if there is a place for a secondary septic. Schumacher stated that it is not necessarily required to have a drain field and may not be a requirement to have a second site. Mrs. Fischer stated that Mr. Burns is available by phone. Lawrence stated that the License Agreement does not comment about property; just about township road right-of-way use and suggested a comment about not infringing upon the drain field. How important would a secondary system be? Swanson/Handshoe motion to approve based on the Planning Commission and additional information provided. Lawrence offered a friendly amendment with the condition that it does not infringe upon existing septic system. Both Swanson and Handshoe accept Lawrence's friendly amendment. Motion carried.

PLATS:

Approve/Disapprove Preliminary Plat, North County Acres, Section 30 – Ideality Development Company. Dan Howard, Xenon Drive NW, was present. The development will not have any covenants to not allow horses as the lots are 5-8 acres. The goal is to have some covenants, however. They want to take this property and make larger lots to reflect the area and keep the rural atmosphere and not to build township roads. The county highway department may allow shared driveways off of County Road 9. They did not think that a bypass lane across 138th Street was necessary. The plat consists of 14 lots and 1 outlot. The outlot being split off goes back to the Jones' to remain in part of a conservation easement. Rush asked if there was anything for parks with Mr. Howard responding that they did not plan on putting anything in there. Schumacher read Bogart, Pederson's comments, signed by Nicholas A. Anderson, dated August 30, 2017:

"I have received the following information for review, prepared by Rum River Land Surveyors & Engineers:

- Preliminary Plat dated 8/21/2017
- Preliminary Grading, Drainage and Erosion Control Plan dated 8/17/17
- Preliminary SWPPP dated 8/17/17
- Preliminary Storm Water Management Plan dated 8/17/17
- Wetland Delineation Report dated 7/24/17

I have these comments regarding the above plans received on August 21, 2017.

Preliminary Plat Comments: 1) Should show the line style for easement in the legend. I would leave the notation for easements on the plat itself as shown as well.

Preliminary Grading, Drainage, and Erosion Control Plan Comments: 1) Show drainage arrows in road ditches and in swale ditches enough to see quickly where things are flowing. 2) Plan should show where suggested house pads are and suggested septic areas to get a good idea of how the grading and drainage plan is accommodating those features.

Preliminary SWPPP Comments: 1) No comments.

Preliminary Storm Water Management Plan: 1) The schematic and calculations for the proposed drainage shows all drainage exiting the property at 1R or one reach, i.e., this whole property is being summarized into one total amount of proposed drainage when in fact the proposed drainage will leave the property during the 100 Yr. or greater event at multiple locations. Each exit point should have its own summary and calculations. This is important to gain an understanding of the impacts at each outfall. 2) Show swales and drainage paths that internal drainage will take as it makes its way from one sub catchment to another. It is understood that it takes a major event for water to move around however; when it does it should have a path or at least general path indicated on the drainage plan. 3) Show where broad crested weirs around the ponding areas and the exit path taken across the weir. Indicate whether these broad crested weirs are actually to be constructed in the field. It appears by this plan they are not, however they are used in your calculations.

Wetland Delineation Report: 1) No comments.

Overall recommendation: I recommend preliminary plat approval contingent upon addressing all engineering comments in this final report. This recommendation is subject to resubmittal of all drainage calculations and updated plans for approval at some point prior to final plat approval.

Lawrence stated that this is the first plat that the Planning Commission has seen. The benefits are the large lot sizes which result in no large population increase. No township roads that we would have to maintain with county roads used as access points. There would be no huge impact on township services. Mr. Howard stated that they would be expanding the easement there to 60 feet so there may be a bike path on that side. Schumacher suggested adding Bogart, Pederson's comments as a condition. Lawrence stated that the township will enter into a developer's agreement and we may want to have our engineer review to make sure it is up to date. Swanson/Handshoe unanimous to approve with Bogart, Pederson's comment.

Approve/Disapprove 2-Year Preliminary Plat Extension, Rum River Bluffs – Dan Howard was present representing Joe Glenn. Rum River Bluffs went into preliminary plat in 2005. Rush/Handshoe unanimous to approve granting a 2-year preliminary plat extension for Rum River Bluffs. Lawrence questioned whether the 2005 preliminary plat was still in compliance. If the road standards have changed those standards would have to be met. It was stressed that that all new guidelines would be reviewed.

VARIANCES:

Approve/Disapprove 101' Variance in Lot Width for a New Construction Residence – Donald & Sharon Fischer were present. Lawrence stated that the Planning Commission reviewed and, because of the lot it can meet all the other setbacks, it should not have to be a variance. This is one of those where the width was set years ago and it should be automatically granted as it was meant to be a buildable lot. The Planning Commission did recommend approval. Lawrence/Swanson unanimous to approve with all of Lawrence's comments.

