

**MINUTES from the P&D Meeting  
Harris Township Board  
Wednesday, July 22, 2009 at 7:30pm**

The P&D Meeting of the Harris Town Board was held on Wednesday, July 22, 2009. The meeting was called to order at 7:30pm, at the Harris Town Hall, with the following officers present: Supervisors Gary Rosato, Dennis Kortekaas and Larry Key, Clerk Michele Smith and Treasurer John Jokela. Absent: none.

Also in attendance: Julie Kennedy – SEH Township Engineer, 3 representatives from Lake Country Power, Jose Sanchez, approximately 12 residents of Wendigo Park Road, and Darryn Riendeau, from Commercial Asphalt Repair.

**1. Pledge to the flag**

**2. Neighborhood Meeting: Wendigo Park Road easements & Lake Country Power (LCP) improvements**

The township owns property along Wendigo Park road, where the Service Center is. Easement was requested from LCP for the placement of new electric cable, outside the public road ROW. Julie Kennedy asked the LCP representative (Jose Sanchez) to work with the SEH surveyor; to make revisions to the first proposed easement request, as it extended into the newly cleared cemetery grounds. While this was being done, Julie – who also owns property along Wendigo Park Road – had some questions as to her easement, as did several of her neighbors. Because of this, the township board decided to host a neighborhood meeting to have questions answered by LCP about the process. The township has not spent any dollars on this meeting, but did it as a service to the neighborhood. One major question was why the replacement cable was not going in the current road ROW. Also, Julie commented that she would like to have a contiguous easement line north & south of the road.

The LCP Engineering Manager explained that they first installed cable in this area when the road was gravel, about 30 years ago. When it was paved, some electrical cable area ended up under the road. They are having a lot of problems with the blinking power, and so have chose to now replace the old cable. LCP would like to place it off the ROW because if road changes (like widening or extending the ditches), they don't want the new cable to be disturbed. The new cable should last 50 years. They have about \$700,000 invested in this replacement project, and don't want to do it again. Also, if the new cable was put in the existing road ROW, their equipment may do damage to the ditch. In a 33' ROW there are issues with culverts / back slopes / road salt – all potential problems. The farther off the road, the better for the road and for safety, as snow plows won't hit the transformer boxes, and there will be room for the equipment, clearing a 10 foot area where the cable will be laid.

There are approximately 40-50 parcels needed for this project. LCP has easements for all but 3 of them. One of those is Harris Township's.

The neighborhood meeting was then opened up for a Q/A session:

Q: Could some people have received the neighborhood meeting invitation in error, as they'd never heard about this project?

A: Yes – everyone in the area was invited to tonight's meeting, as the Township didn't have a map of who was included in the project. LCP then offered a map, showing where the project was, and who was involved, and shared it with the Board and with residents.

Q: What are the restrictions on easements?

A: You can't build on it. Set backs rules for the road are usually farther back than the cable easement would be. Trees, if planted in area, could be an issue down the road. Most easements are about 10 feet back from the existing ROW.

Q: Will putting cable outside the ROW become common practice?

A: Yes – easement along (not in) the road ROW will soon be statewide. They have already done this in Itasca County – its standard practice, and he recommends it whenever practical.

Q: What if a resident says "no" to an easement request?

A: Then, LCP will have to go within the road ROW. If the road is ever rebuilt, then LCP would have to replace the cable, at no cost to the resident. In addition, there would be no cost to a resident for extra cable length caused by coming back out to the ROW.

Q: How deep with the cable be?

A: If boring is needed, for drainage or to go under a road, it would be placed 6' feet down (below frost line); otherwise, the cable depth would be 42 ".

Q: Will LCP be cutting 20' easement strip for this project?

A: Yes, but they will leave trees wherever possible. However if requested, trees can be cut down.

Q: So, the easement line will meander in and out around trees?

