

## MINUTES OF THE TOWNSHIP BOARD MEETING

Tuesday, August 5, 2003,

7 p.m., Town Hall

Present: Township Board: Chairman Bill Lieb, Supervisor David Stumpf, Supervisor John Dearing and Clerk Vi Novotne and Maintenance Men, Mark Miller and Douglas Smith. Also present: Richard Warden, Jeff Weiss, Diane Thaemert, John and Ginny Hannula, Warren Hogberg, Dell Brummer, Lynn Warden, Richard Oxenford, Joanne Husby, Angeline and Jim Neil, Bob Johnson, Ron Linder, Rick Erickson, Mr. Mrs. Ron Worden, Ella Geardink, Paul Gustafson, Dean Backso, Mark Kraetz and Township Attorney, Tim Young.

At 7 p.m. Bill Lieb called the meeting to order. With motion by John Dearing, second by Dave Stumpf, the minutes of the previous meeting of July 15, 2003 were approved as presented. Copies of the Minutes, Agenda and the Disbursement List were available for the persons attending this meeting.

As no additional items were added to the agenda, the Agenda was approved as presented with motions by Dave Stumpf and second, John Dearing.

### **Public Hearing: Road Vacation: 7:15 p.m.**

PARCEL 2: That part of a 33-foot road lying southeasterly and abutting Lots 1, 2, 3, 4, and 5 and northwesterly and abutting Outlot D, SHELMIRE BEACH, according to the recorded plat thereof, Wright County, Minnesota, lying within the southerly extension of the northeast and southeast lines of said Lot 2.

Present: Township Board: Bill Lieb, Dave Stumpf, John Dearing and Clerk Vi Novotne. and Jeff Weiss, petition presenter. No other notified property owners attended.

Bill Lieb made the motion for Resolution 2003-11 that: Whereas two weeks of published and posted notice, and a public hearing was held on August 5, 2003 to consider the road vacation and whereas it appears in the interest of the public to vacate the road described that the road be hereby vacated. Dave Stumpf, seconded the motion which was unanimously approved. The Clerk was directed to prepare a Notice of Completion of these proceedings and present the documents for recording.

### **Maintenance Men Meeting: Mark Miller and Doug Smith**

Discussed rebuilding 80<sup>th</sup> Street, Hemlock, 75-100' in from County Road 6. As fill is now available, excavation will begin August 18. Signs of road closure have been posted. Board approved renting the necessary equipment. Test borings have been made. A 28' driving surface road with a 4' bike bath will be constructed.

No back slope agreements are necessary. Bill Lieb will notify Bob Shadduck and Norm Planer that work will begin next to their property.

As the chipper blows chips and dust into the truck vents, Mark asked for the purchase of a removable painted Chip Box for the truck. The board approved \$3,200 for this purchase.

### **Township Meeting, continued:**

#### **Requests to be on the agenda:**

1. Rick Erickson, owner of cabin located: 11496 103<sup>rd</sup> Street NW. Road needs to be within one foot below the flood plain elevation. Mr. Erickson has a 1990 road survey and since that time gravel has been added to the road. Mr.

Erickson requested township to obtain a new survey. Bill Lieb stated his concern that raising the road will cause water runoff to other residents. The road has many complications and one is that garages are on the right of way. Other locations on the lake have similar road problems. Bill Lieb also stated that Planning and Zoning Director, Tom Salkowski, is aware of Clearwater Watershed plans for a possible lower flood level elevation. Bill Lieb agreed to an updated road survey. Mr. Erickson is to stay in contact with the township board.

