

AGENDA FOR DECEMBER 16TH, 2024
CITY OF BALDWIN REGULAR MEETING
7:00 p.m.
(Revised 12/12/2024)

7:00 p.m. Call to Order

- a. Pledge of Allegiance
- b. Additions/Corrections to Agenda
- c. Approval of Regular Meeting Agenda With/Without Additions/Corrections

Treasurer's Report:

Public Comment Requests:

Approval of Consent Agenda *(Items on Consent Agenda are reviewed in total by the Town Board and may be approved through one motion. Any item on the Consent Agenda may be removed by any of the Supervisors for separate consideration.)*

- Approve Claims List
- Approve Repeal of Ordinance 2024-09
- Approve Clerk Time Off of December 26th, 27th and 31st, 2024
- Approve Resignation of Admin Support, Marlene Nelson
- Approve City Council Meeting Minutes for December 2nd, 2024
- Approve Refund of Escrow Credit for Bayerl Variance of \$85.97
- Approve Refund of Escrow Credit for Reem Variance of \$91.25
- Approve Refund of Escrow Credit for Whitetail Knoll Plat of \$10.00
- Approve Refund of Escrow Credit for Oaks of Battle Brook 1st Addition of \$1125.43

7:15 or as Time Permit: Public Hearing – Steinbrecher/Roensch Variance at 28716 Elk Lake Road East

Planning Items:

- a. Discuss/Approve/Disapprove 28716 Elk Lake Road East Resolution 24-58 SSTs Variance and Resolution 24-59 Encroachment Agreement
- b. Discuss/Approve/Disapprove Resolution 24-60, Northland Ponds Preliminary Plat and Variance
- c. Discuss/Approve/Disapprove Ordinance 2024-11 Wetlands, Accessory Buildings, Incorporation and Resolution 24-61 Wetland Conservation Act Administration
- d. Discuss Code Enforcement Update

Disclaimer: This agenda has been prepared to provide information regarding an upcoming meeting of the Baldwin Town Board of Supervisors. This document does not claim to be complete and is subject to change. A quorum of the Baldwin Township Board must be present. Five Copies of the agenda and one copy of the packet materials are available for review by the public. The meeting will be video and audio recorded for transcription purposes only.

Engineering:

- a. Discuss/Approve/Disapprove Resolution 24-33 Establishing Municipal State Aid Streets to the Municipal State Aid System – Jay Swanson
- b. Discuss/Approve/Disapprove City Accepting 294th Avenue NW – Tom Rush

Frontier Trails Update:**Road Report – Tom Rush**

- a. Discuss Public Works Report
- b. Discuss/Approve/Disapprove Snowplow Wages for Public Works
- c. Discuss/Approve/Disapprove Resolution 24-62, Amendment of Snow and Ice Control Policy

Tabled Items:

- a. Discuss Fire Department Medical Responses – Scott Case
- b. Discuss/Approve/Disapprove Rum River Consultants, RRCC, doing Commercial Plumbing Plan Reviews – Jay Swanson

New Business:

- a. Discuss/Approve/Disapprove City Council Responsibilities – Jay Swanson
- b. Discuss Employee Handbook – Jay Swanson
- c. Discuss/Approve/Disapprove Safety Committee, Participants and Schedule Dates – Scott Case
- d. Discuss/Approve/Disapprove Local Board of Appeal and Equalization Date and Time Jay Swanson
- e. Discuss E-Mail Addresses – Scott Case
- f. Discuss MS4 and Schedule Meeting – Jay Swanson
- g. Discuss/Approve/Disapprove Auditor Expenditure for Maximum of \$625.00 – Jay Swanson
- h. Discuss/Approve/Disapprove Resolution 24-57, Princeton Twice New Clothing and Treasures \$1000.00 Donation to Baldwin Fire Department – Scott Case
- i. Discuss/Approve/Disapprove Resolution 24-63, Baldwin Fire Relief \$15,000.00 Donation to Baldwin Fire Department – Scott Case
- j. Discuss/Approve/Disapprove Special Parking Permit for Ridgewood Bay Ice Fishing Contest on February 22nd, 2025 – Scott Case
- k. Discuss/Approve/Disapprove Fire Department Volunteering for Ridgewood Bay Ice Fishing Contest on February 22nd, 2025 – Scott Case
- l. Discuss/Approve/Disapprove Continuing Education Event at Fire Department for Local Contractors Presented by Rum River Consultants – Scott Case
- m. Discuss/Approve/Disapprove ROW Encroachment Issues – Jay Swanson
- n. Discuss Right-of-Way Tree and Brush Clearing/Presentation of Services by MicroX/ Josh Belmore – Jeff Holm

Announcements:

- a. Road Workshop, Tuesday December 17th, 2024 at 7:00 p.m.
- b. City Hall Closed Tuesday, December 24th at Noon and All Day on December 25th, 2024 in Observance of Christmas Eve and Christmas Day.
- c. City Hall Office Closed Wednesday, January 1st, 2025 in Observance of New Year's Day.
- d. Next City Council Meeting, Monday, January 6th, 2025 at 7:00 p.m.

Any Other Business:**Adjourn:**

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CITY OF BALDWIN

*Cash Balances

Cash Account: 10110
December 2024

Fund	Begin December 2024	-----Transfers-----					Balance No		
		Receipts	Disbursements	Rec/Disb	Journal Entries	JE Payroll	Investments	Investments	Balance
10110 - Bremer Bank									
100 - General Fund	(\$1,305,461.12)	\$199,583.71	(\$57,126.93)	\$0.00	\$0.00	(\$1,255.80)	(\$1,164,260.14)	\$0.00	In Ba (\$1,164,260.14)
200 - Special Revenue Fund	\$7,099.25	\$6,621.76		\$0.00	\$0.00		\$13,721.01	\$0.00	In Ba \$13,721.01
225 - Cemetery	\$15,405.37	\$0.01	(\$645.00)	\$0.00	\$0.00	(\$215.30)	\$14,545.08	\$0.00	In Ba \$14,545.08
250 - Fire	\$72,228.32	\$84,946.32	(\$45,061.62)	\$0.00	\$0.00	(\$2,020.56)	\$110,092.46	\$0.00	In Ba \$110,092.46
275 - Road and Bridge	\$752,574.70	\$222,102.54	(\$705,066.75)	\$0.00	\$0.00	(\$7,437.62)	\$262,172.87	\$0.00	In Ba \$262,172.87
290 - Permits	\$175,571.99	\$4,933.60	(\$847.50)	\$0.00	\$0.00		\$179,658.09		In Ba \$179,658.09
300 - Debt Service Fund	\$454,473.38	\$91,978.83		\$0.00	\$0.00		\$546,452.21	\$0.00	In Ba \$546,452.21
301 - Debt Services 2024	\$384,785.00			\$0.00	\$0.00		\$384,785.00	\$0.00	In Ba \$384,785.00
400 - Capital Projects Fund	\$37,130.52	\$26,498.53		\$0.00	\$0.00		\$63,629.05	\$0.00	In Ba \$63,629.05
401 - Fire Contract Revenue	\$42,320.41			\$0.00	\$0.00		\$42,320.41	\$0.00	In Ba \$42,320.41
402 - Capital Reserve Fund	\$58,901.33	\$27,288.76		\$0.00	\$0.00		\$86,190.09		In Ba \$86,190.09
403 - Apparatus Infrastructure Fire	\$172,117.47	\$26,450.26		\$0.00	\$0.00		\$198,567.73	\$0.00	In Ba \$198,567.73
404 - Parks	\$47,959.01	\$28,970.78	(\$4,129.95)	\$0.00	\$0.00		\$72,799.84	\$0.00	In Ba \$72,799.84
602 - Frontier Trails SSD	\$78,721.09	\$24,334.74	(\$2,267.61)	\$0.00	\$0.00	(\$386.17)	\$100,402.05		In Ba \$100,402.05
800 - Developers Account	\$120,974.00	\$1,173.56	(\$3,773.30)	\$0.00	\$0.00		\$118,374.26	\$0.00	In Ba \$118,374.26
829 - Escrow-Baldwin Estates	\$1,489.61			\$0.00	\$0.00		\$1,489.61	\$0.00	In Ba \$1,489.61
860 - Escrow-Misty Hollow	\$1,121.79			\$0.00	\$0.00		\$1,121.79		In Ba \$1,121.79
861 - Escrow-Buck Run	\$15,756.81			\$0.00	\$0.00		\$15,756.81	\$0.00	In Ba \$15,756.81
862 - Escrow-Sumser Farms 1st A	\$3,218.91		(\$542.50)	\$0.00	\$0.00		\$2,676.41	\$0.00	In Ba \$2,676.41
864 - Inactive	(\$0.50)			\$0.00	\$0.00		(\$0.50)		In Ba (\$0.50)

CITY OF BALDWIN

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*Check Summary Register©

Checks 28181 - 28233

Name	Check Date	Check Amt	
10110 Bremer Bank			
28181 Christen, Louis R.	12/10/2024	\$92.45	
28182 Craig, Jeffery C.	12/10/2024	\$60.16	
28183 Fadden, Phillip E.	12/10/2024	\$1,561.53	
28184 Good, Zachary D.	12/10/2024	\$1,327.37	
28185 Heinen, Joan	12/10/2024	\$2,277.71	
28186 Nielsen, Kayla	12/10/2024	\$1,534.29	
28187 Otis, Mark D	12/10/2024	\$69.24	
28188 Sromek, Robert	12/10/2024	\$46.50	
28189 Walker, Alan L.	12/10/2024	\$159.35	
28192 AT & T Mobility - ROC	12/16/2024	\$224.40	Cell Phone Charges
28193 Bogart, Pederson & Associates	12/16/2024	\$620.00	Hardy Homestead
28194 Boyer Trucks	12/16/2024	\$1,998.51	Engine 3 Fire Department
28195 Burkhardt and Burkhardt	12/16/2024	\$800.00	Chart of Account Update
28196 CenterPoint Energy	12/16/2024	\$227.64	Gas Utilities
28197 CenturyLink	12/16/2024	\$402.99	Phone Charges
28198 CORNERSTONE FORD	12/16/2024	\$262.07	Duty 1
28199 Country Side Services of MN	12/16/2024	\$557.31	Wideout Cutting Edge
28200 Couri & Ruppe, P.L.L.P.	12/16/2024	\$15,310.00	Legal Fees General
28201 ECM Publishers, Inc.	12/16/2024	\$279.58	Northland Ponds
28202 Finken Water Centers	12/16/2024	\$12.60	Water Cooler Rental
28203 HAKANSON ANDERSON	12/16/2024	\$18,879.36	MSA Funding
28204 Health Partners	12/16/2024	\$3,177.77	Employee Health Insurance
28205 Jims Mille Lacs Disposal	12/16/2024	\$443.44	Park Toilets Young Park
28206 Kayla Nielsen	12/16/2024	\$6.59	Postage
28207 KIRVIDA FIRE, INC.	12/16/2024	\$17,981.40	Engine 3 Repair
28208 Knife River Corporation	12/16/2024	\$8,306.80	305th Avenue Estimate 2 Reconstruction
28209 Kris Engineering, Inc.	12/16/2024	\$767.75	New Holland Loader Plow Replace Cutting Edg
28210 League of MN Cities Insurance	12/16/2024	\$57,651.00	Workers Comp Buildings Oper by Owner
28211 Marvs True Value	12/16/2024	\$179.85	Sharpies Duct Tape Ziptie Poly
28212 METRO SALES, INC.	12/16/2024	\$494.89	Copier Contract Usage
28213 MIDCONTINENT COMMUNICATI	12/16/2024	\$350.81	Internet Charges
28214 Minnesota Child Support Paymen	12/16/2024	\$439.77	12102024 Payroll
28215 MINNESOTA EQUIPMENT	12/16/2024	\$3,801.00	Brush Mower Rental
28216 NAPA CENTRAL MN	12/16/2024	\$208.66	Truck 10
28217 Office Depot	12/16/2024	\$374.60	Tax Forms Time Cards Copy Paper
28218 Plaisted Companies, Inc.	12/16/2024	\$322.23	Sand
28219 PRINCETON PUBLIC UTILITIES	12/16/2024	\$63.00	Water Sold November 2024
28220 SAFETYFIRST PLAYGROUND M	12/16/2024	\$1,836.00	Young Park ADA Mat Path
28221 SWANTEC, INC.	12/16/2024	\$555.00	75 Cemetery Markers
28222 The Planning Company LLC	12/16/2024	\$8,582.50	Ordinances
28223 Three Rivers Mechanical	12/16/2024	\$490.00	Plan Review Partial Refund Permit 24 374
28224 UTILITY CONSULTANTS, INC.	12/16/2024	\$450.99	Frontier Trails SSD
28225 Victor Lundeen Company	12/16/2024	\$354.43	Checks
28226 Warren Wesley and Associates	12/16/2024	\$2,400.00	Consultation AWAIR Program and OSHA
28227 Frink, Shawn G.	12/16/2024	\$64.64	
28228 Holland, Phillip M.	12/16/2024	\$83.11	
28229 Neal, Giovanni N.	12/16/2024	\$18.47	
28230 Neal, Jonathan	12/16/2024	\$27.70	
28231 Kriesel, Lester W.	12/16/2024	\$92.35	
28232 Case, Scott	12/16/2024	\$174.70	
28233 Rush, Thomas J.	12/16/2024	\$548.40	
Total Checks		\$156,950.91	

CITY OF BALDWIN

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*Check Summary Register©

Batch: 113024PetroleumTax,121024PeraBiWeek,1210BiandTB,121624Meeting,121624TBPera,2023Qtr2State

	Name	Check Date	Check Amt	
10110	Bremer Bank			
24615e	Minnesota Dept of Revenue	12/4/2024	\$29.93	November 2024 Petroleum Tax
24617e	Minnesota Dept of Revenue	12/10/2024	\$3,017.52	Quarter 2 2023 Withholding Tax
24618e	Minnesota Dept of Revenue	12/13/2024	\$534.67	121024 BiWeek and TB 110124 to 121724
24619e	EFTPS	12/13/2024	\$2,502.07	121024BiWeek TB Sexton Ice Rink Fill
24620e	PERA	12/13/2024	\$1,356.55	12102024 BiWeek Pera
24621e	PERA	12/13/2024	\$100.00	Rush Case Pera 121624
		Total Checks	\$7,540.74	

CITY OF BALDWIN
SHERBURNE COUNTY

ORDINANCE NO. 2024-09

AN ORDINANCE AMENDING ANIMAL CONTROL ORDINANCE NO. 400-1

The City Council of the City of Baldwin, Minnesota, does hereby ordain as follows:

THE BALDWIN CITY COUNCIL ORDAINS:

Section 1. Ordinance No. 2024-09 entitled "An Ordinance Amending Animal Control Ordinance No. 400-1" is hereby repealed in its entirety.

Section 2. Ordinance 400 (Animals) has been adopted in form and shall be amended by the Zoning Administrator as necessary to revise references to "Baldwin Township", the "Town", "Town" officials, or "Town" staff or other relevant terms to address incorporation as the City of Baldwin.

Section 3. This ordinance shall be effective upon passage and publication in the official City newspaper as required by law.

ADOPTED by the Baldwin City Council this 16th day of December, 2024.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:

CITY OF BALDWIN

Jay Swanson, Mayor

ATTEST:

Joan Heinen, City Clerk/Treasurer

Joan Heinen

From: Marlene Nelson <marlene4nelson@gmail.com>
Sent: Thursday, December 12, 2024 3:44 PM
To: Joan Heinen
Subject: Marlene Retiring

Congratulations on becoming a city.

Thank you for letting me be a part of Baldwin. This is my notice to retire the end of December 2024.

Marlene Nelson

BALDWIN CITY COUNCIL REGULAR MEETING

DECEMBER 2ND, 2024

Swearing in of 4 Year-Term City Council Members – City Council Member Scott Case and City Council Member Alan Walker; Oath of Office Performed by Clerk Heinen.

