

## **Minutes of Watab Township Public Hearing on Alterations to 95<sup>th</sup> Street NW, Rice, MN 56367**

Chair Craig Gondeck called the Public Hearing on Alterations to 95<sup>th</sup> Street NW, Rice, MN to order at 7:00 p.m. on Tuesday, February 28, 2017 at the Watab Town Hall. Board members present were Treasurer Eileen Saldana, Clerk Pat Spence, Supervisors Gondeck, Lloyd Erdmann, and Todd Waytashek. Audience members were Jon Bogart, Town Engineer, Mike Couri-Town Attorney, Keith Poissant, Willis Jokela, Betty Murphy, Butch Murphy, Suzy Kruger, Gary Kruger, Mark Kruger, Kevin Kruger, Maureen Graber, Sandra Saldana, Allen Saldana, Anna Saldana, Mary Flynn, Bob Courneya, Jerome Walker, Guy Spence, Lloyd Theisen, Ray Thompson, John Walker, Gene Kubat, Kim Kubat, Allen Ostendorf, Donna Salmonson, Bob Salmonson, and Brian Erdmann.

Following the Pledge to the Flag, Supervisor Gondeck read introductory comments about the purpose of the hearing for alteration of 95<sup>th</sup> Street NW and introduced Mike Couri, Town Attorney, and Jon Bogart, Town Engineer.

Mike Couri, Town Attorney, made the following comments:

The process the township is following tonight is very common in townships; it is a road realignment. From a legal perspective that means that we need to retain right of way and convert it to public use for a roadway. A township cannot simply go in and take property without this process. It allows everyone to ask questions and give input. When the board determines it is in the public interest to retain the right of way, it passes a resolution that realigns the road and awards damages. Most people gladly work with their township and donate their property for the public good. We rarely get to court with this process because it is a community process. When all goes well, it goes out for bid and construction begins in the summertime. The engineer will describe the project. We have one property owner who has not been available to be personally served with the resolution for the alteration of the road. They have hired an attorney, and the attorney has not heard back from his client after we provided requested information. Their attorney is hopeful that we can get this resolved. Instead of adjourning the Public Hearing tonight, continue it until March 7<sup>th</sup>. We need to get service to them, and hopefully they will appear to give their input. We can bid the project but not accept the bids until we have this last permanent easement.

Jon Bogart, Town Attorney, made the following remarks:

The road project is to rebuild 95<sup>th</sup> Street NW from Plaziak Road intersection to US Highway 10 including a Quiet Zone. The portion on the west side of the railroad crossing is staying basically the same except for some grade changes. From Lakewood Shore Rd NW, the road barely fits into the road right of way. The road is proposed to be moved to sit in the center of the road right of way. On the east side of Lakewood Shore is where we are looking for additional right of way. The rest sits within the same alignment. He then responded to questions and invited those in the audience to look at the plans.

Ray Thompson said that the portion of the road near his house isn't on the plan that was handed out. Clerk Spence brought him a road plan and explained that the handout was only referring to the specific part of the road where the township needed to get permanent easements near the large curve.

Al Ostendorf, who lives on Havlet Road asked if there is going to be anything done for straightening the road access onto Highway 10 because it is at an angle. "Getting on the road in the morning is hell. When the road is wet there is a lot of glare." Jon said that the board looked into that and reviewed a design but found it to be too expensive to do at this time. Al responded that an acceleration lane would also be helpful and could be recommended to the highway department. Supervisor Erdmann explained that the intersection would have to be lined up on both sides of Highway 10 and would be very costly; that is why the board decided to keep it as it is.

LeRoy Murphy, resident of Lakewood Shore Rd, asked if the elevation would change for the intersection of Lakewood Shore and 95<sup>th</sup> Street. Jon said that it would not, but there will be a culvert to give better drainage. Supervisor Erdmann added that the board decided to go 250' from the intersection south on Lakewood Shore Rd to raise that section of Lakewood Shores Rd for better drainage, and so that when Lakewood Shore Rd is done it won't affect the new 95<sup>th</sup> Street.

Donna Salmonson, resident of Lakewood Shore Rd, asked if the grade is changing going onto Highway 10. Jon Bogart responded that the hill will be reduced and the access will be flatter.

