

**Clearwater Township  
Regular Board Meeting (Approved)  
May 9, 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 May 9, 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, Pat Fisher, Marianne Borgeson, John Notsch, Ron Schabel, Marie Gohman, Mike Gohman, Scott Zerbus, Robert Heig

After reciting the Pledge of Allegiance, Langenbacher made a motion to approve the agenda as presented and the reg. meeting minutes of April 11, 2016. Miller seconded the motion. Motion carried unanimously.

Treasurer Kristin Helwig read the Treasurer's report for April 30, 2016. Langenbacher made a motion to approve both the Treasurer's report. Miller seconded the motion. Motion carried unanimously.

**Guest/Public Comment:** John Notch asked the board permission to mount a Crime Watch sign on various Dead End signs around Fish Lake. The Lake Association has received some signs from Wright County. The board did not have an issue with the signs being placed on Dead End sign posts as long as they know that the Township will not maintain the signs.

**Fisher Cartway – Revised cartway order**

The initial petition was to include the entire cartway, however, the Resolution last month did not include that. A revision was made by the Township Attorney to include the entire cartway as required by Wright County Planning. Langenbacher made a motion to approve Resolution 2016-003 to include the legal description establishing the current and future cartway with legal descriptions of said cartway described on Exhibit A. Miller seconded the motion. Motion passed unanimously.

**Robert & Kathy Heig – Variance for 20x18 Addition; 17175 CR 75 NW**

Robert Heig approached the board indicating that he is proposing an addition that will approximately 120ft from the centerline of CR 75 (130' is required). Heig indicated that he is meeting with Wright County during the week discussing what would be required to apply, however, was told that he needed to come before the Township board before he did that. After discussion from the board and noting that it had no impact to the township, Langenbacher made a motion to recommend the approval of the 20x18 addition approximately 120ft from the center line of CR 75 NW. Miller seconded the motion. Motion passed unanimously.

**On Sale Liquor License for Clearwater Lions**

Liquor license has changed from a one day to a 4 day temporary on-sale. This is for the Clearwater Rodeo Grounds August 19-21, 2016 for the Clearwater Rodeo. Miller made a motion to approve the Clearwater Lions Club on sale liquor license for August 19-21, 2016. Langenbacher seconded the motion. Motion passed unanimously.

**Spring Clean-up**

Everything is set and ready to go. Newsletters should have gone out.

### **Kwik Trip Annexing a portion of a property within Clearwater Township**

Kwik Trip has sent notice to the Township indicating they are going to be requesting a portion of land within Clearwater Township be annexed into the City of Clearwater. It is located along Hwy 24 just south of where the Trailer Sales is currently located. According to the annexation agreement they only need to notify the Township of their request there is nothing that the Township needs to do at this time as long as the portion they are requesting is touching part of the City it is allowed.

### **Advisory Speed Limit sign on 140<sup>th</sup> Curve**

Langenbacher indicated that the sharp curve on 140<sup>th</sup> West of Hwy 24 is very sharp and did some checking to see if we could add advisory speed limit signs to see if it would slow some of the vehicles as they go around that corner. Langenbacher stated that we may want to try that at some other corners that have the same situation. Ludenia also stated that he has graveled and regraded that area and will be putting up some kind of barrier to try to keep vehicles from cutting the corner. The board discussed the need to either rent or barrow some barricade barrels or large cones. Langenbacher made a motion to order two 30 mph advisory speed limit signs and purchase barricades at a cost of no more than \$400.00. Miller seconded the motion. Motion carried unanimously.

### **Update on Ordinance Changes in Wright County**

On May 10<sup>th</sup>, 2016 @ 9:30am Wright County board of Commissioners will hold a public hearing to consider ordaining and adopting an emergency interim zoning ordinance instituting an emergency moratorium on solar energy farms.

On May 12<sup>th</sup>, 2016 @ 7:30pm Wright County Planning Commission will hold a public hearing to consider ordaining and adopting the reorganized and restated Wright County Ordinance.

