

**Clearwater Township
Regular Board Meeting (Approved)
April 11, 2016**

The regular meeting & Public hearing for the Town of Clearwater was called to order by Dan Mol at 7:30 p.m. on Monday April 11, 2016 at the Clearwater Town Hall.

Board Members present: Chairman Dan Mol, Supervisor Bill Langenbacher, Supervisor Scott Miller, Treasurer Kristin Helwig, and Clerk Jean Just.

Visitors as signed in: Jim & Sharon Lee, Ron & Judy Lashinski, Keith & Barbara Theisen, Don & Marianne Borgeson, Tim Ferrell, John Peterson, John Notsch, Ron & Deb Schabel, Duane Sprague, Carol Halvorson, Brian Hillestad, Rose Thelen, Shelley Langenbacher, Kathy & Dick Ofstedal, Marsha Schrupp, Dean Spike, Greg Wallgren, Scott Zerbus, Lee Fick, Steve Mann

After reciting the Pledge of Allegiance, Langenbacher made a motion to approve the agenda as presented and the reg. meeting minutes of March 14, 2016, with the correction of Mares quote to \$4,125.00 for culvert/ditch work along Hart & 120th Street. Miller seconded the motion. Motion carried unanimously.

Treasurer Kristin Helwig read the Treasurer's report for March 31, 2016. Miller made a motion to approve both the Treasurer's report. Langenbacher seconded the motion. Motion carried unanimously.

Guest/Public Comment: None

Open Bids Chip Sealing 125/Hart & 140th Street

Chairman Mol opened and read two bids as follows:

Astech Corporation: Bid 1(125th/Hart/120th) \$48,305; Bid 1A (124th) \$12,413; Bid 2 (140th) 48,305; Bid 2A (Jarvis & Jenkins) \$24,826 For a total bid of \$133,849.00

Allied Blacktop: : Bid 1(125th/Hart/120th) \$53,505; Bid 1A (124th) \$12,950; Bid 2 (140th) 53,505; Bid 2A (Jarvis & Jenkins) \$25,900 For a total bid of \$145,860.00

Township Attorney Mike Couri explained the process indicating that they could make the motion to accept all or any portion of the bid contingent on confirming that all proper documentation was received. Couri also explained that due to the fact that Bill Langenbacher lives on Jenkins Ave. and could potentially have a financial gain if the road were chipped sealed if possible he should abstain from voting on the 2A bid, he could however, vote to break a tie. He noted that the financial interest is very minimal it comes down to more of the perception. Members of the audience asked about the benefit of spending the money on the dead ends since they only affect a small number of residence for the cost. Board explained it's a matter of not having to take the grader on the section of the road, no more gravel or chloride. The board also talked about the amount of traffic on these roads and that they are looking at roughly a 5 year payback. Safety was also talked about and the speed people will be traveling once it is done. Residences down on Hart were in favor of doing it and felt that it was practical to use our tax money to improve the road conditions. Thelen asked if putting in speed bumps or speed limit signs would help slow people down, she also asked if it was possible to lay out what the plan is going to be in the future with more roads having a hard surface are we asking for increase in traffic. Couri did explain the laws regarding speed limits on Township roads.

Miller made a motion to accept BID 1 & 1A (125th/Hart/120th/124th) from Astech Corporation contingent on confirming all the proper documentation was received. Langenbacher seconded the motion. Motion passed unanimously.

Mol made a motion to accept BID 2 & 2A (140th/Jarvis/Jenkins) from Astech Corporation contingent on confirming all the proper documentation was received. With not second the motion failed.

Miller questioned where we are at with our budget and with doing gravel on Illsley which he did not realize his thought was that we should not be doing the dead ends on 140th incase more funds are needed. Ludenia explained that the gravel that is needed on Illsley was already put in the gravel budget for the year. He explained that he should have been graveled previously, however, the township held off because of the possibility of the project. Miller felt that the dead ends on 140th do not generate the traffic that the one off of Hart and that we could use the saving elsewhere.