A: Not exactly, but LCP will move back 10 feet if needed for a line of trees – or around or under a single tree.

Q: Is there any compensation for the land owner, in giving an easement?

A: No – LCP is a cooperative, and residents are members; thus, the easements are given for free.

Q: If some trees are removed, won't it weaken the others – risking trees blowing over, into the road?

A: That's possible, but LCP did not see this as a real concern.

Q: Does granting the easements open up the area for phone companies to use the easement?

A: Phone companies would have to get their own easement, but they could use the same alignment. So, yes, they could use the easement, but would need to contact the resident and LCP for permission.

Q: Julie asked about the legal description of the easement for the township that she reviewed. The surveyor commented that it was not accurate.

A: Jose explained that what the SEH surveyor's requested conflicted with what State statutes require. However, he had recently revised the description to match the surveyor's descriptions.

Q: One person who has not yet granted easement stated that he has a problem with how the easements are worded. They are currently written for overhead power lines as well as underground cable. It states that LCP can build related facilities in the ROW and maintain them. It says LCP can cut trees at will. Is it possible to reword the easement, and be less opened ended?

A: Yes, his easement can be reworded for underground cable only, and define what "facilities" are (transformer boxes and enclosers)

Q: Will the already approved easements be modified with that new wording?

A: No.

Q: Since the representatives at tonight's meeting will eventually retire, could the 'exceptions' granted to landowners be put in writing for their record? (For this particular resident, a drain field was allowed to remain in the LCP's easement, and they will bore underneath it. But what if, down the road, LCP states he needs to remove it from the ROW?)

A: Yes, LCP can do an addendum to the easement, stating this was has been verbally agreed to.

Q; Will residents get drawing & descriptions of where LCP ROW and cable are located?

A: No, but they will be on file at the LCP office.

Q: Will these easements be recorded at the court house?

A: Yes, per LCP. In the past, they have not recorded, but now they record underground easements.

Q: Are there any plans to widen Wendigo Park Road or the ditches?

A: No. The township just redid the road in the fall of 2008. The board/Julie did not foresee any reason to widen the road or the ditches.

Comment: Julie Kennedy, as a resident and township engineer made these comments:

Wendigo Park Road is not a platted ROW – so it's not standard practice to place cable outside the public ROW. In fact, it's very uncommon and she had never seen it done in the 6 years and 7 communities she's

worked with as a road Engineer. Julie also has an issue with the meandering of the proposed ROW lines. This makes it very difficult for the board when it comes to variances.

Julie also has issue with legal descriptions. The surveyor found inaccuracies in 3 out of 3 that he looked at. This means that what's shown to people on the ground doesn't match what's in writing. She has a concern that other people's legal description do not match what residents were shown. In addition, there are properties shown without an easement – and so the line doesn't appear to be totally connected.

Overall, Julie supports the project but not the process and how this was handled. She wished that this meeting had taken place long before starting project, not so long afterwards.

Comment: One resident thanked LCP for accommodating the residents; he was pleased to be able to keep his old trees.

Q: When will construction start?

A: LCP will start next week to connect existing cable to Wendigo Road (Co Rd 67) cable, in order to avoid power outages during construction. They will work on that until the end of August, boring under the swamp. It may take rest of year to complete the cable installation along Wendigo Park Road.

LCP agreed to keep the town board informed as project continues. The neighborhood meeting ended at 8:50pm, and residents thanked the board for hosting it.

### 3. Business from the Floor

None

### 4. Roads

- Informational speaker on injection road patching: Commercial Asphalt Repair

Darryn Riendeau was invited by Supervisor Rosato to come and speak on the type of road repair he does. He was also asked to check out the many road problems on Mishawaka road.

Darryn owns Commercial Asphalt Repair. This is his 7<sup>th</sup> yr doing this type of repair, called “spray injection patching”. This is nothing new – it's been used down south for many years (30). MnDOT prefers this type of repair, and has contracted with him for various projects. This type of repair is supposed to be the longest lasting repair on the market, for all weather types. The asphalt around repairs usually fails before the repair fails. And, snow plows won't rip patches off.

