

The Solway Town Board Meeting was called to order at 6:30 p.m. at the Solway Town Hall by Chairperson Ron Gajewski, followed by the Pledge of Allegiance. Also present were Supervisor Clare Stromlund, Clerk Regena Merritt, Treasurer Cindy Moe, and three concerned citizens along with Randy, Ginny & Jeff Nelson and their attorney Jeff Westerman, and Sharon and Mark Kivi with their attorney Michael Orman and Ed Grondahl. Supervisor Scott Welsh is out of town.

The Petition for Establishment of a Cartway is the first item on the Agenda. Chairperson Gajewski stated the Clerk received the petition on April 20, 2015, and at this meeting we will set a hearing date, date to inspect the proposed site, and make a resolution requiring financial security from the Kivi's for the Cartway proceeding. By state statute, no township funds can be spent to establish a cartway. Chairperson Gajewski went on to explain that the financial security asked for by Resolution tonight is only for Township expenses to establish the cartway, and not the damages to be paid to the property owners. That will be discussed at the hearing.

Chairperson Gajewski asked Mr. Kivi how his property became land locked. R. Kivi explained that railroad tracks cut through a portion of his property. There was a crossing allowing access to that portion but when the CN railroad removed the crossing, he no longer had access to get to the southern portion.

Chairperson Gajewski mentioned that Mr. Kivi has requested a cartway two rods wide (33-feet) which is the minimum according to state statute. Chairperson Gajewski feels that because this cartway will be used commercially for access to a gravel pit, it should be wider than the proposed two rods to allow gravel or logging trucks to safely pass.

It was also explained by Chairperson Gajewski that it is the responsibility of the Board to look at the least intrusive route. Mr. Kivi does own property to the west of the landlocked parcel toward the Leiste Road. A cartway would need to be established from the Leiste Road to the western side of Mr. Kivi's property. Access via the Leiste Road would mean Mr. Kivi's traffic would have to cross over two un-gated railroad crossings and the Leiste Road is a gravel road with more residents living on the road.

Chairperson Gajewski then explained that the Board will hire an appraiser to recommend the amount of damages to be paid to the Nelson's for not only the value of the property involved, but also what affect access to a gravel pit will have to the Nelson's property value as a whole. Also the Board will take into consideration any timber value. Mr. Gajewski suggested the parties involved could also have appraisals done.

The financial security that is being required tonight is for the Board's expenses and the cost for the appraisal and a survey if needed. A legal description will be needed to prepare the Order for a Cartway. An amount of five thousand dollars is being considered by the Board.

There is also a concern on the Board's part about a commercial access being close to the railroad right of way. This is something the Town Board will investigate.

The Board is suggesting a date toward the end of June to allow time for appraisers to value the property. After some discussion, a date of June 23rd at 4:00 to walk the property with the Public Hearing set for 6:00PM was agreed upon. MOTION by Gajewski, seconded by

Stromlund and carried to have a property inspection of the proposed cartway route at 4:00 PM with the Public Hearing beginning at 6:00 PM. MOTION was amended by Gajewski, and the amendment seconded by Stromlund and carried to include issuing the order setting the date and time of the public hearing and property inspection.

Attorney Michael Orman asked if the order for the hearing that now states a cartway width of two rods should be changed in case a wider cartway is required. Attorney John Bray suggested adding the words "at least" before two rods in width. The changes will be made and the order signed and attested to before sending out to parties involved.

Attorney Jeff Westermann is questioning if there isn't another party involved. From the aerial view map there is another landowner that might be involved. Minnesota Power has transmission lines on the proposed property. Attorney Michael Orman stated that he has been in contact with them.

There is a resolution requiring financial security on a cartway proceeding that had been prepared with the dollar amount of five thousand required. MOTION by Gajewski, seconded by Stromlund and carried to adopt Solway Township Resolution #95 requiring financial security on a Cartway proceeding in the amount of five thousand dollars. At this time Attorney Michael Orman handed at check in the amount of five thousand dollars from Mark Kivi to the Township.

Attached to the minutes is a copy of Resolution #95.