Miller made a motion to accept BID 2 (140th) from Astech Corporation contingent on confirming all the proper documentation was received. Mol seconded the motion. Motion passed with Miller & Mol voting yes. Langenbacher abstained.

Public Hearing for Mandatory Cartway (Fisher)

Township Attorney explained the process for the Mandatory Cartway and asked if Mr. Peterson had the \$5000 that was requested for the board to act on the cartway which was received. All petitioners have provided executed waiver of damage forms. The cartway is public, however, will not be maintained by the Township. Miller asked if the Township would have some responsibility to make sure it is passable for emergency vehicles. Couri indicated that if it is not maintained by the Township it would be the responsibility of the land owners and that all petitioners know that is the case. Couri read the resolution 2016-002 (attached). Langenbacher made a motion to approve Resolution 2016-002 establishing cartway and awarding damages/final cartway order as read. Miller seconded the motion. Motion passed unanimously.

Dean Spike - Rezoning Request (14933 Huber Ave)

Dean Spike appeared before the board to request the re-zoning of his property located at 14933 Huber Ave. Dean came to the board back in July 2015 to discuss the possibility of re-zoning his property. He would like to rezone from AG to R-2a Suburban-Residential. Spike indicated that the property across the road is already zoned AG Residential and it fits into what is happening in the area. The board discussed the area and Miller indicated that he personally thought it is a good fit for the land indicating it is not being farmed since it is wooded. Mol indicated that he may want to see about getting a survey and a perk test since those items have been asked for in the past at the county. He also indicated that the board could continue this and get additional information. Langenbacher did not have any real issues with it and stated that the County will have the final say.

Miller made a motion to recommend the property located at 14933 Huber Ave be rezoned to R-2a as it was a good fit for the land. Langenbacher seconded the motion. Motion passed unanimously.

Spring Clean-up

Just reviewed the costs with LaPlant for the May 21, 2016 Spring Clean up. Mol made a motion to go with LaPlant Sanitation for the spring clean-up. Langenbacher seconded the motion. Motion carried unanimously.

Quarterly Meeting Update/ Spring Short Course Update

Langenbacher indicated Solar Farms were a subject of discussion at the quarterly meeting and feels that is something the Township may want to start discussing in case we receive a request. County Road 104 & 128 will receive Chip Seal this year. There is an open house at the County Jail on June 10th.

Langenbacher stated that the Spring Short Course talked about the responsibility of the Township Board and responsibility of maintaining ditches. Clerk Just will send materials to all board members.

Correspondence if Any:

- Board of Appeal & Equalization Meeting – April 26th @ 7pm
- Junk Complaint @ 13950 Jarvis Ave, South Haven: Board asked Clerk Just to send a letter.
- Dahlberg/Beavers CUP Review coming in June: Board asked Clerk Just send a letter asking for review to be prior to June meeting.

ROAD MAINTENANCE REPORT- MIKE LUDENIA

*Ludenia indicated that the trees on Hart have been taken down and they will be doing ditch work

*There are frost boils on 150th Street in a few locations he will be adding gravel to that area

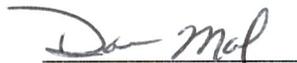
*As soon as road restrictions come of they will start to gravel

*Sprague Thanked Mike for doing a good job on the roads and for taking care of the trees that were hanging over on 140th Street.

Review of Bills: A motion was made by Langenbacher and seconded by Miller to pay claims covered by checks #9590-9605 and eft 041116, eft 041116e, eft 041116f, eft 041116p. Motion carried by a unanimous vote.

With no further business to come before the board, Miller moved to adjourn Langenbacher seconded the motion. Motion carried by a unanimous vote, the meeting was adjourned at 10:20 pm.


