

Watab Town Board Meeting on May 9, 2017

A special meeting of the Watab Town Board was held on Tuesday, May 9, 2017 at the Town Hall. All board members were present. Audience members were: Jeff Hanson, Lee Hanson, Amy Chantry, Maureen Graber, William J. Novak, Rick Lunde, Ben Kuklok, Walter & Dorothy Burton, Jeff Rogholt, Doug Harden, Dan Schlichting, Amanda Gjerde, David Forsting, Steve Paasch, Kevin Reiter, Nathan Tykwinski, Ryan Klug, Mike Koch, Kieley Regan, Nick Riba, Dale Warzecha, Jeff Huisman, Diane Schulte, Richard Schulte, Corey Verley, Shelly Pursley, Dennis Pursley, Jim Madoll, Theresa & Darrell Esterly, Pat Lyon, JT Ebert, Dave Tannehill, Jason Rausch, Dawn Reiter, Roger Varilek, John Prelvitz, Michael Kephart, Lindsay Kephart, James Ringwald, Pat Virnig, and Arvo Tanner. Chair Craig Gondeck called the meeting to order at 7:00 p.m.

After the Pledge to the Flag, Chair Gondeck opened the Public Hearing to consider alterations to 95th Street NW. Clerk Spence explained that the three process servers have been unable to locate the parties to personally serve them. The other four permanent easements have been in place for several months. Their attorney has made inquiries to the town attorney for additional information in the past day. She added that the town attorney recommends that the Public Hearing be continued in late fall. Supervisor Erdmann made a motion to continue the Public Hearing to the August regular meeting; motion was seconded by Supervisor Gondeck and passed. Motion was made by Supervisor Gondeck, second by Supervisor Waytashek, and passed for Clerk Spence to get quotes for hiring a private investigator and bring them to the June meeting.

The board then discussed the construction project for the Quiet Zone and reconstruction of the section of 95th Street NW between Plaziak Road and U. S. Highway 10. Supervisor Waytashek asked Jon Bogart what amount of money the delay in getting the permanent easement will cost the township. Jon stated that he couldn't answer that question without dividing the project into two parts and making cost estimates for each part. Supervisor Erdmann said that he would favor delaying the entire project until next summer. BNSF would come in and make the crossing surface improvement, and the township would do only what is necessary adjacent to the tracks. He added that prices will be higher if the township goes out for bids now rather than earlier in the spring, and that he agrees that with Supervisor Waytashek that the township will lose the economy of scale by dividing it into two parts. It will also cause more disruption for the residents to do some work this summer and some next year. Clerk Spence reported that BNSF has lower the township portion of the crossing surface improvements from \$80,000 to \$65,000. Kevin Reiter asked the board to not do any of the project because of the costs charged by the railroad. Motion was made by Supervisor Erdmann, second by Supervisor Waytashek, and passed to delay the project until 2018 except for the work that BNSF will do to improve the crossing surface and minimal work the township will need to do adjacent to the crossing.

The next agenda item was receiving input from the township residents who use 85th Street NE on proposed reconstruction of the section from U. S. Highway 10 to the entrance to Oak Hill Estates. Supervisor Gondeck thanked all those who came to the meeting. Supervisor Erdmann said that the current road is not centered on the right of way. There is room to put a path on the north side within

the right of way. If the residents want a path on the south side, trees would have to be removed and land acquired. He would want to know how residents feel about that. The following is resident input:

- Arvo Tanner said that the current drainage ditch on the south side of the road would need to be moved.
- Corey Verley would like to see his front yard changed since he still gets a foot of water on his yard after a rainfall.
- Supervisor Gondeck said he's had six to eight calls that people want a wider road for walking and biking, and that he would be okay with working with Hansons if they would donate the land on the south side to create a walking path.
- Dave Tannehill said that the trees keep ice on the road in the winter, so he would like the trees to be removed.
- Dawn Reiter said that if there is a walking path, it should be detached from the road and even behind the trees. She added that perhaps it could go through the neighborhood asking if it is cost effective to make a walking path along such a short section of road.
- Arvo Tanner reported that in the mornings he sees speed balls. Trees are under severe stress on the south side of the road and may be dying. You can see where they are falling.
- Bill Novak asked why the current road doesn't meet township road specifications. Supervisor Erdmann explained that the road specs at the time were for a twenty-foot top and that was adequate for the three homes that were using it. Not the specs require a twenty-four-foot top and there are many more residents.
- Supervisor Erdmann said that the board needed to use common sense and make a wider shoulder on the north side of the road.
- Jeff Hanson asked for clarification if the board was thinking of a twenty-four-foot top plus three-foot shoulders and what the width of a path would be. He added that typically paths are either four or eight feet. With a four-foot path attached to the road, it would be twelve feet wider than it currently is.
- Dave Tannehill asked if there is an estimate on the cost of adding a walking path. Jon Bogart responded that it would be about \$15,000.
- Arvo Tanner asked what would prevent a car from driving on the walking path.
- John Prelvitz said that even if there's a white line, cars will cross it. He recommended a detached walking path north of a curb to protect the walkers from drifting traffic. Distracted driving is a problem.
- Dawn Reiter felt that putting a walking path on the north side would be problematic because residents park on that side of the street, especially when they have guests. She said that the south side would be better for the path.
- Bill Novak said the 85th Street is stressed out, and there needs to be another entrance or exit.