2. Diane Thaemert, 10997 Lawrence Avenue NW and neighbors, John and Ginny Hannula, Clearwater Lake. Requested a “No ATV” sign for Lawrence Avenue. Bill Lieb stated that before township can post, we have to have an ordinance which we do not have. Diane Thaemert said the road has many ATV riders ages 8 and up and would like township to pursue an ordinance even though it may mean nearly every road would be posted. As a property owner may post such a sign, Diane agreed to erect a sign along her property roadway. Ginny and John Hannula stated support for an ATV ordinance. Ginny asked as they are before the board, if fill could be placed on that part of Lawrence Avenue that becomes a 10’ cartway. During the discussion, it was noted that at one time the school bus drove thru this end of Lawrence. The Hannulas indicated that they have talked to the neighbors. Mark Miller will designate the brush areas which must be cleared and a bobcat will spread the fill which will be Class 5 Gravel at \$3 per yard.
3. Robert Johnson, Richard and Lynn Warden, Ron Linder, Richard Oxenford, Joanne Husby, and Angeline and Jim Neil, property owners along Iresfeld Avenue, propose assessment plan for project to Improve Ireland Avenue. Richard Oxenford, speaking for the group, presented two assessment proposals: 1. Park assessment at \$37,000, which is 40% of cost and \$7,000 for a bike/walking path and remaining \$44,150 to be assessed equally to all benefiting properties at \$573.37. 2. Using original township proposal for park at \$20,000 and plus the cost of the bike/walking path at \$7,000 and remaining assessed equally to 77 benefiting properties at \$700. In response to Robert Johnson’s question as to how Hart Ave. was assessed, Bill Lieb stated that everyone received the same assessment and the road paving included 107<sup>th</sup>. Street. Robert Johnson again asked why the assessments are not equal for Ireland Project and he feels Iresfeld property owners are subsidizing Ingram property owners and he could place a test case in court. John Dearing stated that Ingram property owners were assessed previously for blacktopping at \$1591. If Ingram and Ireland paving projects were accomplished at the same time, the assessment would be the same. Bill added that once a property owner is assessed for blacktopping, the township would not assess again, for instance, for overlay. A paved road life is 20 years and a road could be totally rebuilt in 40-50 years. These costs and road gravel come out of the Road and Bridge Budget. In answer to the question that park has a higher percentage of the traffic and much of it is heavier equipment, Bill responded that for three summer months there is heavy traffic for the park and during weight restrictions the road receives the least impact. When a board member asked county to participate in the cost, Wright County responded that \$20,000 would be the only agreeable amount. The County has taken a “hit in their budget”. Carla Heeter

has stated that the county assessment was reasonable and convinced the other commissioners. Ireland is a township road and Corinna has the responsibility to maintain the road.

In response to the statement that township should get a share of the park fees, or make it a toll road, Bill Lieb stated that he appreciated the ideas, but township boards cannot even persuade legislators for an increase of the share of the gas tax.

Ella Geardink stated that the park originally built the road. Bill added that the park did not build the road correctly. The town board initiated the reconstruction as the road is a safety issue.

In response to Robert Johnson's question if an environmental impact study was compiled, Bill Lieb stated that Wright County Soil and Water has stated there is no problem with the minimal road widening.

Richard Oxenford stated that the board's original assessment plan polarized the Iresfeld neighborhood. John Dearing stated that property owners on Ireland are to receive a higher assessment as they live along the road. David Stumpf added that 96<sup>th</sup> Street Paving Project is for just five property owners and costs are separate from Ireland Paving Project; just two project hearings held at the same time. Dave also noted that these five property owners just reaffirmed individually by mail that they approved of the project and its assessment.

Robert Johnson stated that with the paving recently removed from Ireland, the road is extremely rough.

Richard Oxenford presented one additional assessment plan: As Park \$20,000 assessment cannot be changed, the board should consider 7 properties along Ireland pay a total of \$16,674 and the 70 remaining pay \$635 or \$44,750 for the total of \$81,150.

At this point, Chairman Bill Lieb stated that it is obvious a decision cannot be made this evening. Talks will continue until the assessment notices are mailed. An assessment amount can be lowered but not raised. As other persons have requested to be heard, the board will continue to discuss the assessment later this evening and the people were invited to stay for the remainder of the meeting.

4. Paul Gustafson, 11330 Hoyer Avenue North. Discussed the variances needed for building an addition to his garage. John Dearing made the motion to approve variances of a 22x24 garage that would be 6'4" from the sidelot and would be no closer to the lake than 75'. Dave Stumpf, second. Motion was approved.

Paul Gustafson suggested that the trees on Ireland Avenue to Sandy Lake should be trimmed for a better view on the curve. Board agreed that for driver safety, maintenance men will take care of this problem.

5. Ron Worden, 9167 Kilbury Avenue NW, Clearview Acres. Ron stated that as there is not a crown on the road, sand keeps drifting onto his property and he is unable to mow certain areas. As the road is part of the hill, and rains provide too much water, he feels a curb should be added. The town board plans to call Ron Worden to arrange a site visit.

6. Mark Kretz and Dean Backso, representing Avon Kretz, for property location: 11084 Hoyer Avenue NW, Lots 19 and 20. Board approved construction of a new house that is 1,040 s/f, and is basically the same

footage as the existing building. The new building will be 47' from the highwater mark of the lake which is the same as the original encroachment. Motion by Bill Lieb, second Dave Stumpf.

