

FRANKLIN TOWNSHIP

REGULAR MEETING MINUTES

June 7, 2021

At 7:00 p.m. Chairman William McMullen called this June 7, 2021 Regular Monthly Meeting to order and asked all to stand for the Pledge of Allegiance. Board Members present were; Scott Neumann, John Czanstkowski Sr., Stephanie Russek and Renee Olson.

Motion to approve the April 5, 2021 Regular Meeting Minutes McMullen/Czanstkowski M/S/C Neumann abstains, the May 3, 2021 Regular Meeting Minutes Neumann/McMullen M/S/C Czanstkowski abstains, the April 27, 2021 Road Tour Minutes Neumann/McMullen M/S/C Czanstkowski abstains, the April 28, 2021 Board of Appeal Minutes McMullen/Czanstkowski M/S/C Neumann abstains,

Open Seal Coat Quotes. Two quotes have been received. Allied Blacktop's quote is for \$1.39 per square yard, quoting 43,605 sq yards needed for a total of \$60,610.95. Pearson Brothers quote is for \$1.04 per square yard, quoting 40,826 sq yards for a total of \$42,459.04. Pearson Brothers states the work will be done by September 15, 2021. We have worked with both companies before. The board discusses the quotes and makes a **Motion** to accept Pearson Brothers lower cost quote at \$1.04 per sq yard, for 40,826 sq yards at a total of \$42,459.04
Neumann/McMullen M/S/C Unanimous.

NEW BUSINESS

CUP review Andrea Zitzloff massage business out of her home. Andrea is not present this evening. She was here one year ago at the CUP review. No one on the board has heard any complaints. **Motion** to approve the existing CUP and extend the CUP to a two year review, instead of one year Czanstkowski/Neumann M/S/C Unanimous.

Michael Cohrs is present this evening to discuss the 60 pane residential solar system being proposed at 5667 90th Street, Apple Tree-O. Cohrs states that they will be producing power for their own use and/or to sell back to their utility. The panel area is 100' long, 14' tall and 14' wide, emitting 17 ac kilowatts. They appeared at Wright County Planning & Zoning last week. McMullen has spoken with Planning and Zoning Sean Riley and he states since the property is zoned AG Res they will still need to get a CUP for the solar. Perhaps it can be modified? Time will tell. McMullen has visited the property. He said you cannot see the panels. Resident Dick Bauman, present this evening, has 47 panels on his property now. Neumann inquires about the mounting system and Cohrs responds it is a UniRac ground mount, center line, stationery system, concreted in. Sean Riley has informed us that the County has approved and is waiting for our approval. **Motion** to approve the CUP for Apple Tree- O solar panels
McMullen/Czanstkowski M/S/C Unanimous.

Neumann attended the Franklin Woods Pre Const Meeting and reports back to the board that clearing will begin next week, Tree Top is doing the work. Notes from the meeting are as follows:
Meeting called to order at 9:00 am Wednesday, May 26th on-site at project location.

Attendees present:

Paul Otto - Engineer, Jake (Otto & Assoc..) Site Inspector, Dale Dingman - Owner, Linda Spletstozer - Owner, Kevin Miller - NTK (contractor), Andrew Vistad - HAA (township engineer), Sam - HAA (Site inspector)
Scott Neumann - Franklin Township Supervisor

1. Clearing Contractor (Tree Top) to start clearing Mid June - approximately 4 days to complete clearing.
2. NTK to follow behind with stripping topsoil and grading roadway - approximately 4 week to grade, install pond outlets, and gravel road.
3. Haugo geotechnical to perform; bottom inspections, density testing, and proof roll testing with reports to HAA/Township.
4. HAA to inspect as the project progresses. Onsite for proof roll test and gravel installation.