Approve/Disapprove Variance to the Shoreland Ordinance Section 14, Subdivision 5:5B1 – Which States “Impervious Surface Coverage of Lots Must Not Exceed 25 Percent of the Lot – Donald and Sharon Fischer were present.

Lawrence stated that the Planning Commission did not recommend approval. Their impervious surface numbers were at 34%. That is a tough number to get through the county. The Planning Commission would like to see the number reduced to about 25% with utilizing gutters and rain garden to get closer into compliance. Mr. Fischer stated that the Planning Commission did approve with conditions. Lawrence stated that he stands corrected as it was approved with conditions. Mrs. Fischer stated that they did have Dan from the SCSW say if they did rebuild it would improve it. Right now the gutters shoot straight to the lake. The direction of the gutters, run on side lot, add vegetation on street side would improve the runoff to the lake. Extending 2 retaining walls will also help. They will be narrowing the driveway. Lawrence/Handshoe unanimous to approve with the proposed changes (reductions).

Approve/Disapprove 85.7' Variance in Width of Lot for Residence – Howard Mostad was present representing Edward and Lynnsey Mostad. Lawrence stated that this property was hit with the tornado and it factors in to improve their dwelling. Because of the storm, it caused all of the variances except for an addition. Lawrence/Swanson unanimous to approve.

Approve/Disapprove 7' Variance from Side Property Line for a Septic Holding Tank – Howard Mostad was present representing Edward and Lynnsey Mostad. Mr. Mostad stated that they are working with a septic designer to pivot so it will be a 5 foot variance. Swanson/Handshoe unanimous to approve with the condition to continue working to reduce the variance from what it is.

Approve/Disapprove 14' Variance from the OHWL of Little Elk Lake for a Residence and Deck – Howard Mostad was present representing Edward and Lynnsey Mostad. Lawrence stated that this is a perfect example of where the new construction is not making any difference and it is just where it was with the same footprint. Swanson/Handshoe unanimous to approve.

Approve/Disapprove 2.7' Variance from Side Property Line for a Residence - Howard Mostad was present representing Edward and Lynnsey Mostad. Swanson/Handshoe unanimous to approve.

Approve/Disapprove 60' Variance from the Right-of-Way of 141st Street NW for a Detached Garage – Howard Mostad was present representing Edward and Lynnsey Mostad. The garage will be 7 feet from the right-of-way. They have been parking on the street for over 30 years. The garage is new construction. Mrs. Mostad stated that the garage will sit back farther than existing garages and is reluctant to move it closer to the house. Mr. Mostad stated that the garage sits between the first and second levels and then they would have to bury the existing foundation. Rush/Handshoe unanimous to approve.

Approve/Disapprove 25.5' Variance from the Right-of-Way of 141st Street NW for a Residence – Howard Mostad was present representing Edward and Lynnsey Mostad. Rush/Swanson unanimous to approve.

Approve/Disapprove 40' Variance in Setback from the Right-of-Way of 284th Avenue for a New Garage – Mr. Burns was not present. Rush/Handshoe unanimous to approve a 40 foot variance in setback from the right-of-way of 284th Avenue for a new garage as requested by James Burns.

REZONE REQUEST:

Approve/Disapprove Rezone Request from General Rural to Shoreland Residential District – Gene Ludwig was present representing James and Phyllis Ludwig. The lot is 4.7 acres and will be dividing 1.2 acres off on the north side of the property. It meets all the county minimum requirements for width and depth. The township driveway separation requirement will be met. This is the first step prior to platting the acreage. Swanson/Rush unanimous to approve.

OLD BUSINESS:

Park Committee Report – Rush reported that the fence is done for the outfield along with a 12 foot gate installed. The 8x10 shed is up and just needs tin on. The split rail needs to be done and the rocks. Black dirt was spread out by West Branch. He will get a couple of pallets of sod and get it laid out this weekend. The next meeting is September 21 where they have a plat on the agenda and then will go out to Goose Lake. Schumacher stated that he had resubmitted a request for the Funfest to be On The Spot on WCCO tv. Rush reported that the sprinklers were leaking and now fixed. The sod has bounced back. Some sprinklers are not going down and some are way too low. They do have a one-year warranty and he has instructed Maintenance to get them fixed as it has been under a year. Regarding the horses in the park, the Park Committee is recommending putting up signs that say 'no horses'.

Review/Approve/Disapprove Pursuing Grant Opportunities for Young Park - Rush/Lawrence unanimous to table pursuing grant opportunities for Young Park until the next regular meeting of Baldwin Township.

TCI Baldwin Volunteer Corps Update – Swanson reported that the race cars will not happen (for the Funfest). Touch-a-truck and tug war will happen. It is very unfortunate that the race cars fell through. He submitted a \$100 donation for the Funfest which will pay for the band. The board will approve by resolution at the next meeting. Rush reported that the fire department will be grilling food along with tug of war and airlift.