Present – Mayor Jay Swanson, City Council Members Tom Rush, Alan Walker, Scott Case and Jeff Holm

Also Present – City Attorney Bob Ruppe from Couri & Ruppe

Call to Order – The December 2nd, 2024 Baldwin City Council regular meeting was called to order by Mayor Swanson at 7:02 p.m.

Prayer Request from Delmas Hines.

Pledge of Allegiance – All present recited the Pledge of Allegiance.

Additions/Corrections to Agenda

Approval of Regular Meeting Agenda With/Without Additions/Corrections - Rush/Walker unanimous to approve as amended.

November 2024 Final Treasurer's Report – Beginning balance of \$1,238,223.70, Receipts of \$45,949.77, Disbursements of \$158,503.93 of Check numbers 28077 – 28153 and 7 EFT Payments leaving an unaudited ending balance of \$1,125,669.54.

December 2024 Preliminary Treasurer's Report – The Clerk/Treasurer reported a beginning balance of \$1,125,669.54, no receipts, Disbursements of \$666,284.96 leaving an unaudited balance of \$459,384.58.

Sheriff's Report:

Deputy Wilson reported a total of 264 calls for service in the month of October. These calls consisted of 10 motor vehicle accidents, 19 medical calls, 81 traffic stops and 2 thefts. The rest were miscellaneous calls for service.

Deputy Wilson reported a total of 226 calls for service in the month of November. These calls consisted of 7 motor vehicle accidents, 18 medical calls, 76 traffic stops and 2 thefts. The rest were miscellaneous calls for service.

Public Comment Requests:

Christi Miller – 14235 285th Avenue NW: Christi is concerned about 285th road/grading project that happened last week. Christi feels the lowest spot is in front of her driveway. This is not constructed how the Town Board approved on October 7th. Christi stated the road tips even more to the lakeside now.

Tom Rush sent our Engineer a lengthy email saying that this was not done to plan. A road workshop is coming up in December and 285th will be discussed at that time. Swanson reiterated what Rush said and stated that this was not a long-term solution completed on this road. Swanson told Ms. Miller that as soon as the City Council has answers from the Engineer, they will get back to her.

Dean Kleinhans – 11341 300th Avenue N.W: Dean is here to introduce himself as a resource for questions and concerns for Baldwin residents. Mr. Kleinhans is on the Sherburne County Parks and Trails Advisory Committee. Dean has been a resident of Baldwin for 30 years. He covers Brad Schumacher's district. This committee collects thoughts, concerns, questions and recommendations on park changes or updates. Holm brought up the park dedication that Sherburne County has of Baldwin's. Mr. Kleinhans explained that these funds were distributed per state statute.

Approval of Consent Agenda – Rush/Case unanimous to approve

- Approve Claims List – Check numbers 28149 – 28180 for \$666,261.98 and 5 EFT Payments for \$8237.10 for a total of \$674,499.08.
- Approve City Council Meeting Minutes for November 18th, 2024
- Approve Board of Canvass for Recount Meeting Minutes for November 22nd, 2024

Fire Department Report:

Discuss/Approve/Disapprove New Hire Shawn Frink – Rush/Holm unanimous to approve. Shawn is a former Baldwin Fire Fighter.

Discuss/Approve/Disapprove New Hire Michael Duresky – Rush/Holm unanimous to approve contingent on physical and background check.

Discuss/Approve/Disapprove Kirvida Fire Invoices for Engine 3 Repair – Received two invoices for the repair of the Fire Department engine #3. One invoice is for \$2524.53 and the other is \$15,456.87 for a total of \$17,981.40. **Rush/Holm unanimous to approve expenditure of \$17,981.40.**

Discuss/Approve/Disapprove Invoice for Backup Generator Quote – Case stated that a couple months ago there was a power outage. A need for short-term power options is needed for the fire department and City Hall. A quote was received for around \$14,000 for a backup generator. Case is looking for feedback from the City Council on how they want to address this. Holm asked for the lead-time on the generator quote Case received. Case did not have a lead-time at this time. Rush indicated that the City has generators and asked if we could use them. Case has a concern that these generators would actually work together. Swanson would like another quote and a quote for installation of the existing generators we have. Rush to speak to Public Works Supervisor to work on getting quotes.

Holm/Rush unanimous to approve recess of regular meeting at 7:30 p.m.

Holm/Rush unanimous to approve opening truth and taxation meeting at 7:30 p.m.

7:30 p.m. Truth-in-Taxation – 2025 Property Tax Levy

No Public Comments received from Baldwin Residents.

Mayor Swanson explained that a truth-in-taxation meeting will be held every year for the City of Baldwin. Swanson went on to say that the residents of Baldwin passed the 2025 levy at the annual meeting in March. The 2025 levy will not be changed but this levy needs be approved by the City of Baldwin. Holm asked if the levy can be changed. Bob Ruppe explained that this is a public comment section for the residents of Baldwin for the truth in taxation. Holm asked what the numbers are for proposed 2025. Mayor Swanson read the levy amounts, \$520,000 general fund, \$700,000 road and bridge fund, \$200,000 fire fund, \$100,000 fire capital fund, \$90,000 park fund, \$122,650 debt service, \$25,000 special revenue. The total levy that was approved at the March 12th, 2024 Township Annual Meeting was \$1,757,650.

Rush/Holm unanimous to close truth and taxation hearing at 7:36 p.m.

Rush/Holm unanimous to approve opening regular meeting at 7:36 p.m.

Holm/Rush unanimous to approve City of Baldwin 2025 levy amount of \$1,757,650.

Discuss/Approve/Disapprove quote for Milwaukee Fan for \$4590.00 – Holm asked the purpose of the fan. Case indicated it is for smoke filled homes and sits outside the door. Case stated this is also for firefighter safety. The units that the Fire Department currently has is getting quite old.

Rush/Walker unanimous to approve.

Discuss Medical Responses – In September, medical responses were changed to going to serious medical calls only. If this change wasn't made, Case stated the calls would be over 450. Blue Hill Board Members are concerned that Baldwin Fire hasn't gone to all medical calls. Case will be discussing this with Blue Hill Board at there next meeting. Swanson stated that this was dictated by North Ambulance going to these calls as well. North would page Baldwin if needed for medical calls. Case to bring this back to the December 16th City Council meeting. **Rush/Walker unanimous to table until the December 16th City Council meeting.**

Park Committee Report – No park committee meeting in November or December due to the Holidays.

Cemetery Update – 2 burials.

Discuss/Approve/Disapprove Ordinance 2024-10 Authorizing and Regulating the Conduct of Lawful Gambling Within The City of Baldwin, Minnesota.
Case/Rush unanimous to approve.

Tabled Items:

Discuss/Approve/Disapprove Quote for Lake Diann Drainage off 133 ½ Street – Rush/Holm unanimous to table until the first meeting in March 2025.

Discuss/Approve/Disapprove Quote for South Sandy Lake Stormwater Drainage – Rush/Holm unanimous to table until the first meeting in March 2025.

New Business:

Discuss/Approve/Disapprove 2025 City Council Meeting Schedule – Holm/Rush unanimous to approve 2025 City Council meeting dates.

Discuss/Approve/Disapprove Streaming City Council Meetings – Rush/Case unanimous to approve tabling until the January 27th City Council meeting.

Discuss/Approve/Disapprove Audio Equipment – Case went over quotes. City Attorney stated that 2 quotes are recommended. City does not need to go with the lowest quote unless it's over \$175,000. Case/Rush unanimous to table until the January 27th City Council meeting to obtain additional quotes.

Discuss Reorganization of City Council Responsibilities – Case asked how other Cities organize their City Council responsibilities. City Attorney, Bob Ruppe, indicated there is no certain way. The list is reviewed by the City Council and the best member is chosen or the Council Member volunteers. Case made a motion to raise road maintenance to \$5000, Holm second the motion, motion carried. Walker/Holm unanimous to approve keeping the letters of the City Council. Clerk to update list and bring back to the December 16th City Council meeting.

Discuss/Approve/Disapprove Revised Snowplow and Ice Control Policy – Rush would like to add information to our existing policy. Bob Ruppe, City Attorney, recommends making more of an exclusive policy with priorities. Ruppe recommends he drafts the policy and brings it back to the next City Council meeting. Holm/Rush unanimous to approve City Attorney looking at snow and ice control policy and parking ordinance. Holm/Rush unanimous to table until the December 16th City Council meeting.

Discuss/Approve/Disapprove Attorney Attendance at the Next 6-Month Meetings – Ruppe indicated that other communities have their City Attorney attend meetings once a month. He also indicated that doing remote meetings would be an option to eliminate travel expenses.

Case/Walker unanimous to approve City Attorney attending City Council meetings for the next 6-months.

Discuss/Approve/Disapprove Rum River Consultants, RRCC, doing Commercial Plumbing Plan Reviews – RRCC has a delegation agreement with the State for plumbing plan reviews. This is R3, adult daycare or health care facilities and commercial buildings only. A master plumber is employed by Rum River to complete these reviews. The benefits of RRCC doing these reviews is more local control and cost savings. The State is out 3-4 months for plan reviews. Ordinance amendment is needed to take on this authority by RRCC. City Attorney, Ruppe, requested documents be sent to him for review. **Case/Rush unanimous to table** until the December 16th City Council meeting.

Discuss/Approve/Disapprove Building Code Enforcement for PID# 01-00424-0225 – Rum River was contacted for a certificate of occupancy. In 2009, this house burned and there is only a garage at this location. There was a permit for bathroom installation and an egress window. Another issue is the lack of smoke alarms, and the furnace is also in the garage. The building is not up to code. The Planning and Zoning Administrator is okay with the zoning. Andy, from Rum River, spoke to the homeowner and he is willing to bring the garage up to code. Andy is asking for permission from the City Council to look into past permitting and what needs to be done to issue a certificate of occupancy. **Rush/Case unanimous to approve** 3-4 hours of investigation fee by Rum River Construction Consultants.

Discuss/Approve/Disapprove Rum River Construction Consultants doing CE Class on Building Code – Rum River Construction Consultants is requesting to hold a 7-hour continuing education course on a Friday or Saturday at the City Hall. Andy from Rum River Construction Consultants is requesting an advertisement on the Cities website. He will request sponsorship for lunch from a local lumber company. Case said the training room at the Fire Department is larger. Case would have a couple of Fire Fighters attend the training as well. Andy from Rum River will request Clerk/Deputy to print out flyers. These continuing education classes are typically held January – March. Swanson indicated doing this yearly would be feasible. Holm said this is a good outreach program. **Holm/Walker unanimous to approve** proceeding with looking into options of holding CE class at the City Hall or Fire Department.

Discuss HR Green Actions on 305th and Speed Bumps – Rush discussed the speed bumps received by the Township from HR Green. The Township received a crosswalk speed bump and is not what the Town ordered. This speed bump was also installed with epoxy. Once this speed bump was installed, it separated and didn't stay affix. These speed bumps are a public safety concern. The Township paid \$14,000 for the speed bumps and \$1000.00 for installation. Swanson communicated to HR Green that a functioning traffic calming device or refund is needed at this time. The City Attorney, Ruppe, is requesting all communication, emails, specifications and meeting minutes regarding the speed bumps.

**Discuss/Approve/Disapprove Quote for Domain Transition of \$6150.00 –
Rush/Walker unanimous to approve.**

**Discuss/Approve/Disapprove Discontinuing Information Request Form –
Holm/Case unanimous to approve discontinuing Information request form.**

**Discuss/Approve/Disapprove Pay Estimate #2 for 305th Avenue NW – Rush/Case
unanimous to approve \$8306.80.**

**Discuss/Approve/Disapprove Resolution 24-46 for Jay Swanson, Finding Certain
Work to be Within the Scope of the Role of a Mayor/City Council and Authorizing
the Work to be Performed on Behalf of the City.
Swanson abstained; Case/Rush unanimous to approve.**

**Discuss/Approve/Disapprove Resolution 24-47 for Alan Walker, Finding Certain
Work to be Within the Scope of the Role of a Mayor/City Council and Authorizing
the Work to be Performed on Behalf of the City.
Walker abstained; Case/Holm unanimous to approve.**

**Discuss/Approve/Disapprove Resolution 24-48 for Scott Case, Finding Certain
Work to be Within the Scope of the Role of a Mayor/City Council and Authorizing
the Work to be Performed on Behalf of the City.
Case abstained; Walker/Holm unanimous to approve.**

**Discuss/Approve/Disapprove Resolution 24-50 for Jeff Holm, Finding Certain
Work to be Within the Scope of the Role of a Mayor/City Council and Authorizing
the Work to be Performed on Behalf of the City.
Holm abstained; Case/Rush unanimous to approve.**

**Discuss/Approve/Disapprove Resolution 24-51 for Tom Rush, Finding Certain
Work to be Within the Scope of the Role of a Mayor/City Council and Authorizing
the Work to be Performed on Behalf of the City.
Rush abstained; Holm/Walker unanimous to approve.**

**Discuss/Approve/Disapprove Resolution 24-52 for Scott Case/Fire Chief, Finding
Certain Work to be Within the Scope of the Role of a Mayor/City Council and
Authorizing the Work to be Performed on Behalf of the City.
Case abstained; Walker/Holm unanimous to approve.**

**Discuss/Approve/Disapprove Resolution 24-53, Adopting the 2025 Final Budget
Holm/Case unanimous to approve.**

**Discuss/Approve/Disapprove Resolution 24-54, Adopting the 2024 Tax Levy
Collectible in 2025.
Holm/Rush unanimous to approve.**

Discuss/Approve/Disapprove Resolution 24-55, Authorizing a City Absentee Ballot Board.

Rush/Case unanimous to approve.

Discuss/Approve/Disapprove Resolution 24-56, Designating Polling Places Within The City of Baldwin.

Case/Walker unanimous to approve

Announcements:

- a. Next City Council meeting, Monday, December 16th, 2024 at 7:00 p.m.
- b. Road Workshop with Engineers and Attorney, Tuesday, December 17th, 2024 at 7:00 p.m.

Any Other Business:

The Clerk indicated that if City Council members wanted a printed agenda packet for the meeting, to let the Clerk know.

The Clerk asked about Christmas Eve hours. **Rush/Walker unanimous to approve closing the Town Hall at noon on Christmas Eve, Holm disapproved. Motion carried.** Vacation time would not be used for Christmas Eve.

New Years Eve would be normal workday hours. **Case/Rush approved; Holm disapproved. Motion carried.**

Adjourn – Rush/Holm unanimous to adjourn at 10:05 p.m.

Submitted By: (s/) Joan Heinen
Clerk/Treasurer
City of Baldwin

Approved By: (s/) Jay Swanson
Mayor
City of Baldwin

Date

Attendees: Rosemarie Walker, Kyle Prickett, Dean Kleinhans, Delmas Hines, Ed Stofferahn, Christi Miller, Andy & Nikki Walker, Bruce West, Anita Case, Mark Oleen and Jess Tomsche,
Rum River Construction Consultants—Andy Schreder, Adam Schreder and Kelli Duerr.

CITY OF BALDWIN
SHERBURNE COUNTY, MINNESOTA

NOTICE OF PUBLIC HEARING

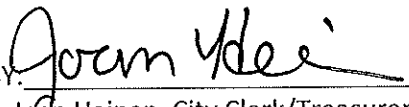
The Baldwin City Council will conduct a Public Hearing on Monday, December 16, 2024 at 7:00 PM (or as soon after as time permits) at the Baldwin City Hall, 30239 128th St. Baldwin, MN 55371. The application is initiated by Steinbrecher Companies for PID 01-00416-0080 located at 28716 Elk Lake Rd. E. The purpose of the Public Hearing is to consider:

A. Variance for encroachment of a Subsurface Sewage Treatment System within public right-of-way.

All interested parties are invited to attend the Public Hearing to ask questions and express their comments. Written comments may also be submitted before 4:30PM on the date of the hearing and are preferred to be received via email to the City Planner at DDL@PlanningCo.com or delivered or mailed to the Town Hall.

If you would like further information regarding the Public Hearing, please contact the City Planner at 612.991.2230 or by email in advance of the meeting.