5. Temp sed basin at Deegan to prevent any washout onto the roadway.
6. There are no culverts crossing the new roadway only at pond outlets.
7. NTK will likely install the driveway culverts in locations per owner in the ditch line. (verify 15" minimum size?)
8. Deegan Ave. grade raise with granite only. Culvert extensions as needed per plans.
9. Tree removal to place in slope materials (topsoil) needed in multiple locations. One concerned resident at 11676 Deegan Ave SE. about trees and hostas planted at the edge of the road and will they need to be removed?
10. Otto will provide a precondition topo and an as-built after Deegan road raised to minimum flood elevations.
11. Xcel energy will coordinate with the contractor/owner on transformer locations and keeping power to the existing house.

Meeting adjourned at 9:45 am. After the meeting; NTK, HAA, and Nuemann inspected the three existing cross culverts and all appeared to be in good condition. He spoke with Brian Butterfass, township maintenance employee, and he will look up when those were installed. One has a 3' extension now. Requesting that it should be removed so there's only one extension rather than two joints.

McMullen asks Neumann about the land itself. Neumann responds that the 8% grade is his only big concern. He wonders how the gravel will hold on at that grade. Is there enough cross slope? Paul Otto is present and said the grade is to Township specs. Otto said they will work hard to keep the sediment off the road. Neumann suggests attempting to drain into the basin. Neumann spoke with a resident at 11676 Deegan who was concerned about losing their entire tree buffer to their house. Neumann is concerned about future maintenance for the road with this sloping. Paul Otto said they will be staking this area tomorrow and wonders if the board would like to look at this area after it is staked. McMullen will visit the site and report back to the board. Discussion about the most crown we can have on the road to manage it correctly. The board and Otto agree that 3% is the max grade. Otto will look at the grade and respond to the board. McMullen will visit the site and respond to the concerned resident.

Franklin Ponds, now Franklin Woods, has \$8,478.05 in the original escrow balance. **Motion** to return the escrow balance to Joe Lemmerman in the amount of \$8,478.05 Neumann/Czanstkowski M/S/C Unanimous.

PID 208-300-363200 5521 Farmington Ave proposed development, Paul Otto is present this evening with a new plan. The County was not able to approve the original plan he presented to us last month because a portion of the development was a designated DNR lake, a natural environment lake. Otto states they have pulled all the lake acreage out of the development and cut the development back to 12 lots, maybe even 11. The road configuration is the same, total area of property is 124 acres. Lots vary from three to eight acres and are set back 200 feet away from any lakeshore. Can we look into a permanent easement vs a dead end road McMullen asks. Otto thinks there are some possibilities. Discussion about the map and what is existing around the proposed development. Discussion about the drain tile and how the swail runs south. Otto says there are a lot of things still to vet out. Otto believes there will be 2 retention ponds. Resident Derek Roers, Ehler Avenue, is present this evening and he comes forward to review the maps. He is concerned with water flow and what will happen to his land. Neumann asks about the site line on Farmington. Otto has not driven it. Otto states that if this moves ahead, the timeframe would be next year. Since the development has changed since our last meeting, they are back to seek Township approval that if they build the road the way we want it, to our specifications, that we would take it over. McMullen is worried with the Township taking on more and more roads. Farmington has always been a difficult and expensive road for us. Czanstkowski would like to see developments designed so the tillable land could be left until last to be developed. Resident Sue Roskowiak wonders if as these areas are created, is there an option for an association that residents contribute to, to offset the township's future road maintenance expenses. Otto said some townships are trying to oppose everything. He has also seen Subordinate Service Agreements that are set up within the area that maintenance would be paid for by the owners of these homes. He has seen this more in Greenfield, Independence and West Hennepin. Otto is testing this in Marysville Township currently. McMullen asks what he needs from us tonight? Otto would like to do some more work on this development and come back to the July meeting to discuss further. **Motion** to table this to the July meeting Czanstkowski/McMullen M/S/C Unanimous.