### **Correspondence/Important Dates**

- Spring Clean-up; May 21, 2016
- Junk Complaint @ 13950 Jarvis Ave, South Haven: Letter was sent and clean-up has been taking place. Miller reported that some cars have been removed along with a few loads of misc. metal. He has also asked if he would consider painting the bus – it is currently being used for storage. Will continue to watch the progress.
- Dahlberg/Beavers CUP Review coming in June: Letter has been send have not heard from her yet will continue to try and contact for a 6:45 visit on June 13<sup>th</sup>
- Legal Seminar June 2<sup>nd</sup> in Albertville

### **ROAD MAINTENANCE REPORT- MIKE LUDENIA**

\*No contact with Fred Shafer on trees that need to cleaned up on 125th

\*Most of the gravel has been completed will be finishing up in the next week or so

\*Mol indicated that we should get calcium as soon as possible before it gets dry; Ludenia will do the same rate as last year or a little less in some spots

\*Ludenia indicated that the Grader is coming up to the 2000 hr. maintenance and wondered if he should schedule, Miller asked Ludenia to get a quote before scheduling

\*New lawnmower is here – what would we like to have done with the old? Board indicated that we should put it up for sale with sealed bids at the spring clean-up day. Just indicated that after some research she found one for sale for around \$500 however, that was with a bagger.

**Review of Bills:** A motion was made by Miller and seconded by Langenbacher to pay claims covered by checks #9606-9626 and eft 050916e, eft 050916f, eft 050916p, eft 050916s, eft 051116. Motion carried by a unanimous vote.

With no further business to come before the board, Miller moved to adjourn Mol seconded the motion. Motion carried by a unanimous vote, the meeting was adjourned at 8:55 pm.

  
\_\_\_\_\_  
Jean M Just, Clerk

  
\_\_\_\_\_  
Dan Mol, Chair

Date 6/13/16

8W

**Doc. No. A1314284**

OFFICE OF THE COUNTY RECORDER  
WRIGHT COUNTY, MINNESOTA  
Certified Filed and/or Recorded on

May 11, 2016 4:15 PM

**Fee: \$47.75**

Ck# 18380

Code Check

**Colleen Day, Interim County Recorder**

**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 2016-003, 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 May 09, 2016.

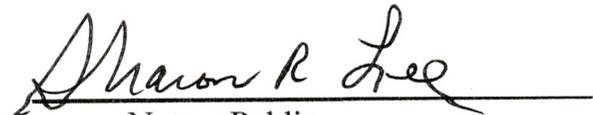
**WITNESS** my hand as Town Clerk of Clearwater Township this 9th day of May, 2016.

  
\_\_\_\_\_  
Jean Just  
Clearwater Town Clerk

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

The foregoing instrument was acknowledged before me this   9   day of May, 2016 by Jean Just, Clerk of Clearwater Township.



  
\_\_\_\_\_  
Notary Public

Recorder's note: No Transfer per Auditor/Treasurer

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. 2016-003**

**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.

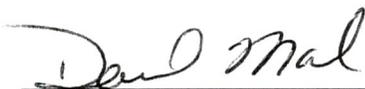
**PLEASE TAKE NOTICE THAT** the landowners affected by said cartway are entitled to a judicial review of damages, need, and purpose following a determination by the Town Board to establish said cartway.

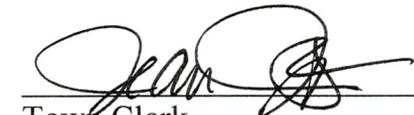
**PLEASE FURTHER NOTE THAT** within 40 days after the filing of the award of damages any owner or occupant may appeal from the award by filing a notice of

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 May 9, 2016.

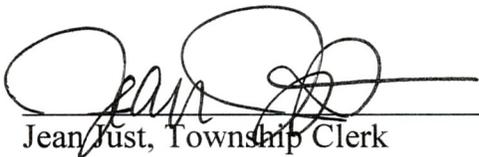
**CLEARWATER TOWN BOARD**

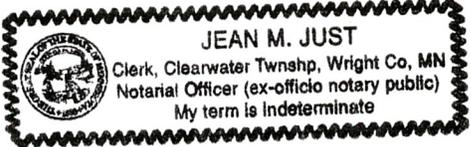
  
\_\_\_\_\_  
Town Board Chair

  
\_\_\_\_\_  
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 May 9, 2016.

Dated: May 9, 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 strip of land 66.00 feet in width over 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 southeast corner of said Northeast Quarter; thence South 89 degrees 41 minutes 21 seconds East, assumed bearing, along the south line of the Northwest Quarter of Section 33, T. 122, R. 27, Wright County, Minnesota 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 the Southwest Quarter of said Northwest Quarter of Section 33; 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 the point of beginning of the centerline being described; thence continue North 89 degrees 55 minutes 18 seconds West, along said north line, a distance of 1281.48 feet to a point hereinafter referred to as Point B and terminating thereat.

AND

An 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 B, hereinbefore described.