Jean M Just, Clerk


Dan Mol, Chair

Date May 9, 2010

**TOWN OF CLEARWATER
COUNTY OF WRIGHT
STATE OF MINNESOTA**

CERTIFICATION OF TOWN BOARD RESOLUTION

The undersigned Town Clerk, for the Town of Clearwater, Wright County, Minnesota, does hereby certify that the attached Resolution 2016-002, titled **RESOLUTION ESTABLISHING CARTWAY AND AWARDDING DAMAGES/FINAL CARTWAY ORDER** is a true and correct copy of the resolution passed by the Town Board of the Town of Clearwater, Wright County, Minnesota on April 11, 2016.

WITNESS my hand as Town Clerk of Clearwater Township this 11th day of April, 2016.



Jean Just
Clearwater Town Clerk

STATE OF MINNESOTA)
) s.s.
COUNTY OF WRIGHT)

The foregoing instrument was acknowledged before me this 11th day of April, 2016 by Jean Just, Clerk of Clearwater Township.





Notary Public

DOCUMENT DRAFTED BY:

Michael C. Couri
COURI & RUPPE P.L.L.P.
705 Central Avenue East
P.O. Box 369
St. Michael, MN 55376
763-497-1930

**TOWN OF CLEARWATER
WRIGHT COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2016-002

**RESOLUTION ESTABLISHING CARTWAY AND AWARDDING DAMAGES
FINAL CARTWAY ORDER**

WHEREAS, The Cartway Petition of Oralyn and Patricia Fisher, Lois Adams and John Fisher came on for a Hearing before the Clearwater Town Board at the regular monthly Town Board meeting on April 11, 2016, at 7:30 p.m. at the Clearwater Town Hall. Petitioners appeared in person and through their attorney John Peterson.

NOW, THEREFORE, After reviewing the Petition and all documents and evidence, and hearing all concerned parties, the Board finds and resolves as follows:

FINDINGS

1. That at the March 14, 2016, Town Board Meeting the Board received a Petition for this cartway under Minnesota Statutes §164.08. That a Notice of Public Hearing on the Cartway Petition was set for April 11, 2016. That a Resolution Setting a Public Hearing for Mandatory Cartway setting the public hearing on the establishment of the cartway on April 11, 2016 was passed at the March 14, 2016 Town Board Meeting, and notice of said Hearing was given to all persons abutting the proposed cartway road at least ten (10) days prior to that hearing by personal service and by posting, all as required by Minn. Stat. §164.07.
2. That at 7:30 p.m. on April 11, 2016, the Town Board held a public hearing on the Fisher cartway petition and heard from all interested members of the public.
3. That the Petitioners own several tracts of land, each of which is over five (5) acres in size within Section 33, Township 122, Range 27, Wright County, Minnesota.
4. The Board finds that Petitioners have no access to their lands, except over the lands of others, and that such access, to the extent it may exist, is less than two rods in width.
5. That the proposed cartway passes over and affects only those parcels of land

owned by the petitioners.

6. The cartway shall follow the path requested by the petitioners.
7. The Petitioners have waived all damages related to the establishment of the cartway and therefore the Town Board finds that Petitioners' have suffered no damages from the establishment of the cartway.

FINAL ORDER

1. The Fisher Cartway Petition is granted, consistent with the above Findings. The legal description of said cartway is as described on the attached Exhibit A.
2. That no damages are hereby awarded as detailed in the above Findings, incorporated herein by reference.
3. The Town Clerk is hereby directed within seven days to notify, in writing, each known owner and occupant of each tract of the filing of the award of damages. The notification shall set forth the date of the award, the amount of the award of damages and any terms or conditions of the award.
4. That Petitioner has deposited funds with the Town Clerk to cover all Township costs paid or incurred in connection with this cartway. That any Town costs not covered by the deposit shall be paid by Petitioner prior to opening the cartway.
5. Town road and bridge funds shall not be expended for this cartway.
6. Travel on and use of this cartway is done at the user's risk. The Town Board assumes no responsibility of any kind or nature for anyone's use of this cartway. To the full extent allowed by law, the Town Board shall not be responsible for the conditions, construction, use or maintenance of this cartway. It is the Town Board's intention that no Town funds will be expended on this cartway.