Kevin Kruger, 10<sup>th</sup> Avenue NW, asked if the dip is going away on the hill. Jon said that it would be. Kevin added that sun never hits road and is a sheet of ice in the winter, while the north portion hits some sun. The change in the alignment will put it more in the shade. Jon said that it will require more sanding and winter maintenance, but the board wants to get the road more centered in the right of way.

Ray Thompson, resident of 95<sup>th</sup> Street, asked where the road will start moving south. "What's wrong with where it is now?" Jon replied that the board wants to put it where it belongs in the middle of the right of way. Ray said he has no objection to leaving it where it is. "Where is water going? I want to know what's happening by my place. Leave the curve the way it is. I have lived there for 50 years and I have never slid out into the highway. If you have a problem driving on an icy road, you are driving too fast." Jon: we can try to reduce accidents but we can't prevent accidents or people driving too fast.

Jerome Walker, resident of 95<sup>th</sup> St: "How are you straightening out the turn? You will be cutting out my yard." Jon said that the board cannot move the road north because it is already on the edge of the right of way, and there is a major gas line along the edge of the road. Ray Thompson said that the permit from Benton County for Jerome's house was incorrect, and it was built too close to the road without the right setback. Jerome asked how far the township

plans coming into my yard. Jon responded that the township would stay within the current right of way, which is about 15 feet in Jerome's front yard.

Sandra Saldana asked Jon Bogart to talk about access for the residents during construction. Ray Thompson interrupted and asked why they aren't moving the road in front of his place. "I don't understand what you're doing here." Mike Couri said that the town board has a limited budget to deal with, so they look at the entire project and fix what we can within the budget. Ray said, "I didn't come to listen to the attorney. There needs to be a good reason to move the road. In a perfect world it would be right down the middle. This isn't a perfect world." Mike Couri responded that the board fixes what they can and leaves what it can't afford. Jerome Walker interrupted and said it is a waste of money. We live on it and don't have any problem with it. Just put in the railroad crossing and put some new tar over the rest of the road. Jon Bogart said that in reference to Sandra Saldana's question, he would like to start the project after the school buses are done for the year. The road will be open to local traffic with a detour for other traffic. The project will last about 30 to 45 days.

Supervisor Gondeck said that the town board brought this project up at last year's annual meeting, and it was a unanimous decision of those present to go ahead with reconstruction of the road in conjunction with the Quiet Zone.

Maureen Graber said she wanted to respond to Ray Thompson's comment. "We now have GPS to locate the right of way. Previously, the board shot from their hip. I would like to see the road improved; I have lived here for 40 years. The board is trying to fix the problems. It's wrong to nail this board for trying to do good things and correct problems from the past." Supervisor Gondeck responded that when he became a Supervisor, his father took him around the township and explained how the roads got to be where they are. They are where the horse and buggy went. Now the board is trying to get improved roads where they should be located.

Sandra Saldana said, "I realize that this is new to some people. I was the Moderator at the annual meeting last year, and this was discussed. The people decided what they wanted to do. The people decided they wanted to do this entire section of road. It is unfair to point fingers at the board. We are all free to come once a month to every meeting."

Jerome Walker repeated that he didn't want the road moved closer to his house. Supervisor Gondeck responded that the road plans have been changed seven times to accommodate residents' requests. Jerome asked why the board would have a public hearing at the back end of the process. Mike Couri stated, "The public hearing is held to find out if the project moves forward, and this is the front end of the process. The people said to fix this road at the annual meeting. It came from the grass roots and the board put the plan together. That is unusual; most times boards initiate a project. It won't always be what everyone wants. The board has to sort everything out and do what most of the people want. The project has not been bid; the plans can be changed if the board wants to. The purpose is to hear from all of you. There are people who don't like it. The board ultimately decides for the good of the public." Ray Thompson said, "Why are you here? We don't need an attorney. It's a waste of money." Mike

Couri responded, "One person hasn't signed the easement. I am here to make sure everything is done properly and legally."

Supervisor Erdmann stated, "One year ago the town board sent out a newsletter describing what the board thought about doing with 95<sup>th</sup> Street NW. If people read their newsletter and were interested, they would have come to the annual meeting. We aren't dropping this on top of people." Maureen Graber added, "The board meets monthly. Minutes and the agendas are posted on the website." Al Ostendorf said, "If something like this affects my property, I would expect a letter." Clerk Spence responded that is why the board sent out letters inviting each of you to this meeting." Jerome Walker said, "I don't want the road in my front yard. From the engineering standpoint, I don't understand getting rid of the S hook by moving the road to the south. It isn't good for me and me alone."