Basically, for the spray injection patching, rock and oil are mixed on site, and shot out of a hose into the pot holes. He's operated the specialized machine for 7 years, and has another person who's also well experienced in running it. There is a day-rate for municipalities of \$2,350, for 5 yards or 8 hours. Darryn offered to show the board, free of charge how it works. It only takes about 15 minutes, and you can drive over it immediately.

Darryn also explained that they do routing and rubberized crack-filling, which allows for expansion at joints. This is primarily used for traverse cracking, that run the width of the road.

With regards to Mishawaka Road, Darryn was confident it could be fixed, and for less than an overlay. Fixing the shouldering for better drainage would also be helpful.

Supervisor Key and Julie Kennedy agreed that the Mishawaka Road in the in 'cottage grove' area is too far gone for a repair, and needs to be overlaid. From the gravel pit, to Hwy 169, it was much better and fixable. However, the pot holes are a safety issue and need to be fixed immediately; the traverse cracks can wait.

Darryn stated that 5 yards should be enough to repair the majority of the worst potholes on Mishawaka Road. The cost would be \$2,350, which includes all taxes, mobilization, etc.

***A motion was made by Supervisor Rosato to approve 5 yards of injection road patching to fix the worst potholes on Mishawaka Road by Commercial Asphalt Repair for \$2,350; second by Kortekaas and upon roll call, motion carried unanimously.***

Darryn agreed to do the repair this coming Friday morning, 7/24/09; Supervisor Key and the maintenance guys will go and observe the process.

- Julie Kennedy / Township Engineer

No updates at this time; she will have more at the Regular Meeting on August 12<sup>th</sup>.

- Update on Mishawaka Road and email from M. Haig  
Based on the pot hole repair planned for Mishawaka Road this Friday by Commercial Asphalt Repair (see motion above), Supervisor Key agreed to contact Mike Haig, who'd expressed concern over a large pot hole in front of his home.
- Update on Isleview lake access ROW vacation / email request by E. Jacobson  
Supervisor Rosato talked to a County Surveyor about the public platted ROW near Ernie's property on Isleview. The surveyor thought the ROW area was left to avoid land locking a parcel, and did not think it was intended for a lake access. The surveyor also showed Rosato where he'd recommend that the township *not* vacate.  
Supervisor Rosato agreed to go talk to Ernie Jacobson to find out what exactly he is planning, and what might work.
- Consider approval of Qwest buried telephone cable request C9MA022 / Sunny Beach Rd, near 32756  
The Board reviewed the request and drawing. It appeared to be near the gravel pit on Sunny Beach Road. Work was noted to start on start July 27<sup>th</sup>. There were no concerns expressed.

***Supervisor Kortekaas made a motion, seconded by Supervisor Rosato, to approve the Qwest buried telephone cable request #C9MA022. Upon roll call, motion carried.***

## 5. Recreation

The story and pictures on the building and moving of the Crystal Park warming house ran in Sunday's paper. It was very nicely done. The thank you to all who helped also ran in the same issue.

## 6. Town Hall Report

None.

## 7. Maintenance Report

May and June reports were reviewed as submitted. Supervisor Key commented that right of way mowing has recently been started.

## 8. Old Business

- Sealed bid opening for various items, per ad that ran Sun. 7/19/09  
All bids were opened and sorted by Treasurer Jokela. The highest winning bids were announced as follows:
  - Carpeting – Chris Spoors \$157
  - Folding Chairs – Bonnie Key - \$5 for all
  - Cedar Fence - \$30 - Bonnie Key
  - Dust collector: Robert Larson - \$201.50
  - Floor finisher – John Thran - \$200
  - Lawn Sweep – Brad Smith- \$51.11
  - Pro-track: Leroy Flug - \$3,112. 56 (5 bids)
  - Banquet Tables: 4 – for \$100 / Peg Bishop and Julie Kennedy – 2 for \$50
  - Wooden tables: Peggy Bishop 8 – for \$40 total (\$5 each) ; there are 15 left
  - Trophy case: Bonnie Key - \$30
  - No bid on furnace

Jokela agreed to contact the winners.

