

## **Watab Town Board Meeting Minutes for August 1, 2017**

The regular monthly meeting was called to order on Tuesday, August 1, 2017 at 7:00 p.m. at the Watab Town Hall. Those present were: Supervisors Craig Gondeck, Lloyd Erdmann, and Todd Waytashek; Treasurer Maureen Graber; Clerk Pat Spence; Town Attorney Mike Couri; Audience Members: Mike Nwachukwu, Ed Kacures, John Baune, Ray Thompson, Jenifer Mason, Janice Binsfeld, Mark Binsfeld, Richard Anderson, Jon Snyder, Janet Maleska, Paul Wannigman, Lisa Wannigman, Patty Tholen, Julie Popp, Kevin Maleska, Tom Roettger, Sandra Saldana, Clifford Weitgenant, Jason Krueger, John Olson, and Bob Raveling.

Following the Pledge to the Flag, the Board Chair called on Town Attorney, Mike Couri. He explained the two issues facing the township regarding the 95<sup>th</sup> Street NW/Saldana Road project. First, the township has been following MN Statute 164.07 which includes due process for the property owner where the town is seeking a Permanent Easement. The property owner has been served, and a response has come from them for a tentative agreement on Award of Damages. Attorney Couri explained the need for the Town to pay the amount agreed upon with the owner of \$1,100. Based on what the Town awarded the Laabs for their .04 acre at \$200, the value of the Hanks' land is \$900. Attorney Couri recommended increasing that amount by \$200 to a total of \$1,100, which has been agreed to by the Hanks, and would help prevent a costly appeal. The owners are in northern MN now with no access to the internet to receive the official document and sign it. Attorney Couri recommends that the board approve the Award of Damages and continue with the Public Hearing. If Hanks sign the agreement, they waive the right to appeal. If they don't sign it, they have forty days to appeal in District Court. In the case of an appeal, the township would turn it over to our insurer and pay our deductible. The agreement in front of the board says the town will pay the \$1,100, not assess them for the project, and that the property owner won't appeal the award of damages. A motion was made by Supervisor Erdmann, second by Supervisor Gondeck, and passed to approve the Award of Damages and mail the Hanks the \$1,100. Attorney Couri stated that he would forward the signed agreement to the Hanks' attorney.

Chair Gondeck opened the Public Hearing to consider the alteration of 95<sup>th</sup> Street NW, Saldana Road affecting the property owned by Thomas and Joni-Babinski Hanks. Ray Thompson asked what the cost to the township was for the process servers. The Clerk responded that it was approximately \$1,000. No one spoke in favor or opposed to the alteration at the Hanks' property. Chair Gondeck closed the Public Hearing. Motion was made by Supervisor Waytashek, second by Supervisor Gondeck, and passed to adopt Resolution 2017-13, which acquires the right of way, determines the damages to Thomas and Joni-Babinski Hanks, and directs the Clerk to send an Award Notice.

Mike Nwachukwu was called on to present his Grace Apartments project for Roseanna Beach Road. He said, "I acquired this property two months ago and am kicking around on what to do with this property, because it is unique. It is two lots combined into one, and the county wants it together, because the county wants it to stay as one." He described the old trailer on it when he bought it. At first, he said that he wanted to put two buildings on the property, but the county wouldn't allow it. To put two houses on it, it had to be called a mobile home park according to Benton County Department of Development. He said that Roxanne Achman told

him that he could place up to seven trailers on the property if he got his variance and conditional use permit. "It is not what we envisioned when we started, but as we worked on it, we felt that we could place four mobile homes on it. We have four driveways and four trailer homes on the site as a proposal. The mobile homes are each 24 x 48 feet in size. I plan to fence off each mobile home, so it feels like a single-family home; but it will still be a community. I plan to sell off the trailers and maintain ownership of the land. I am open to making changes to the plan; it is not set in stone. We plan to use a general septic system for all the homes and one well."

Town Attorney Mike Couri presented Findings of Fact establishing the township's objection to the granting of the variance for this proposal. Mike Couri stated that there is a 116-foot setback from Highway 10 and a 30-foot setback from Roseanna Beach Road which leaves four feet as a buildable area. The 116-foot setback recognizes the speeds on Highway 10 and is put in place for safety purposes. The township recommends that you reduce the number of homes and put them sideways; have two homes parallel with the roads. It would cut the variance in half: two homes instead of four homes. The variance is not in the spirit of the ordinance, because we are reducing the safety of the people who will live there. The proposal also changes the character of the neighborhood; there are lake homes and single-family homes on the Highway 10 side. They were spaced further apart than what is proposed here. This is higher density and changes the character of the neighborhood. The board may want to pass this document and send it on the county. We need to be open for input from the public to give guidance to the county.