7. Myron Damberger, 113<sup>th</sup> and Lawrence Ave NW. Absent. No Action.
8. Township Attorney, Tim Young, Presented Revised Timetable for Schroeder Park-Ireland Ave and 96<sup>th</sup> Street Road Improvements. Gaining a week was significant for work that may be done in September and on into October. John Dearing called for Resolution 2003-12, Declaring Intent to Reimburse Expenses with Bond Proceeds and Resolution 2003-13. Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment and Resolution 2003-14 Calling for Public Hearing on Proposed Assessment for August 26, 2003, at 7 p.m. Dave Stumpf seconded the motion for the three resolutions. Motion carried. After much discussion, John presented the motion that the assessments should be: \$20,000 Wright County Park, \$2,023 for 8 property owners on Ireland ; Township contribute \$5,000 towards bike path and the 70 access road property owners would pay \$600; \$3942 is the assessment for the 96<sup>th</sup> Ave. Project property owners. Dave Stumpf, seconded the motion. Motion was approved. The notice of the Public Hearing on Assessment is to be in the mail by August 11, 2003.
9. Warren Hogberg, 8545 70<sup>th</sup> Street. Reported that his street culvert is washing out. Mark Miller, Maintenance Person, responded that the culvert will be filled in and an erosion blanket placed.
10. Andrew Juetten, 10790 Imhoff Avenue NW. As a member of Sugar Lake Association, Andy asked what was the plan for the run off on the Topfer Road Project, Hoyt and 106<sup>th</sup> Street. John stated we have a permit. As the land is owned and donated for the road by John Topfer, the property owner dictates how the pond is constructed. A silt fence is to be placed this week. Otto and Associates has forwarded a detail showing areas of the lots in Sugar Lake Beach, 2<sup>nd</sup> Addition along with the areas south of the centerline of vacated 106<sup>th</sup> Street..  
Andy also stated a beaver is filling in a culvert on Sandy Lake.
11. Dan Hinrichs, 6648 75<sup>th</sup> Street NW. Asked for an update on 75<sup>th</sup> Street. Bill Lieb stated that board has received the Geotechnical Explorations Report and has had a meeting with Independent Testing Technologies Engineer. Basically the town does not have a 7-ton road. A blacktop density test has been ordered. A copy of the report has been forwarded to Marty Campion of Otto and Associates and the board is waiting for their response. Dan Hinrichs commended the board for pursuing corrections for the 75<sup>th</sup> Street Paving Project.  
Dan stated that for the purpose of drafting ordinances, the Sugar Lake Association will meet the 2<sup>nd</sup> Tuesday of September. He stated that township input would be helpful and the association would appreciate any ideas that are forwarded.

Other Items and Old Business:

1. Isaak to 75<sup>th</sup> Paving Project. Public Hearing is scheduled for Tuesday, August 19, 2003 at 7 p.m. Legal notices are being published and property owner notices of the public hearing are mailed.
2. Truck Purchase: Corrected and signed lease documents were mailed 7/31/03.

3. Improvement Bond for 2003 covering Hart Avenue, Whispering Pines and Somers Lake Projects: Funds were received and deposited to township account July 24. As a legal way of financing township share of projects, funds were built into the bond money.
4. Planning and Zoning forwarded copy of letter dated 7/23/03 to Thomas and Timothy Londo. Letter stated that shoreland alterations were without proper permits.
5. Building Permits (6/11-7/11/03) 17 permits: 2-new homes; 1-garage; 2-additions; 2-pole sheds; 1-above ground pool; 1-screened deck; 1-enlarge porch and 8-septic systems.
6. Junk Amnesty Day, July 26, 2003. 295 truck/trailer loads; in 2002, 284 truck/trailer loads. When invoices are received, counts of appliances, tires, and salvage tons will be known. Letters of appreciation will go out to the volunteers: Dick Naaktgeboren, Wayne Dearing, Alan Jude and Lee Novotne, and the Youth Workers and the Sentence to Serve Crew Leader.
7. Wright County Fair. Bill Lieb represented the Township Officers Association at the fair booth one day.
8. Board received a copy of the Revenues, Expenditures and Debt of Minnesota Towns for the year ending December 31, 2001.
9. State Auditor E-Update for the Official News Publication of Minnesota Office of the State Auditor. Each member of the Board received a copy.
10. Minnesota Pollution Control Agency forwarded information and application for a construction Storm Water Permit. Projects that disturb one acre or more need a permit.
11. Highway 55 Corridor Meeting Coalition will be August 15, 2003, 9:30 a.m., at Hennepin County Public Works Transportation facility training room.
12. Township Hall Use: Saturday, August 9 – Indian Lake Association and Saturday, August 16 – Sugar Lake Association
13. Payment of Claims. Claims covered by check numbers 11756-11801 and Eltronic Transfer #26 for the total amount of \$153,146.44 were approved and paid.

With no further business to be brought before the board, the meeting adjourned at approximately 10:45 p.m.

Respectfully submitted,

Vi Novotne,  
Clerk