The second item on the agenda is the Conditional Use Permit from Verizon Wireless for a cell tower on Ed Lieste's property at 6468 Maple Grove Road. The Board has a letter from the Solway Planning and Zoning Committee who met on Monday May 4th to discuss the Conditional Use Application. Karyn O'Brien representing Verizon Wireless was present at the meeting along with seven Solway Committee members.

The Committee asked Ms. O'Brien if Verizon has tried to rent space from any existing tower. Ms O'Brien said there was leasing issues with some of the tower owners. The proposed Verizon tower has space planned for additional providers.

Other concerns from the Committee were taken from the Solway Comprehensive Land Use Plan which states residents felt the most pressing issue to be too much development. Goal 3 in the plan is to maintain the rural character or the township. Goal 7 states to keep the number and visual impact of cell towers to a minimum.

Additional concerns from the Committee were noise from air conditioners, fans and generators in the equipment building, and lighting on the tower that would be intrusive to neighbors.

The Committee voted four in favor and two against recommendation of the Conditional Use Permit, with the condition that the lighting be as minimally invasive to neighbors as possible.

The Board discussed the concerns of the Committee members regarding the permit. The Clerk had maps of the service area before as it is now and the service area after the proposed cell tower. These maps show that there is a need for a cell tower in the area. MOTION by Gajewski, seconded by Stromlund and carried to recommend approval of the Conditional Use Permit for a cell tower from Verizon Wireless.

MOTION made by Gajewski, seconded by Stromlund and carried to approve the minutes as written and distributed from the April 14, 2015 Town Board Meeting.

MOTION made by Gajewski, seconded by Welsh and carried to accept the following Treasurer report dated April 30, 2015 as follows:

| | | |
|-----------------------------|---------------------|----------------------------|
| Checking:15320-15367 | | |
| Beginning Balance | \$276,122.40 | |
| Receipts | 4,339.99 | |
| Disbursements | \$-18,258.40 | |
| Ending Balance | <u>\$259,203.99</u> | \$259,203.99 |
| | | |
| Money Market | | |
| Beginning Balance | \$108,619.89 | |
| Interest/Deposits | \$0.00 | |
| Withdrawals | \$0.00 | |
| Ending Balance | <u>\$108,619.89</u> | <u>\$108,619.89</u> |
| Total Accounts | | \$367,823.88 |

INCOMING CORRESPONDENCE:

4/17 Orman, Nord & Hurd Attorneys – Cartway Petition from Mark and Sharon Kivi. This was addressed at the beginning of the meeting.

4/28 St. Louis County Planning Department – Notice of Planning Commission Hearing regarding a Conditional Use Permit for a cell tower from Verizon Wireless. The Board addressed this permit at the beginning of the meeting.

4/28 Windberg Snow and Lawn Service – Advertisement for snow removal and lawn services. The Board directed the Clerk to keep this information on file.

5/4 St. Louis County Commissioners – Regular meeting agenda. No Board action.

5/8 State Representative Mary Murphy – Information regarding bonding requests from local units of government. Solway has no requests at this time.

OUTSTANDING BILLS: The Treasurer has four additional bills to the Outstanding Bills list as follows:

- Forum Communications in the amount of \$108.80 for publishing.
- Morin's siding in the amount of \$352.50 for repairs to the gutters on the town hall.
- Kenwood Repair in the amount of \$202.78 for a battery for fire truck #7.
- Northern Engine for a coupler for one of the fire trucks in the amount of \$38.35.

MOTION by Stromlund, seconded by Gajewski and carried to pay all outstanding bills as listed on the Outstanding Bills list and the additional bills presented by the Treasurer in the amount of \$16,095.23.

CITIZEN REQUESTS/CONCERNS: The Kivi Cartway Petition and Verizon Wireless cell tower were addressed at the start of the meeting.

ROAD: a) The Board noted the following during the annual road inspection:

- The Board would like John Childers to cut the tree brush on the township roadsides.