BALDWIN TOWNSHIP

BY: 
Joan Heinen, City Clerk/Treasurer

Dated and Posted: 19 November 2024



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Baldwin Mayor and City Council

FROM: D. Daniel Licht

REPORT DATE: 11 December 2024

RE: Baldwin – Roensch (01-00416-0080); SSTS Variance

TPC FILE: 269.02

BACKGROUND

Steinbrecher Companies has prepared a Subsurface Sewage Treatment System design for the property at 28716 Elk Lake Road East on behalf of property owners Nicholas and Jennifer Spain. There is a single family dwelling upon the property served by an existing Subsurface Sewage Treatment System to be replaced with the proposed system design. There is not suitable area within the subject property for the drain field for the new system so the submitted plan proposes to locate the drain field within the public right-of-way.

The proposed location of the drain field within the public right-of-way necessitates consideration of a variance from Ordinance 920, Chapter 4 regulating Subsurface Sewage Treatment Systems. Applications for variances from the requirements of Ordinance 920 are processed in accordance with the process established by Section XX-6-4 of the Zoning Ordinance and are subject to review by the Planning Commission and approval of the City Council.

The Planning Commission considered the variance application at their meeting on 20 November 2024 and voted to recommend approval of the application. The City Council will conduct a public hearing at their meeting on 16 December 2024 to consider the application.

Exhibits:

- Property Location Map
- SSTS Design dated 8/30/2024
- Resolution approving a variance
- Resolution approving an encroachment agreement

ANALYSIS

Comprehensive Plan. The Comprehensive Plan guides development of land use patterns that provide connections to existing public amenities and the natural landscape. Existing rural residential character is to be expanded without spoiling scenery or open spaces. The existing residential use of the property is consistent with the Comprehensive Plan.

Zoning. The subject property is zoned R1, General Rural District. The subject property is also within the Shoreland Overland District of Elk Lake, which is designated as a General Development Lake. The existing single family dwelling is allowed as a permitted use within the R1 District and Shoreland Overlay District.

Surrounding Uses. The properties to the north and south of the subject property are similarly sized lots developed with single family dwellings. To the east across Elk Lake Road are additional single family dwellings on larger parcels. The existing use of the subject property is compatible with the surrounding area.

Lot Requirements. Platted lots within the R1 District are required to be 2.5 acres in area, 200 feet in width measured at the front setback line abutting a public right-of-way, and 300 feet in depth. Lots within the Shoreland Overlay District of a General Development Lake are required by Section XX-90-7.A.1 of the Zoning Ordinance to be a minimum of 40,000 square feet in area and 150 feet in width. The subject property is 0.34 acres (14,810 square feet) in area, approximately 100 feet in width, and approximately 120 feet in depth. The property is a legal non-conforming lot of record governed by Chapter 15 of the Zoning Ordinance.

Setbacks. Chapter 4 of the Building Ordinance requires SSTS installations to be setback a minimum of 10 feet from all property lines and buildings within the lot and 50 feet from wells. The property plan included with the SSTS design plan indicates that the new system is to be installed at a location that complies with the setbacks required property lines except for the drain field, which encroaches into the public right-of-way for Elk Lake Road.

The drain field location is proposed to be setback approximately 11 feet from the edge of the street surface. Streets Department staff and the City Engineer have reviewed the plan and do not have concerns with the location. The property owner will be required to enter into an encroachment agreement drafted by the City Attorney allowing the drain field within the public right-of-way. The encroachment agreement will include provisions holding the City harmless for any damage to the drain field caused by use or maintenance of the right-of-way and allows the City to require removal of the drain field if its location interferes with use of the right-of-way in the future.

Variance. The area, width, and depth of the legal non-conforming lot is such that it is not possible to locate a SSTS drain field anywhere within the subject property. There is an undue hardship caused by the non-conforming status of the lot area, depth and width such that compliance with the requirements of the SSTS chapter of the Building Ordinance cannot be complied with to allow continuation of reasonable use of the property unless a variance is approved.

RECOMMENDATION

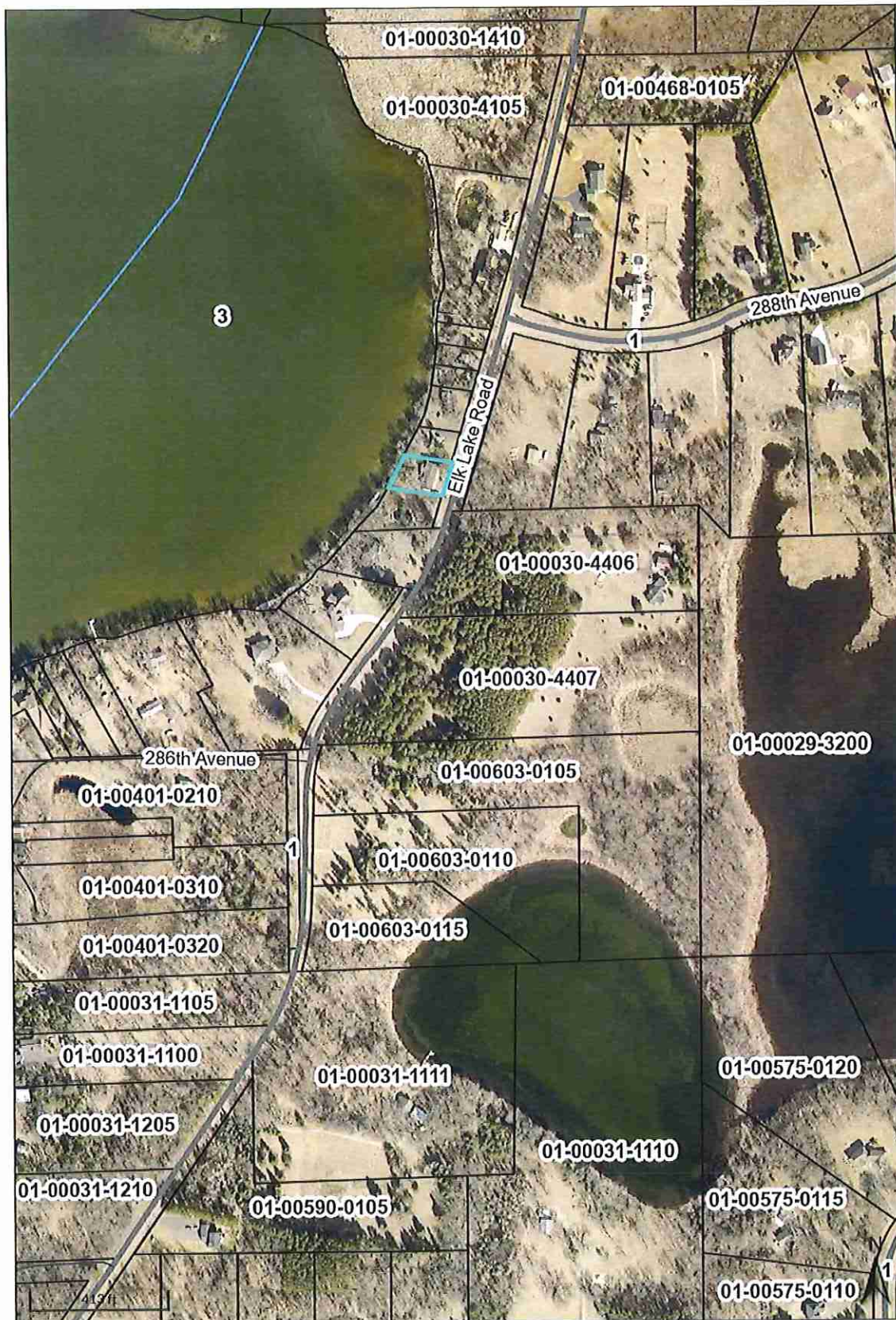
City staff recommends approval of a variance for installation of a SSTS in accordance with the criteria established by the Zoning Ordinance and approval of an encroachment agreement. The approval is to be subject to the conditions outlined below.

POSSIBLE ACTIONS

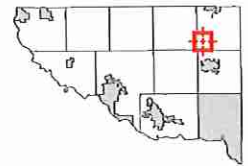
- Motion to adopt a Resolution approving a variance for PID 01-00416-0080, subject to the following conditions:
 1. The property owner shall execute an encroachment agreement drafted by the City Attorney to allow location of the SSTS drain field within public right-of-way, subject to approval of the City Council.
 2. Installation of the SSTS shall be installed in accordance with Chapter 4 of the Building Ordinance subject to review and approval of the Building Official except as modified by the variance.
- Motion to adopt a Resolution approving a right-of-way encroachment agreement.

c. Joan Heinen, City Clerk/Treasurer
Zac Good, Public Works Supervisor
Matthew Kind, City Engineer
Mike Couri/Bob Ruppe, City Attorney
Andy Schreder, Building Official
James Bedell, DNR

Property Location



Overview



Legend

Roads

- MN Highway; US Highway
- Municipal-State Aid Street
- Municipal Street
- Township Road
- State Forest Road
- Bureau of Fish and Wildlife Road
- Connector (Ramp)
- Privately Maintained Public Access Road
- County Road
- County-State Aid Highway
- Parcels
- Streams



13792 247th Avenue – Zimmerman, MN 55398
Phone (763) 274-0925 Fax (763) 274-0928

ROLL-OFFS ♦ SEPTIC SYSTEMS ♦ EXCAVATING
LANDSCAPING ♦ DEMOLITION

Date: 8/30/2024

Nick Spain
28716 Elk Lake Rd E
Zimmerman, MN 55398

Septic Design

Project Address: 28716 Elk Lake Rd E, Zimmerman

This septic system is designed for a 3 Bedroom, Class I home. This design is for residential waste strength (as defined by the MPCA), with a design flow of 450 gpd. Average daily water flow should not exceed 60% of the design flow. There is not a lift pump in the lower level. This system will be a type III/IV system. Final approval of design will need to be obtained from City of Baldwin

This system will need to be installed as per all Codes 7080-7083 and this design. Below is a summary of what needs to be completed.

- The existing tanks will need to be properly abandoned per all Codes MPCA 7080-7083.
- (1) 1450/950 3-compartment tank with (1) AX20UV Pod installed on top.
- Test pits will need to be completed to verify elevation of redox. System must remain 12" above redox.
- The existing drainfield will need to be excavated, removed and properly disposed of. Mound sand will need to be installed in all dig out areas to an elevation of approx. 974'. This must be field adjusted to maintain a minimum of 12" to redox.
- (1) 10' x 45' rock dispersal bed with 6" of rock under the pipe.
- Adequate fill will need to be installed on the North end of the system.
- This system will need a variance to be 11' from the edge of the tar. This will be approx. 10' over the east property line in the ROW.

The owner will need to verify that all setbacks from well, property lines, and buildings are met. Keep all heavy equipment off the area before and after construction of the system. It is very important that adequate grass is established over entire septic and all disturbed areas.

Sincerely,

Shane Steinbrecher
Steinbrecher Companies, Inc
L8207

As property owner, I agree to use the system with the parameters described above and hold the named designer and Steinbrecher Companies, Inc harmless for any future issues regarding this system.

Owner Signature

Date

Advantex & Pressure Bed

Property Owner: Nick Spain

Date: 8/30/2024

Site Address: 28716 Elk Lake Rd E, Zimmerman

PID: 01-416-0080

Comments: This system will be a Type III/IV

instructions: = site specific input = adjust if desired = self-calculated (DO NOT ADJUST)

- 1) bedroom Type Residential System
- 2) GPD design flow
- PRETREATMENT: (AX20 applications, Residential strength to level "A")
- 3) Number of AX20 units UV light req'd (res : 600 gpd / unit. Other Est : sizing per mfg)
- 4) Gallon septic tank (2 * Design flow minimum) tank options: septic/recirc combo w/mole hole
- 5) Gallon recirc tank (Design flow minimum. Recirc tank must handle surges, so don't undersize it)
at gpi (recirc tanks with a "mole hole" to the septic gain the septic for surges as well)
(44" minimum water level depth required)
- 6) GPD average estimated/measured flow (should be < 70% of design flow)
- 7) Recirc ratio desired
(pump setting for filter flow of 4:1 --> 4 parts recycle & 1 part forward --> 5 parts total)
- 8) gallons per dose to Advantex unit(s) (factory recommended 10 gal per unit)
- 9) gpm ft head TREATMENT pump (perform drawdown test to confirm pump rate)
- Timed dosing to Advantex unit(s) of:
- 10) sec ON (confirm pump rate with drawdown test and adjust if necessary)
- 11) min OFF
- Recirc Pump vault float settings: (minimum of 44" req'd from inlet invert to inside bottom of tank)
- 12) inches from top of riser to inlet invert (typically 36" of riser & 12" from top of tank to inlet invert = 48")
- 13) inches from top of riser to Hi Level Alarm
- 14) inches from top of riser to Over-ride
- 15) inches from top of riser to top of RSV cage (lengthen to increase surge capacity)
- 16) gal average surge capacity (normal water level is a range, not a specific height)
- 17) inches from top of riser to Redundant Off (make sure float is not resting on top of filter)
- DISPERSAL:
- 18) GPD/ft² Soil Loading Rate ft² (code minimum) ft² (design size / LUG req'd)
Treatment Level A/B (must match soil boring log)
- 19) ft desired bed width, leads to a ft bed length
(25' maximum)
- 20) ft lateral spacing ft perforation spacing (maximum 3 for both)
 manifold connection
- 21) laterals feet long perfs / lateral perfs total
(1/2 perf means the 1st perf starts at the middle feed manifold)
- 22) inch perfs at feet residual head gives gpm flow rate per perforation
(If bed has > 1' of cover, increase residual head for cleanout req's)
- 23) for this perf size & spacing, & pipe size on line 26, max perfs/lateral = , line #21 must be less --> OK

- 24) 4.0 doses per day (4 minimum)
- 25) 113 gallons per dose (treatment volume)
- 26) 2.00 inch diameter laterals must be used to meet "4x pipe volume" requirement
- 27) 20 feet of 2.0 inch supply line leads to 3 gallons of drainback volume
(Tip: "top feed" manifold to control the drainback)
- 28) 116 gallons TOTAL pump out volume (treatment + drainback)
- 29) 10 feet vertical lift from pump to drainfield laterals, leads to a
- 30) 19 GPM @ 16 feet of head, DISPERSAL Pump requirement
(>50 gpm may require additional 3-6' head allowance for discharge assembly)
- 31) 500 gal Dose tank (code minimum) 950 gal Dose tank (design size / LUG req'd) at 16.00 gpi
- 32) 7.3 inch swing on demand float or Timed dosing of 6.1 min ON (confirm pump rate with drawdown
33) (to deliver Peak design flow) 5.9 hrs OFF test and adjust as necessary)
34) (to deliver Average flow, 66% of Peak) 9.0 hrs OFF
- During installation/float setting, add height of riser to the following float measurements:
- 35) 12 inches from Top of tank to inlet invert
- 36) 28 inches from Top of tank to "Hi Level / Timer Override" float
- 37) 41 inches from Top to "Pump On" float, or 46 inches from Top of tank to "Timer ON" float if time dosed
- 38) 48 inches from Top of tank to "pump OFF" or "Redundant Off" float
- 39) 58 inches from Top of tank to inside bottom of tank
- 40) 256 gallons reserve capacity (after High Level Alarm is activated)
- 41) 288 gallons surge capacity (timer ON to High Level Alarm)
- 42) 50 inches, or 4.17 ft. to Redox or other limiting condition (This must match the soil boring log)
Treatment zone contains 0 inches 0% soil credit, and 0 inches 50% soil credit
- 43) 12 inches, or 1.00 ft. of vertical separation required
leads to bottom of rock no more than:
- 44) 38 inches, or 3.2 ft. Below existing grade **CRITICAL FOR FUTURE CERTIFICATIONS!!!**
- 45) 6 inches of rock below the pipe
- 46) 2 inches of rock to cover pipe
- 47) Overall Dimensions: 10.0 ft. wide by 45.0 ft. long Pressure Bed
- Rock Bed materials:
- 48) 10 ft. by 45.0 ft. by 8 inches total, plus 20% gives 14 yd³ or *1.4= 20 ton