MuMullen states that our July meeting date is currently on a federal holiday and proposes we change the meeting date from July 5, to Tuesday July 6. **Motion** to move the July meeting to Tuesday, July 6, 2021 McMullen/Czanstkowski M/S/C Unanimous. Russek will notify the paper and Olson will post notice at the hall.

Russek reads the City of Delano Updates received from Phil Kern;

Legacy Woods – We expect construction to start in early June, although we don't have a firm date. We are also planning to have the feasibility study on 90th Street construction ready the week of June 7. The feasibility study will be forwarded to you and your engineer. It will also be presented to the City Council on June 15.

Highland Ridge – The City has conditionally approved the preliminary plat for Highland Ridge North. The approval came with conditions regarding plan modifications needed before the Developer can request a final plat. I do not know the developer's intentions on timing. We do not have a final plat application at this point.

Greywood – The City has received an application for preliminary plat approval on Greywood. This item will likely be going to the Planning Commission on June 14 and the City Council on June 15. The City has not completed its review of these plans and will do so in the coming weeks. I wanted to call your attention to one item that I'm sure will be a concern – Darrow Avenue. The previous approvals and this request both eliminate a portion of Darrow and construct McKinley Parkway to connect back to Darrow to the south. With the new phasing proposed, McKinley would not be done to fully implement this plan, therefore we will address leaving the Darrow connection until McKinley is constructed.

After board discussion, the board is updated that Wachmans have not finalized the closing, which is part of Legacy Woods. The board would like a written response to these proposals before the meetings next week June 14 & 15. McMullen will draft the response. Czanstkowski will get ahold of Scott Kohls regarding the Greywood development.

St. Mary of Czestochowa temporary on-sale liquor license has been presented to the Township for approval. Their event is July 17 and we have always supported and approved this in the past. **Motion** to approve the request for alcohol and gambling onsite licence for St Mary Czestochowa McMullen/Neumann M/S/C Unanimous.

The board has drafted the Townships Orderly Annexation Agreement necessary items. Bill McMullen reads the list in full;

Franklin Twp Draft/discussion Orderly Annexation Bullet Points—Needed to make OAA a possibility, *in addition to the standard points 1-6; 11-18, 20 per the Delano Draft.*

1. Planning and Zoning control to be maintained by County until annexed, Township to retain all rights such as applications for rezoning, permitting, subdivision, development, construction or improvements in the Orderly Annexation Agreement until land is annexed by the City. *See their point 7.*

2. \$500 per acre annexation fee paid to Township on any new annexations, prior to the annexation. *Similar to other Orderly Annexation Agreements in place around the outer Twin Cities suburbs. See their point 8*

Currently the City is offering 2.5 x's the taxes levied in the previous year.

3. No annexation of any lands until 100% of property owners within the area proposed to be annexed, sign a petition requesting annexation by the City of Delano.

4. No "infill" areas may be annexed without owner(s) prior petition. *see their point 9 C.*

5. No land may be annexed outside the Orderly Annexation Agreement area.

6. No expansion of Delano Municipal Utilities beyond annexed areas.

7. No assessments to Township property by the City of Delano or Delano Municipal Utilities for any improvements.

See their point 9 for the above 5 points.

8. Pave Davidson Ave (aka Mckinney Parkway), by Nov 30, 2021 North to RR crossing.
9. Pave 72nd St to a 9 ton standard, by Nov 30, 2022 between Davidson Ave and US 12.
10. Any additional paving of Davidson Av will respect the Sept 6, 2005 Roads agreement with regards to lane widths and curbs.

Previous agreements are honored and do not become null and void because of OAA, spell out exactly what still needs to be done, then nothing is vague.

The above three points are fundamental and necessary to allow Delano the opportunity to show it is capable of living up to the spirit of the September 2005 Roads agreement, 'cause if they can't, why should we trust them on a new agreement?