Kevin Krueger asked the engineer if he is creating a ditch on the north side of the road. Jon responded that there is a minimum swale no deeper than it is currently.

Ray Thompson asked if it will be a 9-ton road. Jon Bogart responded that it would be. Ray said that all of 95<sup>th</sup> Street should be a 9-ton road. He asked why River Road to Rice is only a 5-ton road, and Supervisor Gondeck said that he would ask the County Engineer.

Supervisor Erdmann discussed an alternate idea to the plan near Jerome Walker's home that would keep the road further from his house. Kevin Krueger asked if there is a reason the board doesn't want the road offset in the right of way. Supervisor Erdmann responded that the road is totally against the north side of the right of way. Currently snow is being plowed onto private property outside of the right of way on the north side of the road. Kevin said he feels that the township could save money by not moving so much dirt by Walkers. Supervisor Erdmann said that is what he had just mentioned with his alternate plan.

Mark Kruger, resident of 10<sup>th</sup> Avenue, added his only concern, "I am guilty of driving down the road 50 mph. It worries me that the Kubat kids will be in greater danger of people going faster with the curve removed." Supervisor Gondeck responded that he has already been in contact with Sheriff Heck, and that when the road is completed there will be extra signage and patrolling. Mark thanked him for the warning.

Clerk Spence said that she wanted to give credit to the Supervisors for looking at safety of residents by minimizing the curve to prevent people from running into each other. There are so many near misses on the curve and people going off the road. Supervisor Gondeck explained that if the board gets complaints that affect public safety, they have to document it and state what they did to solve it. Many people have told him about close calls on that curve or getting run into the ditch. If the township doesn't do anything to correct a safety problem, the township has liability for the problem.

Supervisor Erdmann asked Allen and Sandra Saldana if the road stays where it is by their property how they feel about it. They said to do what is right now and center it on the right of

way. "We don't know what future owners of our property will say about snow being plowed onto the property. We are okay with it, but they might not be. Five feet doesn't matter to us, but what if people in the future put up a fence on the edge of their right of way?"

Kim Kubat, 95<sup>th</sup> Street resident said, "Most of you know that a young man at our house has Downs's syndrome. He is very curious and could wander through the construction to see the machines. What are plans for safety for the kids?" Jon Bogart said that the contractor has a safety officer on site and will pass along the information about their son. "Everyone needs to be cautious during construction."

Donna Salmonson asked if the road will be wider. Jon Bogart said that the road surface will be slightly wider, and three-foot shoulders will be added.

Ray Thompson asked how wide the road would be. Jon said it would have a 24-foot width with three-foot shoulders. Ray then asked how much the hill is cut down by his house. Jon said, "One foot."

Jerome Walker asked the board, "Can't you buy land from Allen and Sandy to have more right of way on the north side and keep the road away from my house? Supervisor Erdmann said that the board has to have the road totally rebuilt to make it a nine-ton road and wants to keep it in the current right of way as much as possible. Jerome asked how much of his woods will be cut down. "I have planted thousands of trees." He added, "I have always wanted a pond on my property. Put the drainage on my property and create my pond."

There were no additional questions. Chair Gondeck said that the Public Hearing is continued until March 7<sup>th</sup> and thanked everyone for coming.

Mike Couri explained the process to the board for having the final party served and reviewed the resolution the board would need to pass awarding damages once the party is served and there is ten-day notice before the Public Hearing. The board discussed the input given by the residents at the Public Hearing. Supervisor Erdmann made a motion to authorize Jon Bogart to determine what costs would be to change the plan from station 9+50 to station 17+00 creating a straight line that would essentially move the right of way approximately 12 feet further from the Walker's property than the current design while still remaining in the existing right of way. The board discussed the additional engineering costs. Jon said it would be under \$2,500 but involve a few days of work. Supervisor Waytashek made a motion to continue the Public Hearing to March 7<sup>th</sup>; motion seconded by Supervisor Erdmann, and passed.

Respectfully submitted by Clerk Pat Spence