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

Shane Steinbrecher
Designer Signature

Steinbrecher Compaines
Company

8207
License#

8/30/2024
Date

Installer Summary

PRETREATMENT:

1450	gallon Septic tank (minimum)
1450	gallon recirc tank (minimum)

Tank options: septic/recirc combo w/mole hole
(44" minimum water height)

1	Advantex AX20 unit(s)	UV light req'd	Yes
---	-----------------------	----------------	-----

Anti-floitation considerations: _____

1 Phone line to control panel - Vericomm

30	gpm @	8	ft. of head, TREATMENT pump
		20	sec ON time
			8.8 min OFF time

Pump vault float settings from top of riser (or other reference point)

48 inches to Inlet invert, will then give:

48	inches to Hi level alarm
----	--------------------------

50	inches to Override
----	--------------------

52	inches to top of RSV cage
----	---------------------------

61	inches to Redundant Off (and not resting on top of filter)
----	--

DISPERSAL:

950 gallon Dose tank (minimum) at 16.00 gpi

19 GPM @ 16 ft. of head, DISPERSAL Pump

6.1 minutes ON time & 5.9 hrs OFF time (peak) or 7.3 inch swing on Demand float
or 9.0 hrs OFF time (average-66% of peak)

Lift tank float settings:

28 inches top of tank to "Hi Level Alarm" float

41	inches top of tank to "timer ON" float
----	--

41 inches top of tank to "pump ON" float

48	inches top of tank to "pump OFF" or RO float
----	--

20 ft. of 2.0 inch supply line with end feed manifold connection

3 laterals 2.00 inch diameter 43.0 feet long 3.0 ft lateral spacing

3/16 inch perfs **3.0** ft perforation spacing

3 clean out & valve box assembly

Bottom of rock no more than:

38 inches, or **3.2** ft. Below existing grade

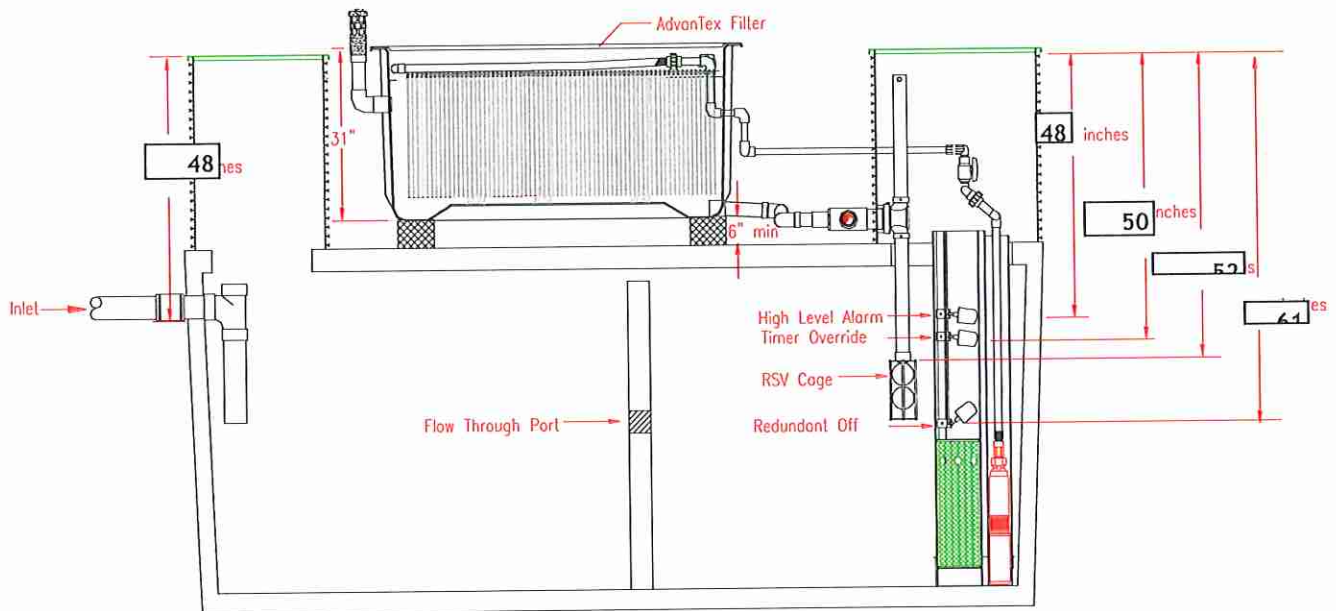
6 inches of rock below the pipe

Overall Dimensions: 10 ft. wide by 45.0 ft. long Pressure Bed

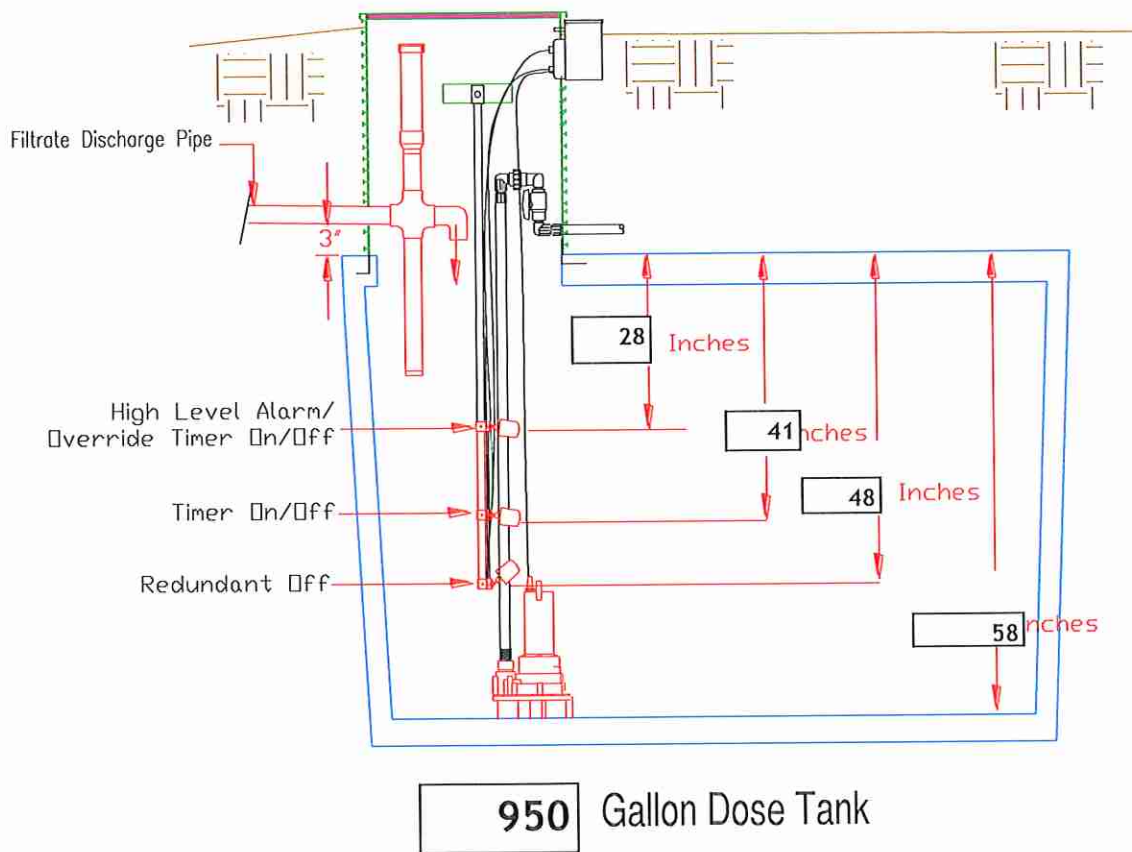
Rock Bed materials: 14 yd³ or *1.4= 20 ton

AdvanTex AX20 Treatment System Float & RSV Elevation Details

The distance to the inlet invert is the basis for the float heights.
If field adjustments to the risers occur, start with the HLA at the same elevation as the inlet invert.

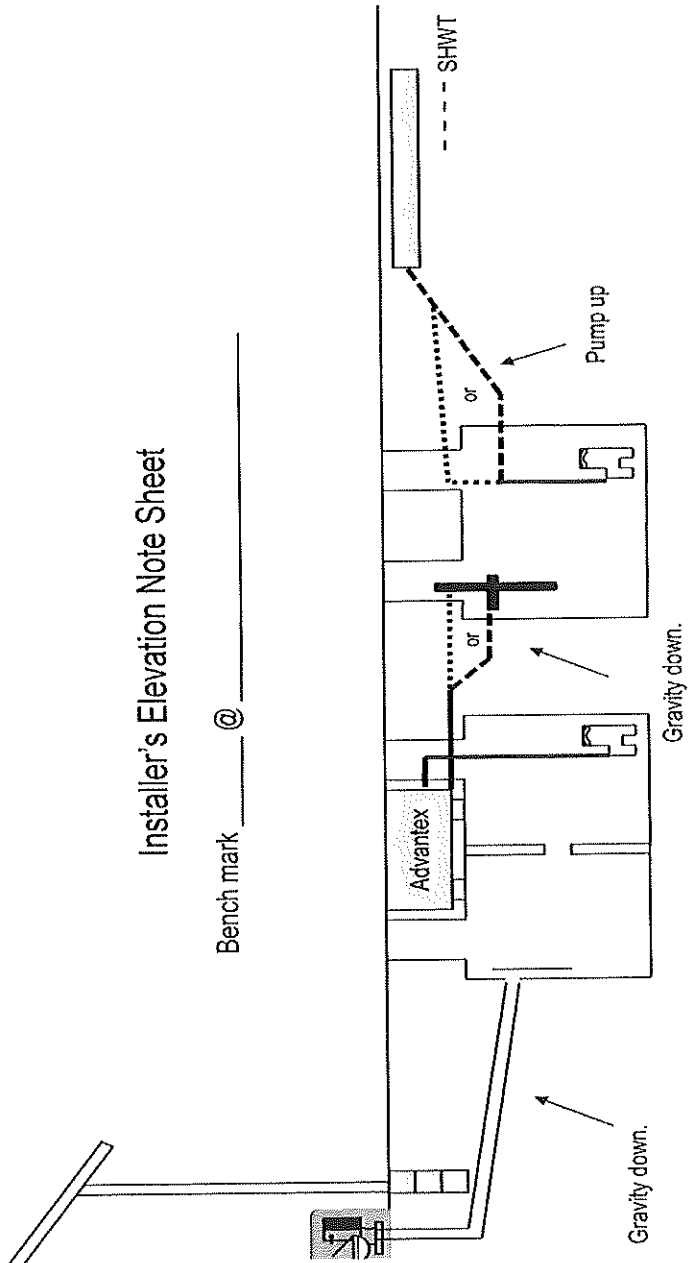


Dose Tank Float Elevations



Installer's Elevation Note Sheet

Bench mark _____ @ _____



House	Advantex septic / recirc	Dosing Tank	Absorption Area
	Final Grade _____	Final Grade _____	Final Grade _____
Outlet _____	RSV outlet _____ Inlet _____	Inlet _____ (tank or riser for both) Outlet _____	Laterals _____ Bottom rock _____ SHWT _____
	Tank bottom _____	Tank bottom _____	

INSPECTOR CHECKLIST - Advantex - Pressure bed

28716 Elk Lake Rd E, Zimmerman

- ☐ WELL setbacks: 20'- 50' to sewer line req's MDH pressure test form (5 psi for 15 min)
50' to everything 100' to drainfield with shallow well
- ☐ PROPERTY LINES setback: 10' to everything
- ☐ Road setback: platted: 10' prop line. Metes & bounds: out of road easement, or outer ditch.
- ☐ LAKE / BLUFF setback: 20' for bluff. Lakes: GD ____, RD ____, NE _____. Protected wetland ____.
- ☐ Building setbacks: 10' for everything, 20' for dispersal area.
- ☐ WATER LINE under pressure 10' to bed, tank & sewer line. (else sewer line >12" below)
- ☐ Sewer line & tank connection (no hard 90's, Long sweep 90 or 2-45's, slope minimum 1" in 8' =1%)
(no depth req's, clean out every 100', Sch 40 pipe)
- ☐ Septic tank and risers (water tight risers, baffles, insulated, proper depth, existing verified by pumping)
mfg _____ 1450 gallons septic septic/recirc combo w/mole hole
1450 gallon recirc tank 44" minimum to inlet invert
- ☐ Riser over outlet, riser over inlet or center, and 6"+ inspection pipe over any remaining baffles.
- ☐ 1 Advantex unit(s) UV light req'd Yes
- ☐ Treatment pump _____ 30 gpm 8 head 10 gal/dose 20 sec ON 8.8 min OFF
verify weep hole & Label floats: with inlet invert= 48 HLA= 48 OR = 50 RSV= 52 RO = 61
- ☐ Dose tank, risers and piping (water tight risers, insulated, proper depth, drainback)
mfg _____ 950 gallons
- ☐ dose pump _____ 19 gpm 16 head VERIFY PUMP CURVE 6.1 min ON 9.0 hr OFF
average flow
- ☐ float setting drop 7.3 inches at 16 gpi "DESIGNED"
116.0 gal dose divided by _____ gpi "INSTALLED" = _____ inches float drop (field corrected)
- LABEL pump requirements and drawdown on riser or panel
- ☐ Cam lock, weep hole, supply line access (no hard 90, pipes reachable from grade - 30")
- ☐ 2.0 inch supply pipe: Sch40, sloped 1/8"+, supported by 4" sch40 sleeve or compacted, and buried 6"+.
- ☐ splice box / control panel / electrical connections
- ☐ Bed dimensions 10 X 45.0
- ☐ Rock depth below pipe 6 inches
- ☐ Rock bottom elevation 38.0 inches from Grade to bottom of rock (max)
- ☐ cover depth of 12"+ VERIFY
- ☐ 3 laterals (1-2' from edge of rock)
- ☐ 2.00 inch pipe size (sch40 pipe & fittings)
- ☐ 3.0 ft lateral spacing
- ☐ 3/16 inch perforations (smaller is ok)
- ☐ 3.0 ft perforation spacing
- ☐ Air inlet at end of laterals, and at top feed manifold. VERIFY
- ☐ clean outs (deep bed 2' of head) (no hard 90's)
- ☐ 4" inspection pipe to bottom of rock, anchored VERIFY
- ☐ Abandon existing system if necessary ☐ Re-use existing tank certification
- ☐ monitoring plan and type _____
- ☐ well abandonment form if necessary

"Type IV - performance"

Monitoring and Maintenance Disclosure

Property address: 28716 Elk Lake Road E, Zimmerman

The septic system designed for this site has been classified as a Type IV system and will therefore require ongoing monitoring and maintenance for the life of the system.

It is the owners responsibility to discuss these requirements (as listed on the permit) and their respective intervals and costs with their septic designer and/or maintenance provider.

Monitoring and maintenance may include (but is not limited to):

- Manufacturer required maintenance
- Tank pumping
- Taking Lab samples

It is the owners responsibility to hire an M.P.C.A licensed septic professional to perform this work, and for that professional to submit an annual report to the Local Unit of Government.

All other long term septic system costs such as repairs and emergency service calls outside of any warranty coverage (if applicable), are outside the scope of this disclosure.

I acknowledge and understand these requirements, and agree to contract a licensed professional to monitor and maintain this system.

Owner Signature

Date

Owners Septic System Management Plan & Operating Permit

Date: 8/30/2024

Property Address: 28716 Elk Lake Rd E, Zimmerman

Septic Systems can be an expensive investment, good maintenance will ensure they last a lifetime. The purpose of a septic system is to properly "decompose" the pollutants before the water is recycled back into the groundwater. If you're not taking this seriously, ask yourself where your well water comes from.

Your septic design lists all the components of your system and their location. Keep the design, this management plan and the UofM "Septic System Owners Guide" in a safe place for future reference. For a copy of the Owners guide call the University of MN at 1-800-876-8636.