Supervisor Erdmann said that in the late 1960's and 70's there were several mobile homes in the neighborhood, and since then single-family homes have been replacing them. He doesn't want to see the neighborhood revert to more mobile homes. Cliff Weitgenant, 9900 West Lake Court, lives about a half mile away. He asked if there is a limit on the number of people allowed in each home. He stated, "The property next to us at 9920 West Lake Road was a rental, and in the process, we had nearly a dozen people living in a one-bedroom cabin. As time passed, we saw with all the activity there was drug trafficking and the home began to be watched by law enforcement. The task force came in, and everyone was gone in the middle of the night." The board stated that they weren't aware of any limits, and Mike Couri said he has never seen anything that restricts numbers of residents, nor is he aware of any enforcement mechanism. Mary Kivi, 10210 West Lake Road, asked if the township has a rule on density of people living in a home. Mike Nwachukwu stated that he owns one mobile home park in Sartell, and there is no rule in the city on how many people can stay in one. In their park rules, they include rules on how many live can live in each home. Double wides have three bedrooms and two baths, so they can have up to seven people. The residents own the home, but they are renting the land. Double wides now cost about \$60,000. Residents in his mobile home park must pass a background check before they are approved. Kevin Maleska, 10282 Hawthorne Road, stated that Mike's plan shows he will have four driveways. He stated that he doesn't think the township road can safely accommodate four additional driveways. Benton County has a regulation that allows two cars per house. The usual township policy is one driveway per lot. There can be no on street parking. Kevin asked if Mike has plans for the existing buildings, because they are in tough shape. Mike answered that he is planning to rebuild the garage. Kevin asked if the township has seen the plans. The response was no. Paul Wannigman, 10272

Hawthorne Road, asked if one well and septic system is adequate for the four homes. He added that the county should have discussion about car accidents and setbacks. He informed the board that about one hundred yards south of Mike's lot, a car had gone off the road and hit a tree. Paul showed the board a photo of where the car hit a tree. He added that there are no trees by the proposed mobile home park. Paul is very concerned about the safety of people who might live there. Supervisor Erdmann responded to Paul's question about the well and septic system stating that on most parcels there has must be two septic sites on a lot. In this case, where they are proposing a joint sewer, it becomes a community system that he doesn't know how the county will handle. He said that if the well has enough capacity it can handle four homes, but the water must be treated, chlorinated, and he doesn't know how the county will look at it. After further discussion, the board asked for a show of hands of those opposed to the project as it is currently proposed: sixteen of the audience members raised their hands; none were in favor. Steve McFadden, 990 West Lake Road, stated that he moved to the neighborhood because he wanted to get away from the commercial feel of rental properties that were present in his previous neighborhood. Supervisor Gondeck stated that he had spoken with the sewer designer when he was at the property; Gary Meyer stated that it will be difficult to get the system installed. Supervisor Waytashek reminded everyone that the hearing on the variance with the Board of Adjustment is at 7:00 p.m. on August 17<sup>th</sup>. The Planning Commission meeting is at the same time on August 24<sup>th</sup>. The board returned to the topic of the Findings of Fact to oppose the variance. Supervisor Erdmann said that he would like more items added to Mike Couri's document. A motion was made by Supervisor Gondeck, second by Supervisor Erdmann, and passed to have a special meeting on August 8<sup>th</sup> at 6:30 p.m. to discuss what items should be added.

Mike Nwachukwu returned to the podium and asked if the township board and residents could find a compromise. He asked for suggestions from the neighbors, and said that he doesn't want to be an outcast. Suggestions offered include: (1) make sure it has room for two septic systems; (2) have one home and one driveway; adding 28 people driving on the township road is adding too much traffic for a twenty-foot wide street so close to Highway 10; (3) put the mobile homes further apart and have only two of them; (4) adding a mobile home park in our neighborhood will devalue all our properties; (5) a mobile home park will look hideous in our neighborhood and ruin its character. Mike said, "Now four homes sounds like too many; now I am proposing three, but we still need to make this land make sense." He added, "I had to abandon the well that was there. The septic system must be inspected. This septic system will be in the flood plain. I want three houses so I can make money." A neighbor asked if the homes will be sold to the people living there. Mike responded that he does not sell on contract for deeds, but he will sell the homes and rent the land to the homeowners. He wanted four driveways to avoid neighbor problems. Kevin Maleska asked Mike if he has done this before, and Mike responded, "yes." Kevin also asked Mike if he tried to put a trailer in there without permission and if he put in a driveway without a permit. Mike said that when he bought the home, he wanted it off his property and wanted to set it on the site. He said he followed all the guidelines. The board stated that he moved the mobile home to the site before he had any of the permits from the county or the township. Supervisor Gondeck asked Mike if he owns apartment buildings. Mike said, "I own Shady Oaks in Sartell, and it has wrong people living there, and you can buy a home there for five thousand bucks. But, we have strict