11. Maintenance of Shared roads to continue per the September 6, 2005 Roads agreement, and said agreement is hereby incorporated as a part of the orderly annexation agreement. *Removes their point 19 and supersedes their Clause in their point 15 "...superseding all prior agreements and negotiations..."*

The Township will not give "sole authority" to the city to do as they please with shared roads. Specifically, a road that may not have annexed property adjacent to it just to gain access for sewer, water, etc to another property

Any road "improvements" made on shared roads would need to be mutually agreed upon before work begins. If the work is not done to standards or not completed...what is the remedy?

Also #10, B, #2--the Township may bill the City and the City will support seeking the reimbursement--Better wording is that the City will reimburse for extraordinary grading caused by a developers equipment etc.

12. Pave 90th St from entrance to Legacy Woods development west to CSAH 17 to a minimum 10 ton standard by Nov 30, 2021.

13. Pave any shared/annexed roads to the nearest paved "collector county road or city road" to a minimum 10 ton standard within 12 months of annexation, regardless of whether or not new construction is occurring in the newly annexed area.

14. Pave all "border roads" in the Orderly annexation agreement area to a 10 ton standard by Nov 30, 2026.

15. Pave all roads within the Orderly Annexation agreement area to a minimum 10 ton standard by Nov 30 2029.

Regarding the paving requirements there must be a penalty clause to be able to enforce; i.e., something like failure to comply will result in "x" as Delano has a history of not living up to agreements.

16. Continue with existing road names on north/south routes that are annexed (e.g. Dague would remain Dague after annexation); except numbered streets may adopt City numbers (85th St could take on new numbers so as to agree with City grid) to avoid confusion.

Above points 8-16 replace their point 10

Franklin needs to get input from residents. They need to be able to have a choice in their future. Delano also needs to fulfill the 2005 agreement.

OAA needs to be beneficial to both parties

Effective date/Termination--lists a date of 2030 but the next sentence says it will remain binding after the termination. Will need different wording

In further board discussion regarding the Orderly Annexation Agreement, Czanstkowski asks if AG preserve, where the city cannot annex you, is still available. The answer is yes. Neumann feels the only thing with setting hard date times with pavements is that if an area does not get developed, if that is their corridor for sanitary and water, then the road would need to be repaved. The board discusses how they feel that could best be managed. Resident DeWayne Bauman thinks this agreement looks good and is happy we have drawn hard lines. More discussion with residents present. Clerk Russek will send our points to Attorney Couri and also ask him when he is available to meet to discuss with the City of Delano.

Conflict of Interest Sheets are presented for each board member. **Motion** to accept the conflict of interest sheet, resolution authorizing contract with interested officer under Minn Stat 471.88 subd 5 for Scott Neumann McMullen/Czanstkowski M/S/C Neumann abstains. **Motion** to accept the conflict of interest sheet, resolution authorizing contract with interested officer under Minn Stat 471.88 subd 5 for John Czanstkowski, Sr. McMullen/Neumann M/S/C Czanstkowski abstains. **Motion** to accept the conflict of interest sheet, resolution authorizing contract with interested officer under Minn Stat 471.88 subd 5 for William McMullen Neumann/Czanstkowski M/S/C McMullen abstains.

All supervisors sign the Sign Schedule One.

The Wright County Economic Development Authority participation agreement has been received and reviewed. Czanstkowski and McMullen went to a meeting and Czansktkowski states he is not for it. After further board discussion, **Motion** to opt out of the Wright County Economic Development Authority agreement Czanstkowski/McMullen M/S/C Unanimous..

AWAIR Workplace Inspection has been tabled to next month's meeting.