Some of the following tasks you can do yourself, some require a professional, but it is YOUR responsibility to see that it gets done.

Homeowner Tasks 315

- Do your best to conserve water. Don't overload your septic with multiple large water uses at the same time or on the same day.
- Fix household leaks promptly (leaky toilet, dripping faucets).
- Limit bleach and anti-bacterial products. Use Biodegradable dishwasher detergent.
- Consider a lint filter on your clothes washer.
- Regularly check for wet or spongy soil around your drainfield.
- Have a septic professional check your tanks every 3 years to determine if they need pumping.
- If you have a septic tank filter (effluent filter) clean it on a regular basis (or have a professional do it).
- If a septic alarm goes off, call your septic professional to diagnose the problem.
- Notify the County/City/Township when this management plan is not being met.
- Be aware of and protect your secondary drainfield site.

Professional Tasks

- Disclose the location of the secondary drainfield (if applicable).
- Respond to alarms and diagnose problems as needed.
- Review water use with the owner, check for a "soggy" drainfield.
- Pump the septic tanks as needed and ensure they are in proper working order.
- Verify the pump, dose amount, HI Level Alarm & drainback are all working properly.
- Operating Permit:
SERVICE PROVIDER is to maintain pretreatment system per Mfg req's: 1 time per year, and follow operating permit/monitoring plan requirements of:

"As the owner, I understand it is my responsibility to properly operate and maintain this septic system".

Property Owner Signature: _____ Date _____

Soil Observation Log

www.SepticResource.com vers 12.4

Owner Information

Property Owner / project: Nick Spain

Date 8/30/2024

Property Address / PID: 28716 Elk Lake Rd E, Zimmerman

Soil Survey Information

☐ refer to attached soil survey

Parent mat'l's: ☒ Till ☐ Outwash ☐ Lacustrine ☐ Alluvium ☐ Organic ☐ Bedrock

landscape position: ☐ Summit ☒ Shoulder ☐ Side slope ☐ Toe slope

soil survey map units: _____ slope _____ % direction- downhill

Soil Log #1

		☒ Boring	☐ Pit	Elevation <u>976.35</u>	Depth to SHWT <u>972.19</u>		
Depth (in)	Texture	315	matrix color	redox color	consistence	grade	shape
0-15	Fine sand	<35	10YR 3/2		Loose	Loose	Single grain
16-30	Fine sand	<35	10YR 3/4		Loose	Loose	Single grain
31-49	Fine sand	<35	10YR 3/5		Loose	Loose	Single grain
50	Fine sand	<35	10R 3/6	N/A	Loose	Loose	Single grain

Comments: No Redox observed to 50"

28716 Elk Lake Rd E, Zimmerman				Soil Log #2			
		☒ Boring	☐ Pit	Elevation	Depth to SHWT		
				973.8	969.3		
Depth (in)	Texture	fragment %	matrix color	redox color	consistence	grade	shape
0-10	Fine sand	<35	10YR 3/2		Loose	Loose	Single grain
11-25	Fine sand	<35	10YR 3/4		Loose	Loose	Single grain
26-53	Fine sand	<35	10YR 3/5		Loose	Loose	Single grain
54	Fine sand	<35	10R 3/6	N/A	Loose	Loose	Single grain

28716 Elk Lake Rd E, Zimmerman				Soil Log #3			
		☒ Boring	☐ Pit	Elevation	Depth to SHWT		
				975.33	970.67		
Depth (in)	Texture	fragment %	matrix color	redox color	consistence	grade	shape
0-10	Fine sand	<35	10YR 3/3		Loose	Loose	Single grain
11-30	Fine sand	<35	10YR 3/4		Loose	Loose	Single grain
31-55	Fine sand	<35	10YR 3/5		Loose	Loose	Single grain
56	Fine sand	<35	10R 3/6	N/A	Loose	Loose	Single grain

I hereby certify this work was completed in accordance with MN 7080 and any local req's.

Shore Steinbrecher
Designer Signature

Steinbrecher Compaines
Company

8207
License #

Steinbrecher Companies, Inc.

13792 247th Avenue – Zimmerman, MN 55398
Phone (763) 274-0925 Fax (763) 274-0928

ROLL-OFFS ♦ SEPTIC SYSTEMS ♦ EXCAVATING
LANDSCAPING ♦ DEMOLITION

Mitigation Plan

Nick Spain

28716 Elk Lake Road East, Zimmerman

This is a Mitigation Plan for the wastewater treatment system at Residence located at 28716 Elk Lake Rd, Zimmerman MN 55398. This proposed mitigation plan would be implemented in the event of a system failure. The following defines a plan of action to mitigate any issues that may arise in the system.

Overall Philosophy:

The AdvanTex® Treatment System is a multiple-pass, packed-bed aerobic wastewater treatment system specifically designed and engineered for long-term processing of residential strength wastewater. The treatment media is an engineered textile, which has an extremely high void capacity, moisture-holding capacity, and surface area per unit volume. Consequently, AdvanTex Treatment Systems are capable of processing residential strength wastewater to better than “secondary standards”.

Mitigation Response 1: Initial Response

If the system fails, the 1450/950 Gallon Septic, recirculation, and dose tank is to be used as a Holding Tank in the interim as the emergency response measure, until a long-term response can be implemented.

- At the onset of an identified issue, all water usage shall be reduced to the absolute minimum.
- Power supplies to any and all Pumps in the system shall be disconnected.
- The existing 1450/950 tank shall be immediately pumped.
- Contact with the Licensed Service Provider must be established immediately.

Due to the nature of the proposed system and the lack of additional storage capacity of effluent, the emptied 2400 Gallon Tanks will only provide a total of approximately 5 days of storage capacity at Peak Flows of 450 Gallons Per Day.

Maintenance options should be investigated as soon as possible. Maintenance requirements may include, but are not limited to, the following:

- If water is observed to be surfacing in the location of the Advantex Unit or the Dose/Lift Tank, a blockage in the piping connection may have occurred. Clearing the obstruction should alleviate the issue.
- If pipes freeze, low flow may be the cause. Freezing may occur in piping that is in traveled areas where the frost may drive in deeper due to the additional pressure of increased foot traffic. In cases where

pipings should freeze, they shall be uncovered, thawed and insulated and/or heat traced for future protection.

Mitigation Response 2: Dispersal Bed

The dispersal bed system has been designed to discharge treated water to 450 Sq. Ft. of area.

If a problem in the Dispersal Area were to occur, it would be evidenced by the presence of regular standing water ponding in the Beds and/or Discharging to the surface. Monitoring Wells will be installed in order to ensure that the proposed system is accepting Effluent at the rate at which it is designed. The following actions could be taken but are not limited to in response in the event of these issues.

- If water surfaces in the dispersal bed, the reason for surfacing must be determined. All Pumps and Floats must be checked for proper operation. The Pump may be running continuously due to a Timer and/or Relay malfunction. Maintenance to the Timer, Relay, and Pump may eliminate the problem.
- Repeated High Water Level alarms would indicate that the system is receiving more water than intended. This may be a symptom of a Run-On concern and would need to be addressed with changes in the surrounding landscaping.
- If reduced Percolation is identified as the issue, traditionally the capacity of the Soil Treatment Area could be expanded. Due to difficult site conditions on this property, this would not likely be an option. Therefore, other solutions would need to be explored.

Responsible Parties:

The party responsible for implementing this Mitigation Plan is the property owner.

This mitigation plan is in no way a guarantee or warranty implied or expressed to the design and construction of the proposed system. Additionally, any costs incurred due to the implementation of this mitigation plan shall be above and beyond the cost of the proposed design and construction of the proposed system and shall be the responsibility of the property owner.

Owner Signature

Date

STEINBRECHER W1450/950-P TRIPLE AX20 POD TANK SPECIFICATIONS

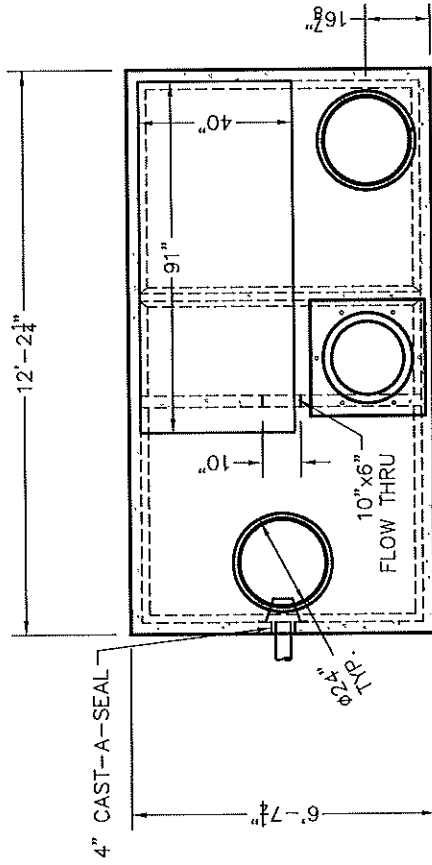
DIMENSIONS:
WALL: 3"
BOTTOM: 3"
COVER: 5"
MANHOLE: 24" I.D. ULTRA-RIB STARTER
24" HOLE W/ TANK ADAPTER
HEIGHT: 76" O.D.
LENGTH: 12'-2 1/4" O.D.
WIDTH: 6'-7 1/4" O.D.
BELOW INLET: 65" O.D.
LIQUID LEVEL: 60"
WEIGHT: BOTTOM 15,060 LBS.
COVER 5,035 LBS.

INLET:
4" CAST-A-SEAL BOOT OR EQUAL GASKET

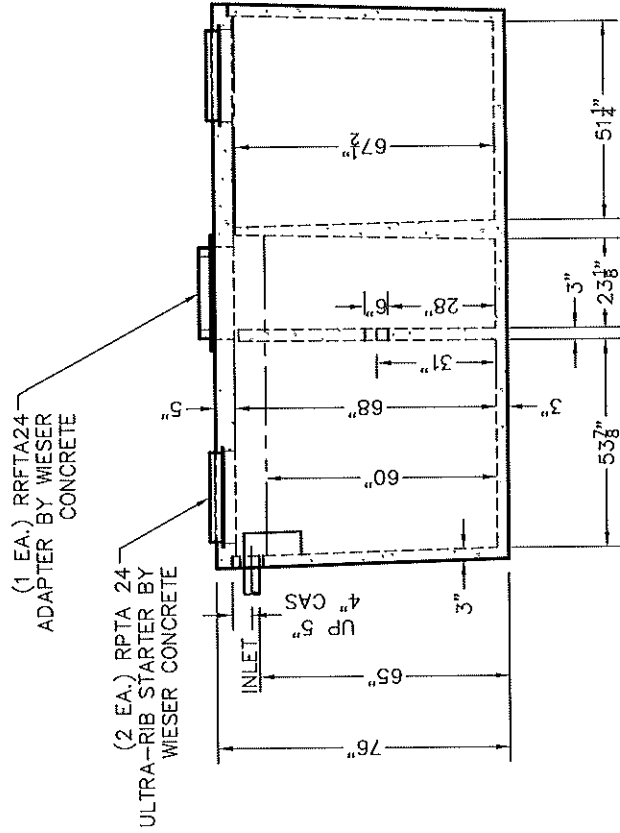
LIQUID CAPACITY: 16.70 GAL/IN (SEPTIC)
7.28 GAL/IN (SEPTIC)
16.20 GAL/IN (PUMP)

LOADING DESIGN: 8'-0" UNSATURATED SOIL

COVER: MIX DESIGN #8 (NO FIBER)
TANK: MIX DESIGN #9 (SMALL FIBER)



TOP VIEW



SIDE VIEW

STEINBRECHER		WIESER JOB#	
W3716 US HWY 10, MAIDEN ROCK, WI 54750		800-325-8456	
DRAWN BY: BDK		DATE: 07/14/2021	
REV. DATE:		NO. 1 10/04/21	
PRE-POUR:		POST-POUR:	

SHEET NO. 1 OF 1

REVIEWED BY	REVIEW DATE
DRAWINGS SUBMITTED FOR APPROVAL	
APPROVED BY:	APPROVAL DATE:
PRODUCTS NEEDED BY:	

TANKS ARE MANUFACTURED TO MEET OR EXCEED ASTM C-1227 REQUIREMENTS

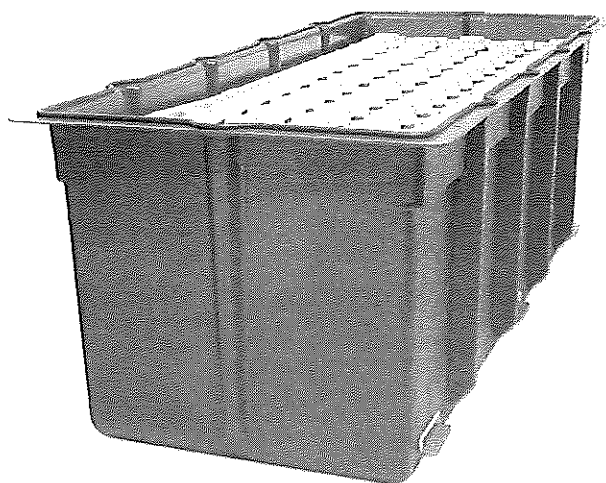
AdvanTex® AX20 Textile Filter

Applications

Orenco's AdvanTex® AX20 Treatment System* is an innovative technology for onsite treatment of residential wastewater. The heart of the System is the AdvanTex Filter, a sturdy, watertight fiberglass basin filled with an engineered textile material. This lightweight, highly absorbent textile material treats a tremendous amount of wastewater in a small space. AX20 Treatment Systems are ideal for:

- Small sites
- System upgrades and repairs
- New construction
- Poor soils
- Nitrogen reduction
- Price-sensitive markets
- Pretreatment

For sizing, see "AdvanTex® Design Criteria," NDA-ATX-2.



The heart of the AdvanTex® AX20 Treatment System is this sturdy, watertight fiberglass basin filled with an engineered textile material.

Physical Specifications**

Filter basin length, in. (mm)	91 (2311)
Width, in. (mm)	40 (1016)
Height, in. (mm)	31 (787)
Area (footprint), ft² (m²)	20 (1.85)
Filter dry weight, lb (kg)	383 (174)

* Covered by U.S. patent numbers 5,980,748; 5,531,894; 5,480,561; 5,360,556; 5,492,635; and 4,439,323. Additional patents pending.

** Nominal values provided. See AdvanTex® Treatment System drawings for exact dimensions.

Features/Specifications

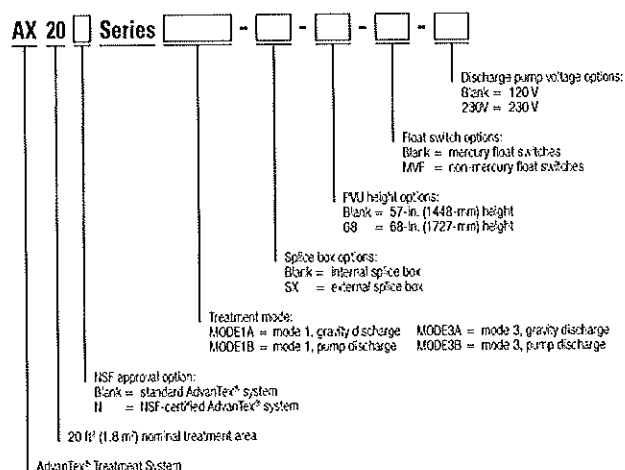
To specify this product, require the following:

- Wastewater treatment to better than secondary treatment standards
- Consistent treatment, even during peak flows
- Timer operation for flow monitoring, flow modulation, and surge control
- Fixed film textile media (a polyester plastic), operated in an unsaturated condition
- Consistent media quality
- Low maintenance beyond annual servicing
- Low energy consumption (under \$1.45-4.86/month power cost at national average electric rate of \$0.10/kWh)
- Complete pre-manufactured package, ready-to-install
- Watertight construction, corrosion-proof materials, tamper-proof lid bolts
- Anti-flotation flanges
- Foam-core lid provides insulation value of R-6 (RSI-1.1)
- Quiet operation

Standard Models

AX20, AX20N

Product Code Diagram



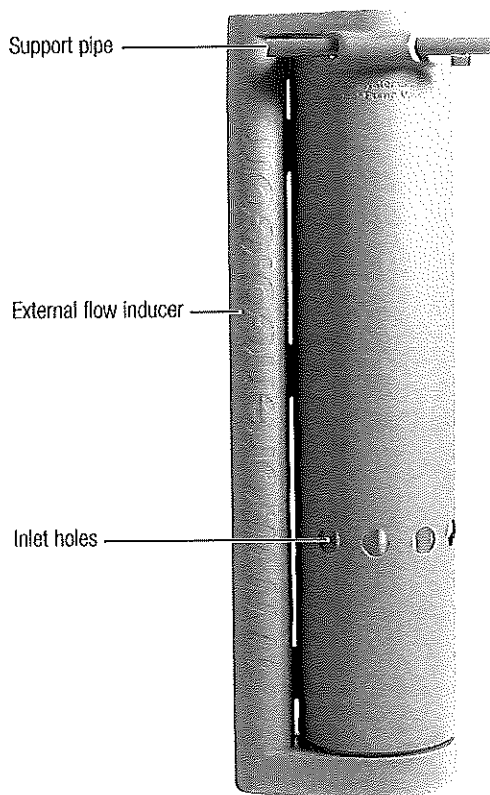
AdvanTex® Treatment System AXN Models meet the requirements of NSF-ANSI Standard 40 for Class I Systems.