- The Board discussed having the county crack fill the blacktop portion of the Jeffrey Road. MOTION by Gajewski, seconded by Stromlund and carried to contact St. Louis County to have them fill pot holes and cracks on the Jeffrey Road.
- There are some trees down on the Bailey, Gaus Tondryk and Woodgate Roads that Leon Forstrom will take care of.
- The Board discussed the need for crack filling and striping the town hall parking lot. MOTION by Gajewski, seconded by Stromlund and carried to get quotes for crack filling and striping the town hall parking lot.
- Ditching is needed on the South Mattson Road and also a culvert needs to be installed. The Board has received quotes from Jim Lindquist for the ditching and culvert work. MOTION by Stromlund, seconded by Gajewski and carried to have Jim Lindquist ditch approximately 1,300 feet and to install a 15" by 30' culvert on the South Mattson Road for the amount of \$6,050.00.
- The Board has asked Shelton Excavating and Jim Lindquist for quotes for 147 loads of class 5 gravel to be applied on the township roads. Shelton's quote is \$17.95 per load and Jim Lindquist's quote is \$19.00 per load. MOTION by Stromlund, seconded by Gajewski and carried to accept the quote of \$17.95 per load for class 5 gravel for the township roads with Jim Lindquist to grade the roads as the gravel is applied.

FIRE DEPARTMENT: a) Fire Chief Chris LaGraves has submitted a report to the Clerk for tonight's meeting that shows 56 calls year-to-date.

b) Last month Chief LaGraves reported that the fire hall floor sealer was in disrepair, and the Board reviewed some of the different types of coatings available from Duluth Coating Specialists. The quotes range from \$16,000 to \$20,000. The Board is tabling this issue to the June Board Meeting.

c) Shelton's has checked the fire hall cistern, but needs to do so with a different camera to get a better idea of the problem. They re-sealed around the risers.

d) The FEMA grant was denied.

e) The Department is waiting to hear about a CN donation request.

RECYCLING: a) The Clerk will be attending the mandatory meeting at WLSSD on Tuesday May 19th at 4:00PM. There will be a future meeting for the employees who work the recycling shed.

b) The window to be installed by Morin's is on order and it will be about six weeks before receiving it.

HALL: a) Billings Construction will be installing four new roof vents on the town hall. This work was approved at the April meeting.

b) There is a crack in the basement wall of the town hall. The Board directed Supervisor Gajewski to contact Shelton's to have them look at it.

c) Morin's Siding has replace a portion of the gutter on the front of the hall and leveled and caulked the other ones.

d) The Board received a bill from Red-D-Electric for wiring the new septic system. Larry Shelton was contacted and picked up the bill.

e) Shelton's will be coming to complete the landscaping in the park area where the new septic was installed.

f) Some of the seats on the pavilion picnic tables are bent. Leon Forstrom tried to straighten them, but they re-bent again. The Board directed Mr. Forstrom to research prices for picnic tables.

PARK: a) The monthly Township Properties Safety Inspection Report as completed by Supervisor Gajewski shows no hazards and the cemetery, parks, fields, and township grounds are found to be in good condition.

b) The basketball and tennis nets are set up.

c) The siding on the gable end of the maintenance garage was coming loose and has been repaired.

CEMETERY: a) Chairperson Gajewski mentioned there will be a Memorial Day Observance at the Solway Cemetery.

b) A new flag has been purchased.

c) Leon Forstrom reported that fill dirt is needed. MOTION by Gajewski, seconded by Stromlund and carried to have Leon Forstrom order and have delivered one yard of soil from A.J.'s. The Board also would like Leon Forstrom to pick up deer repellent. MOTION by Gajewski, seconded by Stromlund and carried to have Leon Forstrom pick up deer repellent from A.J.'s.

d) One burial today: Lloyd Cardinal

COMMITTEES: a) The Township Planning and zoning Advisory Committee will meet Monday May 4th to discuss the Conditional Use permit from Verizon wireless to put up an antenna tower on Ed Lieste's property at 6468 Maple Grove Road. This was addressed at the start of the Board meeting.

b) The Planning and Zoning Committee will meet May 18th regarding a Conditional Use Permit from Chad Walsh for a shooting range at 6552 Hwy 2.

OLD BUSINESS: a) Chairperson Gajewski mentioned that the Witte Nature Trail needs to be planned out. The Clerk mentioned that the area Eagle Scout troop has contacted her looking for a project. The Board will contact them when work begins.

NEW BUSINESS: a) Eagle Scout project was addressed under Old Business.

MOTION by Gajewski and seconded by Stromlund and carried to adjourn tonight's meeting upon the Board completing signing of checks. The meeting was adjourned at 9:25 PM.