OLD BUSINESS

DELEGATED BOARD RESPONSIBILITIES; RUSSEK informs the board that we did not get any LRIP grant funding. They will keep our application for one year. The board discusses that since both grants were not awarded, we will move ahead with bonding for the 40th Street and Krienkeville projects that were approved at the Annual Meeting. Russek will start moving things forward with Attorney Couri.//Russek spoke with Jerry Untied regarding the poplar trees that are dying. He has a couple people that harvest these trees for him and after the season, is committed to harvesting more of them. He understands the safety concerns of the Township. **OLSON** presents road counts for Brighton Ave 444, 110th/Eastwood 818, 72nd 301, Farmington--no count, Co Line Road=318. We will continue to count the roads//ARP Update is that the number we are seeing is about \$330,000 and the way it is going to flow is from federal to MN to township & cities receiving ½ in 2021 and ½ 2022. Olson is continuing to watch the details and will continue to update the board on progress.

OTHER

2021 Pavement Preservation Update has been received from Wright County. County Roads 14 & 13 are the roads that will impact us in Wright County.

New MAT membership cards are handed out.

Neumann updates the board that he received a call from a resident on 65th & Ebersole Ave. She would like more signage on that road and a speed limit sign. There is a curve sign there now and the board discusses adding yellow suggested speed of 15 mph reflector signs. Neumann will respond to the resident and talk with maintenance employee Butterfass about the signs.

Resident Jim Sandell who lives on Agate Avenue is present and states that Agate used to be a much better road. McMullen responds that we have discussed Agate a lot and acknowledges that the maintenance has been subpar on Agate. McMullen says if we were to mill it up and put granite on it and dust control, you get a good road. Czanstkowski wonders if Otta Seal is an option. Sandall also wants deer crossing signs from the park to Meridian

Ave. Neumann says the township will order and put up, if you want to pay for them. Sandell wonders if they can back the brush off a bit more on 40th St. The board will talk with the maintenance team about the brush.

Carol Hajas is present this evening along with her daughter to discuss their plan of 10 acre lots, not a PUD. She presents the board with a drawing and states it is the best way to get access to her land. All lots will have 300' road frontage and be 10 acre lots. This plan has a proposed private road that meets the land use plan. McMullen says it is better than the drawing from last time. McMullen was not aware that the County approves a private road. Hajas states they have spoken with the County and it has been approved. The land is zoned Ag Res now. McMullen says ultimately the County is the authority regarding the private road. If 10 acre lots, 300' road frontage and a private road, there is nothing for us to approve. Franklin does not have a regulation for or against a private road, we have never seen one approved by the County. Russek will check with the County on the status of the private road. Hajas states that they do not need a zoning change to start development. The township states it looks good to us, but the County will make the final decision.

Residents Mel Bernick, Mel Dykhuizen, Dick Bauman, Rick Little and DeWayne Bauman are present to discuss water issues on 72nd street. They state the water is not going down. They think the culvert west of 878 72nd Street is too high. Mel Dykhuizen says the water is not going down, it is holding. Rick Little says it has been wet for at least 10 years. The current culvert has been in there for 25 years per McMullen. McMullen also says the DNR and water management also change water levels. McMullen says if we have a bad culvert, we will fix it. Rick Little believes the south side is slightly higher in the culvert and states there is very little movement in the tube. Rick says 72nd to lake level is not passing any water. McMullen states that the road ditch is cared for by the Township. The ditch to the lake is cared for by the County. McMullen said Fountain Lake is also being looked at. Russek brings up the beaver dam off the service road. Czanstkowski will talk with maintenance employees Brian and Tim about the area.

Motion to remove the mask requirements and capacity requirements from monthly township meetings due to the lifting from the Governor McMullen/Czanstkowski M/S/C Unanimous.

Motion to approve claims #16190 through #16201 total amount claimed \$9,683.48 dated 5/12/2021, also to approve claims # 16202 through #16214 for a total of \$10,978.45 dated 5/26/2021, including Delano Municipal Utilities & Frontier Communications ACH McMullen/czanstkowski M/S/C Unanimous.

At 10:35 p.m. **Motion** to adjourn this June 7, 2021 Regular Meeting Neumann/Czanstkowski M/S/C Unanimous.

Respectfully Submitted,

Stephanie Russek, Clerk/Treasurer

William McMullen, Chairman