Universal Biotube® Pump Vaults

For use with Orenco® 4-inch (100-mm) Submersible Effluent Pumps

Applications

Orenco Biotube® Pump Vaults are used to filter effluent that is pumped from septic tanks or separate dosing tanks in STEP systems and onsite wastewater treatment systems. They remove two-thirds of suspended solids, on average. Pump vaults house a Biotube effluent filter and one or two Orenco high-head effluent pumps and can be used in single-compartment septic tanks with flows up to 40 gpm (2.5 L/sec). When flows are greater than 40 gpm (2.5 L/sec), a double-compartment septic tank or separate dosing tank is recommended.



Side view

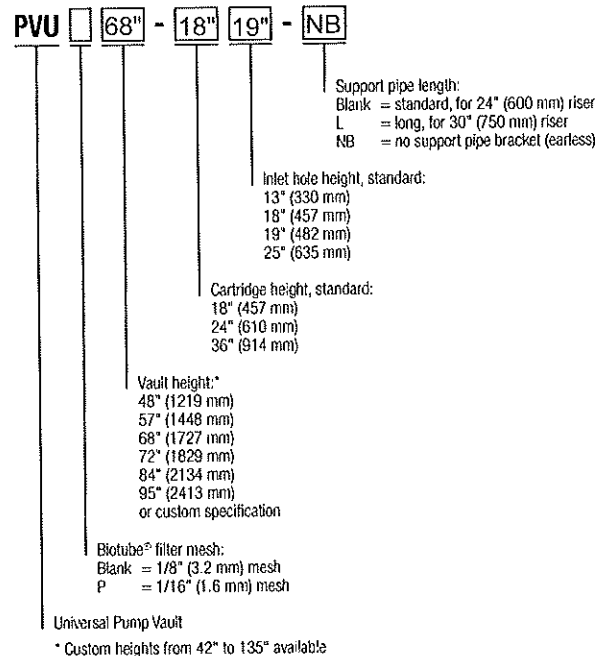
General

The Orenco Biotube Pump Vault includes a molded polyethylene housing with an internal Biotube filter cartridge constructed of polypropylene and PVC. Schedule 80 PVC support pipes are included to suspend the vault in a tank opening. "Earless" 68-inch (1727-mm) vaults, which rest on the bottom of the tank instead of on support pipes, are also available. The filter cartridge can be removed without pulling the pump or the vault. Effluent enters through inlet holes around the perimeter of the Biotube vault and flows through the Biotubes to the external flow inducer. The external flow inducer accommodates one or two pumps. Orenco Biotube Pump Vaults are covered by U.S. patents #4,439,323 and 5,492,635.

Standard Models

PVU48-1818, PVU57-1819, PVU68-2419, PVU84-2419, PVU95-3625

Product Code Diagram

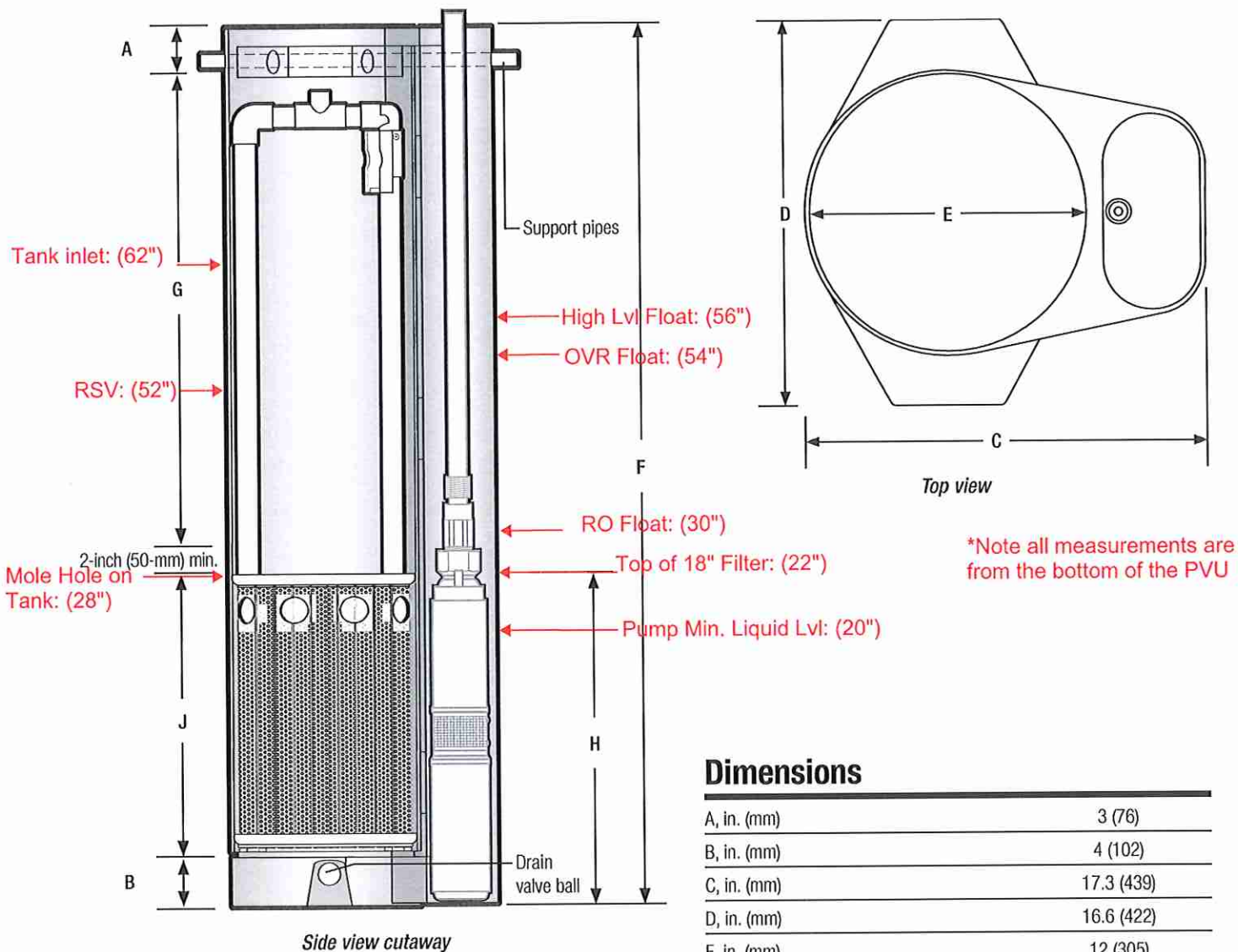


Tank Access and Riser Diameters

Diameter, in. (mm)	PVU with simplex pump	PVU with duplex pumps
Tank access, minimum	19 (483)	19 (483)
Tank access, recommended	20 (508)	20 (508)
Riser, minimum	24 (600)	30 (750)

Materials of Construction

Support pipe	Schedule 80 PVC
Biotube® vault	Polyethylene
Biotube filter cartridge	Polypropylene/PVC
Float stem	Schedule 40 PVC
Drain valve ball	Polypropylene



Dimensions

A, in. (mm)	3 (76)
B, in. (mm)	4 (102)
C, in. (mm)	17.3 (439)
D, in. (mm)	16.6 (422)
E, in. (mm)	12 (305)

Specifications

Model	PVU48-1818	PVU68-1819	PVU68-2419	PVU84-2419	PVU95-3625
F, vault height, in. (mm)	48 (1219)	68	68 (1727)	84 (1727)	95 (2413)
G, lowest float setting point, in. (mm)	21 (533)	29 (737)	35 (889)	51 (1295)	50 (1270)
H, inlet hole height, in. (mm)*	18 (457)	19 (483)	19 in. (483)	19 (482)	25 (635)
J, Biotube® cartridge height, in. (mm)	18 (457)	18 (457)	24 (610)	24 (610)	36 (914)
Biotube mesh opening, in. (mm)	0.125 (3)	0.125 (3)	0.125 (3)	0.125 (3)	0.125 (3)
Filter flow area, ft² (m²)	4.4 (0.4)	4.4 (0.4)	5.9 (0.5)	5.9 (0.5)	9.0 (0.84)
Filter surface area, ft² (m²)	14.5 (1.35)	14.5 (1.35)	19.7 (1.83)	19.7 (1.83)	30 (2.79)
Maximum flow rate, gpm (L/sec)	140 (8.8)	140 (8.8)	140 (8.8)	140 (8.8)	140 (8.8)

* May vary depending on the configuration of the tank.

Certificate of Survey

for

Nick Spain

Lot 8 & Part of Lot 9, Block 1, SMITH'S SHORE VIEW ADDITION
Baldwin Township, Sherburne County, Minnesota

Existing Property Description: Warranty Deed - Doc. No. 8770433, dated 10/10/2005, recorded in the County Recorder's Office, Sherburne County, Minnesota, which conveys Lot 8 and that part of Lot 9, Block 1, Smith's Shore View Addition, according to the plat thereof on file and of record in the office of the County Recorder, Sherburne County, Minnesota.



Basis of Bearings:
Bearings are based on the Sherburne County Coordinate System (NAD83 85 Ad). For the purpose of this survey, the East line of Block 1, Smith's Shore View Addition is assumed to bear North 87°37'02" East.

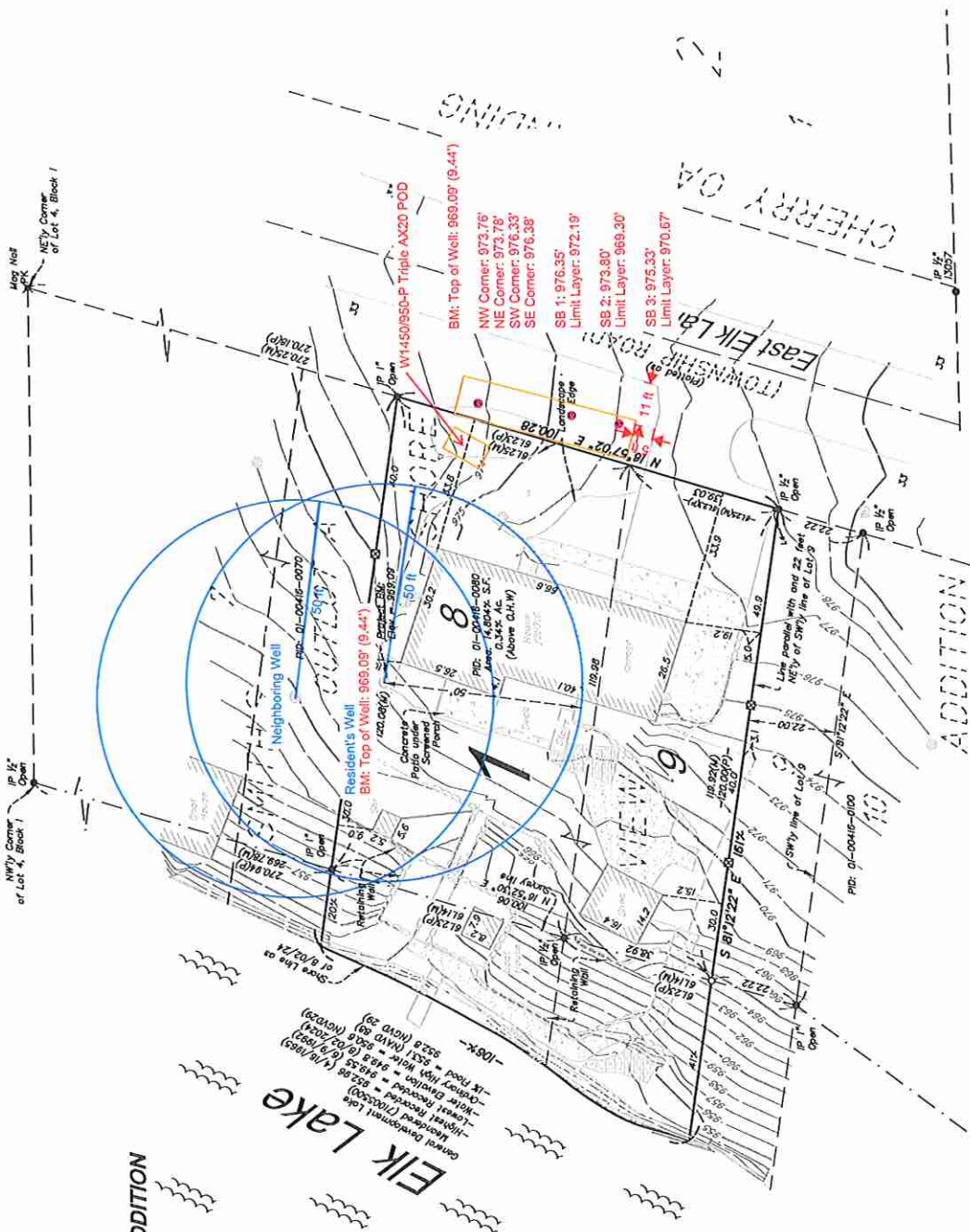
LEGEND:

- Denotes found iron monument
- Denotes set iron monument
- Denotes set iron monument
- Denotes found PK nail
- Denotes asphalt manhole
- Denotes asphalt manhole
- Denotes electric meter
- Denotes electric meter
- Denotes cable television box
- Denotes well
- Denotes air conditioning
- Denotes Lynn Caswell, LS
- Denotes bluish-grey surface
- Denotes concrete surface
- Denotes gravel surface
- Denotes patio pavers surface
- Denotes retaining wall
- Denotes major contour
- Denotes minor contour
- Denotes existing adjointers
- Denotes existing adjointers
- Denotes ordinary high water (OHW) line
- Denotes FEMA boundary
- Denotes Plot or Measured distance
- Denotes chainlink fence

Reference Benchmarks:
Elevations are based on the Minnesota State Plane, NAD83 datum. The benchmark used for this survey is a benchmark of outlet structure on south end of lake. Elevation = 552.02 feet (NGVD 29)

Project Benchmarks:
Top of well (NW 1/4 of subject House) Elevation = 585.00 feet (NGVD 29)

Surveyor's Notes:
1. This survey was performed without the benefit of a title report. No search for encumbrances or restrictions was made by the surveyor. We reserve the right to update this survey upon receipt of the title documentation.
2. Reference 2007 surveys for Mark Hill (Lots 3 & 4, Block 1) by Bogart, Pederson & Associates, Inc.; File No. 07-074.00.