guidelines.” Supervisor Erdmann asked Mike who originally came up with the trailer park idea. Mike said that the idea was from Benton County. “I kicked it around with Roxanne who said that the only way to put in more than one home was to make it a mobile home park. I am looking at this from the investment side of things.” Supervisor Erdmann said that he believes that Mike has heard tonight that the board and neighbors want Mike to abandon the trailer park idea and put a single house on each lot. Supervisor Waytashek asked Mike if he knew about the setbacks when he bought the lots. Mike said that he thought it was good to go to build a home on each lot and that he ran into a dead end with the county. Patty Tholen, 10262 Hawthorn Road, asked Mike what he had as his original plan. Mike said, “I wanted to build two homes, but the county wouldn’t let us build two homes on foundations.” Patty suggested that Mike build a house on each lot and have Kevin Maleska build them. Supervisor Waytashek asked Mike if he would be willing to go back to that plan. Mike said that he would need to review his budget, because he has sunk more money into the project since the county told him to go with a mobile home park. Supervisor Erdmann re-iterated that he wants one single family homes on the lot. Mike responded that two mobile homes don’t make financial sense to him, but “If I build a real stick-built home, I can sell it for more money.”

The board moved on to the regular agenda. Motion was made by Supervisor Gondeck, second by Supervisor Waytashek, and passed to approve the agenda as presented. The minutes of July 5<sup>th</sup>, 18<sup>th</sup>, and 26<sup>th</sup> were approved through a motion by Supervisor Gondeck, second by Supervisor Waytashek, and passed with the change in the July 5<sup>th</sup> minutes to Rice seeking \$5.1 million in grants for parks. Maureen Graber presented the Treasurer’s Report with a total of \$734,720.47 in township accounts. She added that the Clerk and Treasurer’s accounting balances with the two bank balances. Supervisor Gondeck inquired about the interest rates. Motion was made by Supervisor Waytashek, second by Supervisor Gondeck, and passed to accept the Treasurer’s Report. Motion was made by Supervisor Erdmann, second by Supervisor Gondeck, and passed to approve payment of the claims #6452 through 6482 totaling \$34,121.72 and to withdraw the funds from the appropriate accounts.

Old Business included:

- A. Pothole repair is needed on Shoestring Loop: Supervisor Gondeck will fill it.
- B. Ditch Mowing on Minimum Maintenance Road: Supervisor Gondeck spoke with Chuck Ertl who stated that he was planning to mow the minimum maintenance road after he completed all other mowing because of potential damage to his blade with all the rocks.
- C. 66<sup>th</sup> Street had calcium chloride applied last week, and residents are pleased.
- D. 95<sup>th</sup> Street: Supervisor Erdmann said that BNSF closed the crossing on Monday morning. Today they were taking out the northbound, easterly track and putting in new track sections. They will open that rail to traffic and start on the other one. Supervisor Waytashek said that BNSF will fill in the full width of our 95<sup>th</sup> Street plan with asphalt, so the township doesn’t have to do it. Supervisor Erdmann added that the crew was easy to work with.
- E. Letter of invitation for 85<sup>th</sup> Street meeting in September: Clerk was given authority to make a correction to the draft letter and mail it to the residents.
- F. Garbage Hauling Update: Supervisor Gondeck said that he talked to three cities that give out the permits to the garbage haulers. Supervisor Erdmann said that doing that won’t meet the desire of the board to knock down the traffic. “Going from five haulers