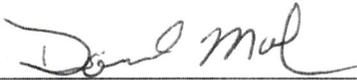
PLEASE TAKE NOTICE THAT the landowners affected by said cartway are entitled to a judicial review of damages, need, and purpose following a determination by the Town Board to establish said cartway.

PLEASE FURTHER NOTE THAT within 40 days after the filing of the award of damages any owner or occupant may appeal from the award by filing a notice of

appeal with the court administrator of the district court of the county where the lands lie. However, any such Notice of Appeal by an owner or occupant must be filed within ten (10) days in order to delay the opening, construction, alteration, change, or other improvement in or to said cartway. Said cartway will not open and no construction, alteration, change or other improvement proposed by the cartway is to take place until after this 10-day waiting period.

Adopted April 11, 2016.

CLEARWATER TOWN BOARD



Town Board Chair



Town Clerk

I, Jean Just, Clearwater Township Clerk, certify that the above is a true and correct Final Cartway Order. This Order was filed on April 11, 2016.

Dated: April 11, 2016.



Jean Just, Township Clerk

**EXHIBIT A TO RESOLUTION ESTABLISHING
CARTWAY AND AWARDING DAMAGES**

A strip of land 66.00 feet in width over part of the Southwest Quarter of the Northwest Quarter and part of the Northwest Quarter of the Southwest Quarter, all in Section 33, T. 122, R. 27, Wright County, Minnesota and part of the Northeast Quarter of Section 32, T. 122, R. 27, Wright County, Minnesota. The centerline of said strip of land is described as follows: Commencing at the southwest corner of the Northwest Quarter of said Section 33; thence South 89 degrees 41 minutes 21 seconds East, assumed bearing, along the south line of said Northwest Quarter of Section 33 a distance of 1472.68 feet to the west line of MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 86-94; thence northeasterly, along said west line a distance of 4.99 feet on a non-tangential curve concave to the southeast, having a radius of 1029.93 feet and a central angle of 00 degrees 16 minutes 40 seconds, the chord of said curve bears North 37 degrees 06 minutes 27 seconds East, distant 4.99 feet; thence North 83 degrees 13 minutes 37 seconds West, not tangent to said curve, a distance of 152.51 feet to the east line of said Southwest Quarter of the Northwest Quarter and the point of beginning of the centerline being described; thence northwesterly along a tangential curve, concave to the northeast, having a radius of 50.29 feet and a central angle of 81 degrees 40 minutes 02 seconds a distance of 71.68 feet; thence North 01 degree 33 minutes 35 seconds West, tangent to said curve, a distance of 963.20 feet; thence northwesterly along a tangential curve, concave to the southwest, having a radius of 267.00 feet and a central angle of 88 degrees 19 minutes 39 seconds a distance of 411.61 feet; thence North 89 degrees 53 minutes 14 seconds West, tangent to said curve, a distance of 362.97 feet; thence southwesterly along a tangential curve, concave to the south, having a radius of 258.00 feet and a central angle of 13 degrees 22 minutes 27 seconds, a distance of 60.22 feet; thence South 76 degrees 44 minutes 19 seconds West, tangent to said curve, a distance of 150.82 feet; thence westerly along a tangential curve, concave to the north, having a radius of 258.00 feet and a central angle of 22 degrees 09 minutes 22 seconds, a distance of 99.77 feet; thence North 81 degrees 06 minutes 19 seconds West, tangent to said curve, a distance of 547.24 feet; thence westerly along a tangential curve, concave to the south, having a radius of 440.00 feet and a central angle of 08 degrees 48 minutes 59 seconds, a distance of 67.71 feet to the north line of the South Half of said Northeast Quarter of Section 32; thence North 89 degrees 55 minutes 18 seconds West, along said north line, a distance of 51.96 feet to a point hereinafter referred to as Point A and terminating thereat.

AND

A permanent cartway easement over that part of the Northeast Quarter of Section 32, T. 122, Range 27, Wright County, Minnesota, lying within the circumference of a circle having a radius of 66.00 feet. The center of said circle is Point A, hereinbefore described.