SHEET NO. 1

Certificate of Survey
Nick Spain-Lot 8 & Part of
Lot 9, Block 1, SMITH'S
SHORE VIEW ADDITION
Sherburne County, MN



**BOGART, PEDERSON
& ASSOCIATES, INC.**

LAND SURVEYING
CIVIL ENGINEERING
12075 FIRST STREET, BECKER, MN 55505-1022
TEL: 763-532-0622 FAX: 763-532-0644

REV NO.	DATE	DESCRIPTION
1	8/02/24	DATE: 8/02/24
2		DESIGN BY: ZH
3		DRAWN BY: CAW
4		CHECKED BY: CAW
5		DWG FILE: 24-0331.00
6		FILE NO: 24-0331.00
7		
8		
9		
10		

Signed: *Craig A. Wensmann*
Date: 8/18/24 Lic. No. 47466

NW'ly Corner
of Lot 4, Block 1

IP 1/2" Open

Mag Nail
PK

NE'ly Corner
of Lot 4, Block 1



Resident's Well
BM: Top of Well: 969.09' (9.44')

Project BM:
Elev = 969.09

W1450/950-P Triple AX20 POD

BM: Top of Well: 969.09' (9.44')

NW Corner: 973.76'
NE Corner: 973.78'
SW Corner: 976.33'
SE Corner: 976.38'

SB 1: 976.35'
Limit Layer: 972.19'

SB 2: 973.80'
Limit Layer: 969.30'

SB 3: 975.33'
Limit Layer: 970.67'

TOWNSHIP ROAD
East Elk La

CHERRY 04

ADDITION

**CITY OF BALDWIN
PLANNING COMMISSION
VARIANCE
FINDINGS OF FACT & RECOMMENDATION**

APPLICANT: Steinbrecher Companies

APPLICATION: Request for variance to allow installation of a Subsurface Sewage Treatment System (SSTS) for PID 01-00416-0080 that encroaches upon public right-of-way.

PLANNING COMMISSION MEETING: 20 November 2024

FINDINGS: Based upon review of the application and evidence received, the Planning Commission now makes the following findings of fact:

1. The legal description of the property is:

Lot 8 and that part of Lot 9 lying Northeasterly of a line drawn parallel with and 22 Northeasterly from the Southeasterly line of Lot 9, as measure at right angles thereto, Smith's Shore View Addition, according to the plat thereof on file and of record in the office of the County Recorder, Sherburne County, Minnesota.

2. The property is guided for rural land uses Comprehensive Plan.
3. The property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of Elk Lake.
4. The applicant is requesting a variance to allow installation of a new Subsurface Sewage Treatment System that encroaches into public right-of-way for Elk Lake Road.
5. The Planning Commission must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-6-3 of the Zoning Ordinance:
 - A. That the variance would be consistent with the comprehensive plan.

Finding: Continuation of the existing residential use upon the legal non-conforming lot is consistent with the Comprehensive plan.
 - B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: The proposed Subsurface Sewage Treatment System is to be located within the public right-of-way to provide for compliance with other applicable requirements.

- C. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: The property was is legal non-conforming lot of record prior within insufficient area to allow for location of a Subsurface Sewage Treatment System entirely within the subject property.

- D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is due to the legal non-conforming area, width, and depth of the property that does not allow for location of a Subsurface Sewage Treatment System entirely within the subject property and not economic consideration.

- E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The properties surrounding the subject site are similar in dimension to the subject site and developed with single family dwellings utilizing Subsurface Sewage Treatment Systems for sewage disposal. Approval of the variance will not alter the character of the area in which the subject site is located.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The proposed location of the Subsurface Sewage Treatment System within the public right-of-way is minimized to the extent possible while complying with other applicable design requirements.

- G. The potential for the variance to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: The proposed location of the Subsurface Sewage Treatment System will not cause impacts to natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Finding: The existing single family dwelling is an allowed use within the zoning district established for the subject site by the Zoning Ordinance.

6. The planning report dated 15 November 2024 prepared by the City Planner, The Planning Company LLC, is incorporated herein.

7. The Planning Commission considered the request at their meeting on 28 February 2024; based upon review of the application and evidence received, the Planning Commission voted to recommend that the City Council approve the request based on the aforementioned findings.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning Commission recommends that the request be **APPROVED**, subject to the following conditions:

1. The property owner shall execute an encroachment agreement drafted by the City Attorney to allow location of the SSTS drain field within public right-of-way, subject to approval of the City Council.
2. Installation of the SSTS shall be installed in accordance with Chapter 4 of the Building Ordinance subject to review and approval of the Building Official except as modified by the variance.

(Remainder of page intentionally blank signatures follow)

ADOPTED by the Baldwin Planning Commission this 20th day of November, 2024.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

BALDWIN PLANNING COMMISSION

BY: _____
Clarence Mattson, Chair

ATTEST: _____
Kayla Nielsen, Deputy Clerk

RESOLUTION NO: 24-58

**TOWN OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA**

**APPROVAL OF A VARIANCE
FOR PID 01-00031-1320**

WHEREAS, Steinbrecher Companies has submitted an application for variance to allow to allow installation of a Subsurface Sewage Treatment System (SSTS) for PID 01-00416-0080 that encroaches upon public right-of-way.

WHEREAS, the property is legally described as:

Lot 8 and that part of Lot 9 lying Northeasterly of a line drawn parallel with and 22 Northeasterly from the Southeasterly line of Lot 9, as measure at right angles thereto, Simith's Shore View Addition, according to the plat thereof on file and of record in the office of the County Recorder, Sherburne County, Minnesota.

WHEREAS, the property is guided for rural land uses by the Comprehensive Plan; and

WHEREAS, the property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of Elk Lake; and

WHEREAS, the applicant is requesting a variance to allow installation of a new Subsurface Sewage Treatment System that encroaches into public right-of-way for Elk Lake Road; and

WHEREAS, the City Council must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-6-3 of the Zoning Ordinance:

A. That the variance would be consistent with the comprehensive plan.

Finding: Continuation of the existing residential use upon the legal non-conforming lot is consistent with the Comprehensive plan.

B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: The proposed Subsurface Sewage Treatment System is to be located within the public right-of-way to provide for compliance with other applicable requirements.

C. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: The property was is legal non-conforming lot of record prior within insufficient area to allow for location of a Subsurface Sewage Treatment System entirely within the subject property.

D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is due to the legal non-conforming area, width, and depth of the property that does not allow for location of a Subsurface Sewage Treatment System entirely within the subject property and not economic consideration.

- E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The properties surrounding the subject site are similar in dimension to the subject site and developed with single family dwellings utilizing Subsurface Sewage Treatment Systems for sewage disposal. Approval of the variance will not alter the character of the area in which the subject site is located.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The proposed location of the Subsurface Sewage Treatment System within the public right-of-way is minimized to the extent possible while complying with other applicable design requirements.

- G. The potential for the variance to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: The proposed location of the Subsurface Sewage Treatment System will not cause impacts to natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Finding: The existing single family dwelling is an allowed use within the zoning district established for the subject site by the Zoning Ordinance.

WHEREAS, the Planning Commission considered the request at their meeting on 24 November 2024; based upon review of the application and evidence received, the Planning Commission voted to recommend that the City Council approve the request based on the aforementioned findings.

WHEREAS, the City Council considered the application at a public hearing held at their meeting on 16 December 2024 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed.

WHEREAS, The planning report dated 11 December 2024 prepared by the City Planner, The Planning Company LLC, is incorporated herein.

NOW THEREFORE BE IT RESOLVED by the Baldwin City Council that based on the foregoing information and applicable ordinances, the variance application is **approved**, subject to the following conditions:

1. The property owner shall execute an encroachment agreement drafted by the City Attorney to allow location of the SSTS drain field within public right-of-way, subject to approval of the City Council.
2. Installation of the SSTS shall be installed in accordance with Chapter 4 of the Building Ordinance subject to review and approval of the Building Official except as modified by the variance.

(Remainder of this page intentionally blank signatures to follow)

ADOPTED by the Baldwin City Council this 16th day of December, 2024.

MOTION BY:
SECOND BY:
ALL IN FAVOR:
THOSE OPPOSED:

CITY OF BALDWIN

Jay Swanson, Mayor

ATTEST:

Joan Heinen, City Clerk/Treasurer

RESOLUTION NO: 24-59

**CITY OF BALDWIN
SHERBURNE COUNTY, MINNESOTA**

**APPROVING AN ENROACHMENT AGREEMENT FOR
PID 01-00416-0080**

WHEREAS, the Baldwin City Council approved a variance allowing for installation of a Subsurface Sewage Treatment System for PID 01-00416-0080, located at 28716 Elk Lake Road East at their meeting on 16 December 2024; and

WHEREAS, a condition of the variance approval is that the property owner enter into an encroachment agreement drafted by the City Attorney; and

WHEREAS, those obligations are outlined and memorialized in the encroachment agreement attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Baldwin City Council that:

1. The Encroachment Agreement attached as Exhibit A is hereby approved in form.
2. The Mayor and City Clerk are hereby authorized to execute the Encroachment Agreement on behalf of the City of Baldwin.

(remainder of page intentionally blank signatures follow)

ADOPTED by the Baldwin City Council this 16th day of December, 2024.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:

CITY OF BALDWIN

Jay Swanson, Mayor

ATTEST:

Joan Heinen, City Clerk/Treasurer



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Baldwin Mayor and City Council

FROM: D. Daniel Licht

REPORT DATE: 11 December 2024

RE: Baldwin – Northland Ponds; Preliminary Plat

TPC FILE: 269.02

BACKGROUND

Lakeside Investments MN, LLC is proposing to subdivide an existing 36.692 acre parcel (PID 01-00034-3100) into 10 lots and one outlot. The subject property is currently undeveloped. The proposed subdivision requires application for preliminary plat approval to be processed in accordance with Section XX-3-3.B of the Subdivision Ordinance. Application has also been made for setback variances from the Ordinary High Water Level of a Natural Environment Lake that is within the subject property. The applications are subject to review by the Planning Commission and approval of the City Council.

A public hearing to consider the application was held by the Planning Commission at their meeting on 28 August 2024. The public hearing was closed and the application tabled to allow the Department of Natural Resources to survey the Natural Environment Lake to determine the Official High Water Line as it relates to setbacks applicable to the preliminary plat, which has been completed. The City noticed a second public hearing to consider the applications for the Planning Commission meeting on 20 November 2024 at 7:00PM, although not required by State Statute, the Zoning Ordinance, or Subdivision Ordinance. The applicant was present at both Planning Commission meetings and agreed with the recommendations of City staff. Public comments were also taken at both public hearings. Following the public comments, on 20 November 2024, the public hearing was closed.

The Planning Commission discussed the preliminary plat, and specifically, the variance request at length at both meetings. Planning Commission members' discussion focused on the need for variance due to practical difficulties as required by Statute and/or the timing of changes to the Shoreland Ordinance effecting the setbacks applicable to the proposed preliminary plat.

Exhibits:

- Property Location Map
- Comprehensive Plan Land Use Map

- Zoning Map
- Roadway Classification Map
- Preliminary Plat dated 11/06/24
- Civil Plans dated 5/31/24 (18 sheets)
- Planning Commission August 28, 2024 meeting minutes
- Michael and Claudia Seurer letter dated November 18, 2024
- Planning Commission November 20, 2024 meeting draft minutes
- DNR letter dated November 25, 2025
- Alternative Resolutions:
 - Approval of requested variance and preliminary plat
 - Approval of requested preliminary plat, denial of variance
 - Denial of variance and preliminary plat

ANALYSIS

Comprehensive Plan. The Comprehensive Plan includes a goal to establish land use patterns that provide connections to existing public amenities and the natural landscape. Existing rural residential character is to be expanded without spoiling scenery or open spaces. The proposed preliminary plat is consistent with the goals and policies of the Comprehensive Plan.

Zoning. The subject property is zoned R1, General Rural District. The subject property is also within the Shoreland Overland District of an unnamed Natural Environment Lake classified as such based on an amendment of the Zoning Ordinance approved on 17 June 2024 and Prairie Hill Lake east of 116th Street (CR 39). The preliminary plat proposes subdivision of 10 lots for construction new single family dwellings. Single family dwellings (and related accessory structures) are allowed as a permitted use within the R1 District and Shoreland Overlay District.

Surrounding Uses. Existing development in the area of the subject property includes rural single family dwellings on parcels that are between five and 10 acres in area to the north and east. There is a 40 acre undeveloped parcel to the west of the subject property and an 80 acre parcel with one single family dwelling to the south. The proposed preliminary plat also surrounds an exception parcel with a single family dwelling. The proposed preliminary plat allowing for construction of 10 single family dwellings is similar with the character of surrounding development and will be compatible within the area.

Access. The subject property abuts 116th Street (CR 39), which is designated as local road by the Sherburne County Transportation Plan. Lots 1 and 2, Block 1 are proposed to access 116th Street (CR 39). Lot 1, Block 1 is proposed to use an existing access onto 116th Street (CR 39) whereas Lot 2, Block 1 will share an access with the existing driveway accessing the exception parcel. Access for Lots 1 and 2, Block 1 to 116th Street (CR 39) is to be subject to review and approval by Sherburne County. Lots 3-6, Block 1; Lots 1 and 2, Block 2; and Lots 1 and 2, Block 3 are to be accessed via right-of-way and construction of a local City street designated as 280th Avenue. The location of 280th Avenue intersecting 116th Street (CR 39) is to be subject to review and approval of Sherburne County. The proposed preliminary plat provides for dedication of 66 feet of right-of-way for 280th Avenue consistent with the requirements of Section XX-10-4.B.1 of the Subdivision Ordinance. Construction plans for 280th Avenue are for a 24 foot wide street surface and three foot gravel shoulders. Right-of-way dedication and the design of the street sections within these rights-of-way will be subject to review and approval of the City Engineer pursuant to Section XX-10-4.B.3 of the Subdivision Ordinance.

Access to individual lots from 280th Avenue will be subject to the requirements of Section 1.08 of the City Right-of-Way Ordinance. Driveways must be a minimum of 75 feet from intersections or other driveways on the same side of the street. Section XX-21-6.B.2.b of the Zoning Ordinance requires that the driveway within each platted lot be surfaced with concrete or asphalt at least to the 50 foot front setback line.

The preliminary plat provides for extension of the right-of-way for 280th Avenue to the west plat line to allow for future subdivision of the parcel to the west. A temporary cul-de-sac will need to be constructed at the terminus end of 280th Street. A temporary roadway easement will be required over Lot 3, Block 1 and Lot 1, Block 1 for the temporary cul-de-sac. Removal of the temporary cul-de-sac and restoration of the yards would be the future responsibility of the subdivider of the parcel to the west.

The preliminary plat also includes Outlot A intended as future right-of-way for extension of a street to the south if the abutting 80 acre parcel is subdivided in the future to provide neighborhood connectivity and multiple access points to the preliminary plat other than from 116th Street (CR 39). As the street that would be constructed within the right-of-way is not needed for access to the lots within the preliminary plat, City staff recommends that the right-of-way be platted as an outlot and deeded to the City. Future construction of a street within Outlot A would be the responsibility of the subdivider of the abutting parcel to the south.

Lot Requirements. Section XX-50-7 of the Zoning Ordinance sets forth the following minimum requirements for lots within the R1 District. The minimum lot area and width requirements applicable to platted single family lots within the R1 District are more restrictive than those of the Shoreland Overlay District for Natural Environment Lakes and govern as provided for by Section XX-1-5.B of the Zoning Ordinance.

A. Lot Area:		
	Platted Lot:	2.5 acres
	Buildable Area Within Parcel or Lot:	40,000 square feet
B. Lot Width:		200 feet
C. Lot Depth		300 feet

The proposed lots range in area from 2.50 acres to 5.17 acres in area and have a mean area of 3.29 acres. All of the proposed lots have more than 40,000 square feet of buildable area for construction of a single family dwelling as required by Section XX-16-2.B of the Zoning Ordinance. Each lot is more than 200 feet in width measured at the required setback from the front lot line abutting a public road and are more than 300 feet in depth. The lots within preliminary plat comply with the minimum requirements of the R1 District and Shoreland Overlay District.