Planning Commission Report – Lawrence stated that everything was covered above. He would like to see a resolution from the town board on lot width and send to Marc Schneider (Sherburne County Zoning). He believes that the Town Board should send comments to the county for rewriting their ordinance. Swanson stated that the board

has told the county multiple times and this only further bolsters our opinion. Lawrence stated that the Mostad's had 6 variances and, if what we want went through, they would only need one for the garage. Either the Planning Commission or Lawrence will provide a list. Swanson suggested a list of things from the Planning Commission so they can be addressed with final comment. Lawrence will pen it down and bring it back to the next meeting.

Schumacher informed the Town Board that he wrote a resident about not approving a kennel license for 15 Chihuahua's and asked the resident to contact county commissioner, Lisa Fobbe. The Town Board, however, could supersede his decision.

TABLED ITEMS:

Approve/Disapprove Resolution #17-09; Resolution Vacating a Portion of 142nd Street – Schumacher read an email from township attorney, Bob Ruppe which he answered, in the affirmative, if the township has a right to vacate a dedicated road and, if this was an access, does the township have the right to vacate such access. Rush stated that the actual total cost of 142nd Street improvements, along with the rain garden, was over \$28,000. Schumacher stated there will still be an easement for drainage. He walked the area and believes nobody knows that this is an access. Only people who know about the access would be the people who live there. His opinion is that turning this back to the residents would not be a bad thing as it would be better maintained. A motion was made by Schumacher to approve Resolution 17-09; Resolution Vacating a Portion of 142nd Street. Handshoe seconded the motion. Upon voice vote, the motion failed with Schumacher and Handshoe voting in favor and Swanson, Rush and Lawrence opposed.

Review/Approve/Disapprove Lawn Mower Quote – Lawrence/Handshoe unanimous to table lawn mower quote to the next regular meeting of Baldwin Township.

Review/Approve/Disapprove Changing iPad Email Accounts – Swanson/Rush unanimous to table changing iPad email accounts.

Review/Approve/Disapprove Changes to Employee Handbook – Rush/Swanson unanimous to table changes to the employee handbook until the next regular meeting of Baldwin Township.

NEW BUSINESS:

Discuss/Approve/Disapprove Addition of Employee Sick Time or Similar Option = Handshoe stated that, in his situation, as dedicated as he is to the township, he believes the board could help him with some sick time. Schumacher stated that Handshoe is saying paid sick time. Rush stated that he is using vacation for medical. Lawrence stated that he does not disagree with any of those statements but it must be uniform for all employees. He is concerned with showing favoritism. How do we help our employees in situation of crisis? Swanson asked if Handshoe was asking for paid leave

of absence with Handshoe replying 'yes, he will be out of vacation soon'. The Town Board asked the chairman to check with the Minnesota Association of Township and receive a written response. Handshoe/Rush unanimous to table until the next regular meeting.

Review Monthly Building Permits – The July 2017 building permits were reviewed.

Announcements:

- Northstar Canoe Annexation Public Hearing, Thursday, September 14th, 7:00 p.m., Princeton City Hall
- Baldwin FunFest, Saturday, September 23rd, 10:00 a.m.-2:00 p.m., Young Park

Any Other Business:

Handshoe presented maps of the proposed roundabout and/or stoplight on Rum River Drive and 125th Street. Swanson stated that this roundabout does not work here. With the Marathon Station there is a lot of semi traffic. With a roundabout Marathon will lose a ton of business. The project cost is \$1.5 million. Car count is at 16,000. 40 minutes of every day is bad with traffic. \$1.5 million dollars and hurting businesses. Think of all the roundabouts you've seen. There is no continuous traffic at this site. Stop lights would cost \$400,000 and timing could be adjusted. He has never seen roundabouts put so close to existing businesses. Schumacher stated that park and ride spots would be lost if pulled to the south. Lawrence asked what would be the cost to the township. Schumacher responded that \$65,000 would be our portion if all federal grant money came in approved. Sherburne County is a willing participant and willing to procure the funding.

Handshoe gave an update on the District 7 election and annexation issues discussed at the district meeting.

Motion to Approve Bills for Payment – Swanson/Handshoe unanimous to approve for payment check numbers 21413 through 21444 totaling \$143,973.85.

Adjournment – Handshoe/Swanson unanimous to adjourn at 9:11 p.m.



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



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

9-18-17

Date

Attendees: Lester W. Kriesel, Neil Hase, Don Fischer, Sharon Fischer, Brian Bumgarner, Andrea Bumgarner, Gene Ludwig, Howard Mostad, Rick Othoudt, Dawn Othoudt, Debbie Lee, Nick Anderson