- Mike Koch said that he is curious on what the board thoughts are with a frontage road to connect to Indian Road. Supervisor Erdmann explained that MNDOT will not allow the connection to be made without the township needing to purchase a home and lot to have the setback needed at 85th Street, and they would also require the township to close the Indian Road access. The town board is not in favor of that. Mike then suggested putting a four foot path on the north side with a ditch between the road and the path.
- Lindsay Kephart asked how a walking path on the north side of the road would cut into her land. Supervisor Erdmann said that it would not take any of her private property; all work would be within the current road right of way. He said there is an additional thirty-three feet of township right of way from the edge of the road on the north side.
- Dawn Reiter said that everyone should be aware of what the proposal will be.
- Ray Thompson, resident of 95th Street NW, said that the town board didn't have a meeting like this when they were planning 95th Street, and it caused a lot of problems and expense. He told the people to watch out what the board tries to pull over on you.
- Dick Schulte asked how many people at the meeting are from the neighborhood. With a show of hands, it was the large majority of the people present. He asked how many of the people want a walking path; the response was nine. He then asked how many don't care; the response was thirteen; four people were totally opposed to having a walking path.
- Supervisor Gondeck asked if there was a preference for a south or north side path. No one favored a path on the north side; eight favored a path on the south side. He then asked how many would like the trees removed; eighteen were in favor.
- Clerk Spence asked the board to consider keeping the road to the south as much as possible to have less impact on the resident's yards. She added that it doesn't make much sense to her to have a walking path along such a busy road when it leads out to Highway 10.
- Someone asked if there any utilities on the south side. Jon Bogart said that he would require utility companies to move them at no cost to the township.
- Another resident asked how the project is financed. The board responded that it is through the general tax levy authorized by the electors at the annual meeting.
- Lindsay Kephart said that she feels a path won't be necessary if people abide by the speed limit. Others proposing the bike path don't live on the road, but it has a big impact on us.
- Dennis Pursley asked how residents would get in and out during construction. Jon Bogart said that they would be able to use the road during construction except during the short time a culvert is installed. Residents would be contacted ahead of time if the road needs to be closed for a couple of hours.

- Another resident asked where the water mains are located; they are in the deep ditch.
- Arvo Tanner said that the utilities don't have to be on the right of way; they can be in an easement on private property. Is there anything like this in the plat? Jon Bogart said he would have to check.
- Bill Novak asked if any future plats will be planned to route traffic on 85th Street. Lee Hanson replied that there won't be any additional plats.
- James Ringwald asked if a city sidewalk has been considered. That would take less space and provide safety.
- John Prelvitz asked if there could be better drainage at the corner of 85th and 1st Street since there is always water standing there.
- Supervisor Gondeck talked about the potential for a backage road with documents from 1920 showing a road that goes east, then south, and connects to 5th Avenue. Lee Hanson said that it was a surveyed straight road with culverts and ditches. He used the road continuously until someone blocked it off. Supervisor Erdmann added family history of using the road.
- Walter Burton added that the road used to go the whole way to County Road 13. No one built out there, so that may be why the road wasn't improved, but we sued to use it for hunting and drove on it a lot. Then the Johnsons closed it without any authority.
- Lee Hanson said that it is a complicated issue. Minnesota requires that you review two things: you look at the recorded documents and what you see on the land. Look at the title and the land when you buy. Anybody that saw the road would understand it was a surveyed road. If a local government acquires title, no one can get adverse title against a state agency. There are two points: (1) it is obviously a surveyed road, and (2) we have the document. The township needs to find out if the documents are original and get them recorded. He will go to the Benton County Historical Society to see if they have original documents. After comments by Supervisor Gondeck, Lee said that the marketable title act doesn't apply.
- Ray Thompson asked who would pay for improving the road if the township has legal ownership.
- Another resident asked for an additional speed limit sign.
- Ben Kuklok asked what would it take to get the state to look at an acceleration lane on U. S Highway 10. The board can make the request to MNDOT.
- A resident asked if there could be no outlet signs added at the entrance near Highway 10. The board instructed Supervisor Gondeck to order a sign. Another asked about having children at play signs. Supervisor Gondeck explained that there are liability issues associated with such a sign. He added that the potholes will be repaired soon.

- Ben Kuklok asked if the township could do anything about the poison ivy on the south side of the road. The board said that it can't, because it isn't in the township right of way.
- Supervisor Erdmann asked how the residents think the board should proceed. Amy Chantry suggested that the board circulate a plan prior to another meeting. They would like to see the plan prior to the meeting, and it could be put on the township website.
- JT Ebert said, "I am for the bike path, but mostly I want to see the road widened. It is really important and is one of the biggest safety concerns of the whole neighborhood. A bike path would be great, but at least widen the road either on the north or the south. A bike path only makes sense if it is attached to the road."
- Pat Lyon said that if the township can't control the speed what's the logic of having people walking there.
- Diane Schlichting said, "We used to walk on 85th Street; now because of the traffic and narrowness, we walk on 96th Street. I don't see the need for the bike path on 85th."
- Jeff Hanson summarized what he felt the road should be: a thirty-foot top comprised of twenty-four feet of road with a two-foot shoulder on the north side and a five-foot shoulder on the south side. Jon Bogart said that he likes to have three-foot shoulders because over time they tend to round off. Jeff's final suggestion was a twenty-eight foot blacktop road with one or two-foot shoulders. Leave the shoulder narrower on the north side.

Chair Gondeck thanked everyone for their excellent input and added that the board would notify them of any future plans and meetings about 85th Street. A motion was made by Supervisor Erdmann, second by Supervisor Gondeck, and passed to adjourn the meeting.

Respectfully submitted by Clerk Pat Spence