to three won't make a big difference. I would like to see two garbage trucks a week. I don't want to see six a week." He recommends dividing the township into four service areas and license a hauler for each section. Supervisor Gondeck asked how that would be policed. John Snyder of Republic Services was present and answered questions from the board. He said that every LGU is different, and so the company works with you individually to meet the needs of the township. There are quite a few cities and townships that have one garbage hauler, because it saves property owners money. "The rates are lower on a contract than on an individual market. You can put schedule into bid specs." Supervisor Erdmann said that his goal is to get less traffic on the roads. Supervisor Waytashek said that he agrees with Clerk Spence on not wanting to run smaller companies out of business, but that the township might be able to find a way to avoid that. Supervisor Gondeck asked to have the issue tabled until next month when he will bring contracts from other local units of governments. Jason Krueger said that he continues to be opposed to having a single hauler for garbage; if the board goes ahead with it, he expressed his desire that language be included that protects people to not be mandated to have garbage pickup. "The township needs to allow for snow birds and people that bring their garbage to their place of employment." Ray Thompson asked about commercial dumpsters. There can be a complete franchise for one hauler with separate pickups.

- G. Clerk Spence that the Weed Control came in under the estimate and cost \$1,769. She stated that the company did all the roads that the township requested, and the owner said it went very smoothly. He had a couple of people that came out of their homes to thank him for the spraying. Supervisor Gondeck said he had calls opposed to it, because the township shouldn't be spraying weeds. Supervisor Erdmann said it is state law to do so, and that Supervisor Gondeck had been spraying them in the past.
- H. Supervisor Gondeck said that residents should let the board know if they want more crack filling done this year.
- I. Clerk Spence said that the 1920 road documents for the Award and Release of Damages have been recorded at Benton County. Supervisor Erdmann explained the background on the acquisition of the property from stories told him by his dad. She said that at MAT Training, the Clerks were told that all original road records must be retained at the town hall; Watab's are at the Benton County Historical Society. Motion was made by Supervisor Erdmann, second by Supervisor Waytashek, and passed to get the records stored in the safe at the town hall.
- J. Supervisor Gondeck said that he will get quotes for the next meeting for brushing and tree trimming. Clerk Spence reported that some trees may need trimming before school buses run. Supervisor Erdmann will take care of those.

New Business included:

- A. Motion was made by Supervisor Gondeck, second by Supervisor Waytashek, and passed to let Mel Grile know that he can reshape and mow the township ditch in front of his property on Fifth Avenue.
- B. The board discussed issues that will be coming before the Planning Commission on August 10<sup>th</sup>. Treasurer Graber said that the commission can put conditions on the

parties making the requests for conditional use permits. The board encouraged neighbors of the properties to attend the meeting.

- C. The Clerk and Treasurer presented the revised budget and projections for the Road and Bridge Fund due to the 95<sup>th</sup> Street project being delayed until 2018.
- D. The District 8 Meeting will be held on August 16<sup>th</sup> at Onamia; the entire board plans to attend if possible. Clerk Spence will RSVP.
- E. There was discussion of the written complaint and photos of 9930 West Lake Road. Supervisor Gondeck read the draft letter prepared by Clerk Spence to send to the property owners. Motion was made by Supervisor Waytashek, second by Supervisor Gondeck, and passed to send the letter with the addition of the property owner having remedies made by October 1<sup>st</sup>.
- F. Supervisor Gondeck presented a quote from Junkman Services for Clean Up Day. The board analyzed the quote received from Junkman and last year's invoice from Central Appliance Recyclers. Ed Kacures asked how long the board had worked with Central Appliance Recyclers and whether they were satisfied with their services. The board decided to continue with them. Supervisor Waytashek said that the company has completed the repairs to Sucker Creek Bridge by pushing cement underneath the base to make it more stable; he said there was a huge void. He also has introduced himself to Roxanne Achmann at the Department of Development, he consulted with Mike Couri on the Grace Apartments proposal, and that as he has thought about the Baldwin Township Fire Department tour compared with Chain of Lakes he realized that Chain of Lakes has a larger building serving fewer people than Baldwin. Supervisor Gondeck reported briefly on the Greater St. Cloud Development and CMWEA meetings.

The board's work plan includes signage work, MS4 inspections, tree trimming before school starts, an Emergency Services Committee meeting on August 8<sup>th</sup>, Board of Adjustment and Planning Commission on Grace Apartments requests, culvert marking, and enlarging maps to include driveway culvers and water flow directions.

During Citizen's Concerns, Jason Krueger asked if Mike Couri would be making a presentation to the Benton County Association of Townships Meeting about criminal fines flowing back to the townships. The board will see if he has made any progress with the County Attorney.

Motion was made by Supervisor Erdmann, second by Supervisor Gondeck, and passed to adjourn the meeting at 9:35 p.m.

Respectfully submitted by Pat Spence