- Discuss updating the *Harris Cemetery Fee Schedule* for disinterments of cremains  
Clerk Smith requested that the fee for a cremains disinterment be reviewed. As its states now, for double the opening rate, it is \$400 for a weekend cremains disinterment. This seems unreasonable for opening a small area. She requested it only be double the weekday \$50 rate, or \$100. The winter rate

was not determined. Clerk Smith will work on a suggested revision wording and present to the board at the Regular August 12<sup>th</sup> meeting.

Our cemetery policy was also reviewed to verify that burying pets is forbidden. This was due to a recent pet burial being discovered on a cemetery site. The family of the cemetery site was contacted and they did not deny doing it. They asked the township to please dispose of the pet remains.

- Discuss *Property Valuation Report* from MATIT

The board asked Treasurer Jokela to review and make a recommendation to the Board. After a brief review, he suggested upping the values are stated. However, he'd like to discuss the deductible options. Our current premium is \$928. If we increase from a \$250 to a \$1,000 deductible, we could save \$500. However, we have several claims every year (broken windows, vandalism, etc.) so we may want to keep at \$250.

- Discuss Centennial book – what's next?

In the last newsletter, a request for help putting the centennial history book was made. There have been no replies. Lilah Crowe of the Itasca County Historical Society had offered to get some proposals from people she knew that'd done similar books. She wondered how much money the township had budgeted for this project. Now that the centennial picnic was over, Treasurer Jokela thought about \$5,000 was left of the \$15,000 set aside. Smith will follow up with Lilah to see what she was able to find out.

Supervisor Key found out more information on the cemetery origin that will be good for history book. Smith added that the 261 photos from the centennial picnic are now up on the township's website.

- Blight – Co. zoning.

Supervisor Rosato checked with the county on their blight policy, in response to a complaint received by a township resident regarding a home on the corner of Wendigo park Road and the Underwood Road.

Rosato was told that the county does not have a blight policy; instead, they have a "no junkyard" policy, which he was given a copy of. It was noted that a resident could not have 3 or more inoperative or not currently licensed vehicles, for 3 or more months. Junkyards are acceptable within certain regulations, but not usually in a residential area.

It was discussed if it is the township's place to file a blight complaint, or if that responsibility resides with the resident. With a noise complaint, or stray dog, residents are directed to contact the county as the township does not have ordinances against such and we fall under the county's restrictions. Likewise, it was agreed that blight should be handled the same way. Thus, residents will now be directed to the county, rather than the township making a decision of whether to file a complaint or not.

- Centennial cups not sold:

The town hall caretaker requested that some of the unsold centennial mugs be added to the town hall's inventory, and the existing cups are not in good condition. **Adding 100 centennial cups to the town hall was approved by the board.** (There were 200 unsold.)

It was noted by Clerk Smith that cups are still offered for sale on the township's website and may be bundled with the township centennial book, when sold.

## 9. New Business

- Discuss the notice from MN Dept. of Revenue, regarding *Unallotments of Aid/Credits in 2009*

Treasurer Jokela commented that the information on "unallotments" was a fancy way of saying we're getting less local government aid. Harris Township's amount was reduced from \$51,405 to \$36,668. This type of income is not something that the township counts on in our budget, but rather it is placed into the capital improvement fund.

## 10. Adjourn

***Motion by Supervisor Rosato adjourn 10:30pm; second by Supervisor Kortekaas. Meeting adjourned.***

Respectfully submitted,

Michele Smith, Clerk