Impervious Surface. Section XX-90-10.B.1 of the Zoning Ordinance limits impervious surface within the Shoreland Overlay District to not more than 25 percent of the lot area. All or portions of the lots within the preliminary plat are subject to the provisions of the Shoreland Overlay District. Each lots (or the portions thereof within the Shoreland Overlay District) have sufficient area to allow for construction of a single family dwelling, accessory structures, or other impervious surfaces while complying with the 25 percent limit. The certificate of survey submitted with application for a building permit will be required to indicate the proposed impervious surface within the lot.

Setbacks. Lots within the R1 District are subject to the setback requirements established by Section XX-50-8 of the Zoning Ordinance below. Each of the other lots within the preliminary plat have adequate area to allow for construction of a single family dwelling in compliance with required minimum setbacks of the R1 District.

A. Front Yard or Side Yard Abutting a Public Road:		
	City Street:	50 feet
B. Side Yard (except as allowed by Section XX-51-5.A):		20 feet
C. Rear Yard:		25 feet

Section XX-90-7.B.1 of the Zoning Ordinance requires a minimum setback of 150 feet from the Ordinary High Water Level of a Natural Environment Lake for structures and Subsurface Sewage Treatment Systems. The preliminary plat proposes to reduce the required setback from the Ordinary High Water Level to 75 feet for Lots 1 and 2, Block 1 as shown on the preliminary plat. by variance. All other lots within the preliminary plat are shown to be subject to and have the ability to comply with the 150 foot setback required from the Ordinary High Water Level.

The preliminary plat illustrates that there is the ability to locate a single family dwelling and Subsurface Sewage Treatment System within Lot 1, Block 1, but the developer is requesting the variance to allow for the house location as designed prior to the Zoning Ordinance amendment classifying the wetland as a Natural Environment Lake. The Planning Commission has recommended that the preliminary plat be revised such that the building pad and SSTS drainfield be relocated to comply with the Ordinary High Water Level setback required by the Shoreland Overlay District.

Because of the limits of the buildable area at the northeast corner of the subject property and the lack of depth between the Natural Environment Lake and 116th Street (CR 39), a dwelling within Lot 2, Block 1 cannot comply with the 150 foot setback. The Planning Commission adopted findings of fact supporting approval of a variance to allow the reduction in the setback from the Ordinary High Water Level for Lots 2, Block 1 in recommending approval of the variance.

The City Council may determine the need for variance is caused only by the amendment of the Zoning Ordinance that occurred after the applications were submitted by prior to consideration by the Planning Commission. City staff advises that the amendment of the Zoning Ordinance after the application was received but before a decision is made of the application does not establish rights to the prior requirement. Department of Natural Resources staff have stated their objection to the requested variance on this basis. The City Council may consider the following options in this regard:

- Approve the variance and preliminary plat as requested.
- Approved the preliminary plat with a condition to combine Lots 1 and 2, Block 1 into one lot development of which is to comply with applicable setbacks.
- Deny the preliminary plat on the basis that Lots 1 and 2, Block 1, as presented, to not comply with the Zoning Ordinance.

Landscaping. Section XX-19-2.B.1 of the Zoning Ordinance requires planting two shade or evergreen trees per acre for each lot platted after 3 April 2023. The tree planting requirement will be satisfied as part of the building process for each lot.

Grading. The developer has provided a grading plan the proposed preliminary plat. The site work will disturb less than one acre, so the stormwater management provisions of Section XX-10-6 of the Subdivision Ordinance do not apply. All grading, drainage, and erosion control issues are subject to review and approval of the City Engineer.

Wetlands. Administration of the Wetland Conservation Act (WCA) becomes the jurisdiction of the City with incorporation. A wetland delineation for the subject property has been approved by Sherburne County. No physical impacts to the Natural Environment Lake are proposed as part of the site development.

The Planning Commission, in recommending approval of the setback variance, included a condition that a wetland buffer be established at the perimeter of the Natural Environment Lake within Lots 1 and 2, Block 1. City staff recommends that the wetland buffer be at least 20 feet in depth and overlaid by a conservation easement prohibiting any encroachments. A document establishing the wetland buffer and conservation easement will be required to be submitted with application for final plat approval.

All wetland issues are subject to review by the City Engineer.

Utilities. The lots within the proposed preliminary plat are to be served by private Subsurface Sewage Treatment Systems (SSTS) and wells in accordance with Section XX-10-5 of the Subdivision Ordinance. The submitted plans identify a primary and secondary drainage field site within each lot for a SSTS. All SSTS and well plans are to be subject to review and approval of the Building Official at the time a building permit is applied for.

Easements. Section XX-10-8 of the Subdivision Ordinance requires dedication of drainage and utility easements a minimum of 12 feet in width at the perimeter of each lot, which may be centered on lot side and rear lines for abutting lots within the preliminary plat. The preliminary plat indicates the required perimeter drainage and utility easements, as well as over stormwater basins corresponding to the proposed grading plan. All drainage and utility easements are to be subject to approval of the City Engineer.

Park Dedication. Section XX-10-10 of the Subdivision Ordinance requires developers to dedicate 10 percent of the buildable area of a parcel being subdivided to the City for park purposes. The City may also elect to receive a cash fee in lieu of land dedication to be used only for development of the City park system. The decision as to whether the developer is required to dedicate land, pay a cash fee in lieu of land, or provide for dedication of a combination of land and cash fees to satisfy park dedication requirements is to be made by the City.

The preliminary plat does not propose dedication of land to the City for public park purposes meaning park dedication requirements would be satisfied by payment of a cash fee in lieu of land. Park dedication requirements for the proposed preliminary plat were reviewed by the Park Committee at their meeting on 18 July 2024. The Park Committee recommends that the developer pay a cash fee in lieu of land to satisfy park dedication requirements, which is subject to approval of the City Council. The

cash fee in lieu of land is to be paid at the time of final plat approval based on the fee established by the Fee Schedule Ordinance in effect at that time.

RECOMMENDATION

The proposed Northland Ponds preliminary plat is consistent with the Comprehensive Plan for rural residential development. The preliminary plat further complies with the requirements of the Zoning Ordinance and Subdivision Ordinance, with exception of the proposed setback illustrated from the Ordinary High Water Level of a Natural Environment Lake for Lots 1 and 2, Block 1.

The Planning Commission voted 3-2 to recommend approval of the applications subject to the conditions recommended by City staff. The Planning Commission added conditions that Lot 1, Block 1 comply with applicable setback requirements and that a wetland buffer area be established at the delineated edge of the Natural Environment Lake.

City staff has drafted alternative resolutions to approve (with conditions) or deny the applications for consideration at their meeting on 16 December 2024.

POSSIBLE ACTIONS

- Motion to adopt a Resolution **approving of a variance and the preliminary plat** of Northland Ponds, subject to the following conditions:
 1. The preliminary plat shall be valid for a period of one year from the date of approval in accordance with Minnesota Statutes 462.358, Subd. 3C., unless extended by the City Council.
 2. Access from Lots 1 and 2, Block 1 to 116th Street (CR 39) shall be subject to review and approval of Sherburne County.
 3. The proposed intersection of 280th Avenue with 116th Street (CR 39) shall be subject to review and approval of Sherburne County.
 4. The developer shall dedicate a temporary roadway easement at the terminus end of 280th Avenue, subject to review and approval of City staff.
 5. Outlot A shall be deeded to the City for future right-of-way purposes.
 6. The right-of-way and street design and construction for 280th Avenue shall be subject to review and approval of the City Engineer.
 7. Access to individual lots from City streets shall comply with Section 1.08 of the City Right-of-Way Ordinance and Section XX-21-6.B.2.b of the Zoning Ordinance.
 8. Construction on all lots shall comply with the following setback requirements:

A. Front Yard or Side Yard Abutting a Public Road:		
	County Road	67 feet
	City Street:	50 feet
B. Side Yard (except as allowed by Section XX-51-5.A):		20 feet
C. Rear Yard:		25 feet
D. Ordinary High Water Level		
	Lot 2, Block 1	75 feet
	Lots 1, 3-6, Block 1; Lots 1-2, Block 2; Lots 1-2, Block 3	150 feet

9. Impervious surface within all or portions of lots within the Shoreland Overlay District shall not exceed 25 percent; proposed impervious surface within the Shoreland Overlay District shall be shown on the certificate of survey for each lot with application for a Building Permit.
 10. Subsurface Sewage Treatment Systems and well utilities for each lot shall be subject to review and approval of the Building Official.
 11. All grading, drainage, and erosion control plans shall be subject to review and approval of the City Engineer.
 12. A minimum 20 foot wetland buffer shall be established by conservation easement at the delineated edge of the Natural Environment Lake, subject review and approval by City staff concurrent with application for final plat.
 13. All wetland issues shall be subject to review and approval of the City Engineer.
 14. All easements shall be subject to review and approval of the City Engineer.
 15. Park dedication requirements shall be satisfied by payment of a cash fee in lieu of land based on the Fee Schedule Ordinance in effect at the time of final plat approval, subject to approval of the City Council.
 16. Development of the subject property shall comply with the Bald and Golden Eagles Protection Act, including issuance of a General Permit for Disturbance, subject to review and approval of the U.S. Fish and Wildlife Service.
- Motion to adopt a Resolution **denying the requested variance and approving the preliminary plat** of Northland Ponds, subject to the following conditions:
1. The preliminary plat shall be valid for a period of one year from the date of approval in accordance with Minnesota Statutes 462.358, Subd. 3C., unless extended by the City Council.
 2. Access from Lot 1, Block 1 to 116th Street (CR 39) shall be subject to review and approval of Sherburne County.

3. The proposed intersection of 280th Avenue with 116th Street (CR 39) shall be subject to review and approval of Sherburne County.
4. The developer shall dedicate a temporary roadway easement at the terminus end of 280th Avenue, subject to review and approval of City staff.
5. Outlot A shall be deeded to the City for future right-of-way purposes.
6. The right-of-way and street design and construction for 280th Avenue shall be subject to review and approval of the City Engineer.
7. Access to individual lots from City streets shall comply with Section 1.08 of the City Right-of-Way Ordinance and Section XX-21-6.B.2.b of the Zoning Ordinance.
8. Construction on all lots shall comply with the following setback requirements:

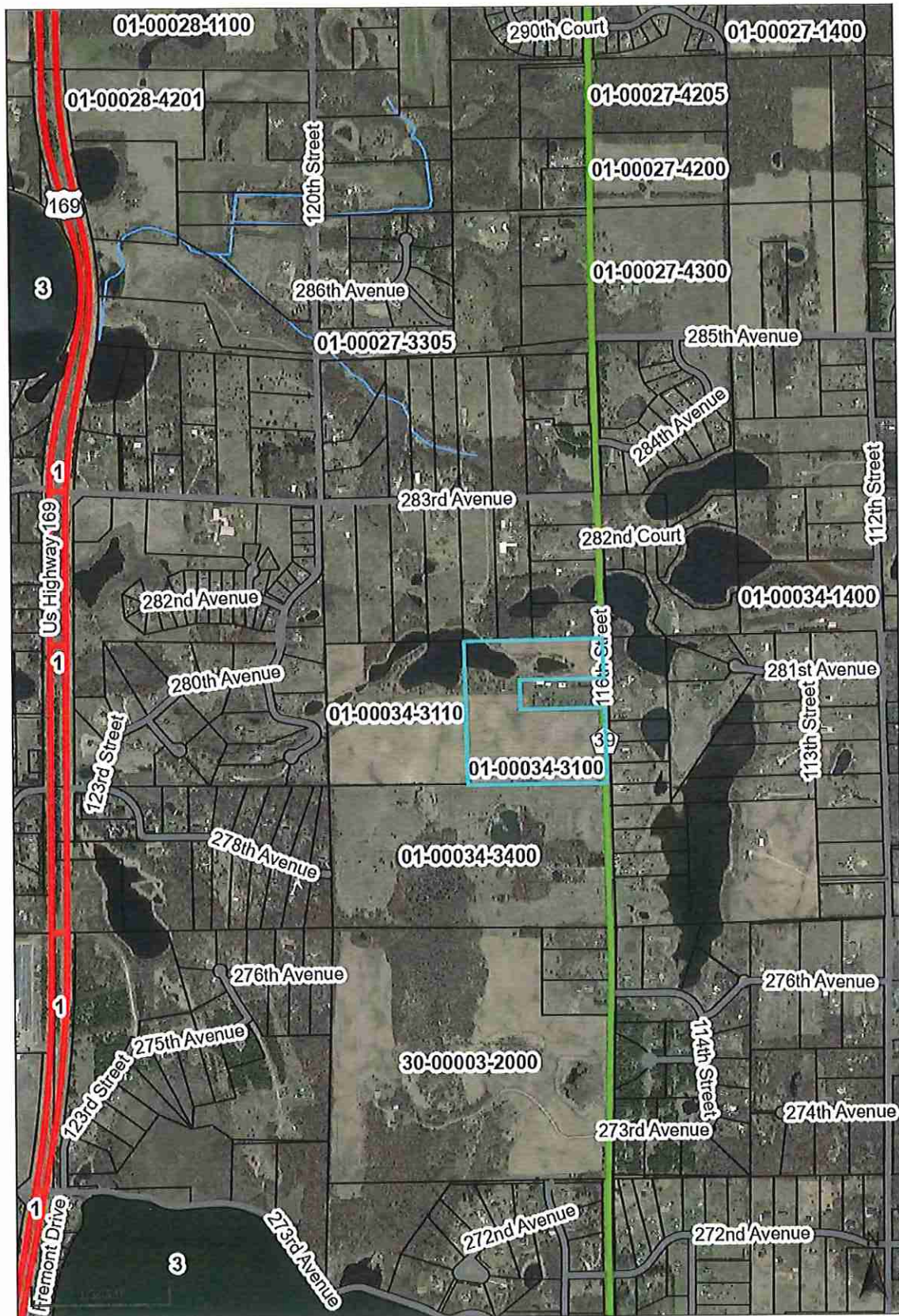
A. Front Yard or Side Yard Abutting a Public Road:		
	County Road	67 feet
	City Street:	50 feet
B. Side Yard (except as allowed by Section XX-51-5.A):		20 feet
C. Rear Yard:		25 feet
D. Ordinary High Water Level		150 feet

9. Impervious surface within all or portions of lots within the Shoreland Overlay District shall not exceed 25 percent; proposed impervious surface within the Shoreland Overlay District shall be shown on the certificate of survey for each lot with application for a Building Permit.
10. Subsurface Sewage Treatment Systems and well utilities for each lot shall be subject to review and approval of the Building Official.
11. All grading, drainage, and erosion control plans shall be subject to review and approval of the City Engineer.
12. All wetland issues shall be subject to review and approval of the City Engineer.
13. All easements shall be subject to review and approval of the City Engineer.
14. Park dedication requirements shall be satisfied by payment of a cash fee in lieu of land based on the Fee Schedule Ordinance in effect at the time of final plat approval, subject to approval of the City Council.
15. Development of the subject property shall comply with the Bald and Golden Eagles Protection Act, including issuance of a General Permit for Disturbance, subject to review and approval of the U.S. Fish and Wildlife Service.

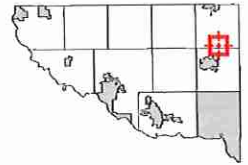
- Motion to adopt a Resolution **denying the variance and preliminary plat** applications based on findings that the request for variance does not comply with the criteria established by the Zoning Ordinance and the preliminary plat does not comply with the Subdivision Ordinance.

c. Joan Heinen, City Clerk/Treasurer
Bob Ruppe, City Attorney
Dan Bogart, Acting City Engineer
David Roedel, Sherburne County
James Bedell, DNR

Site Location Map



Overview



Legend

Roads

- MN Highway; US Highway
- Municipal-State Aid Street
- Municipal Street
- Township Road
- State Forest Road
- Bureau of Fish and Wildlife Road
- Connector (Ramp)
- Privately Maintained Public Access Road
- County Road
- County-State Aid Highway
- Parcels
- Streams

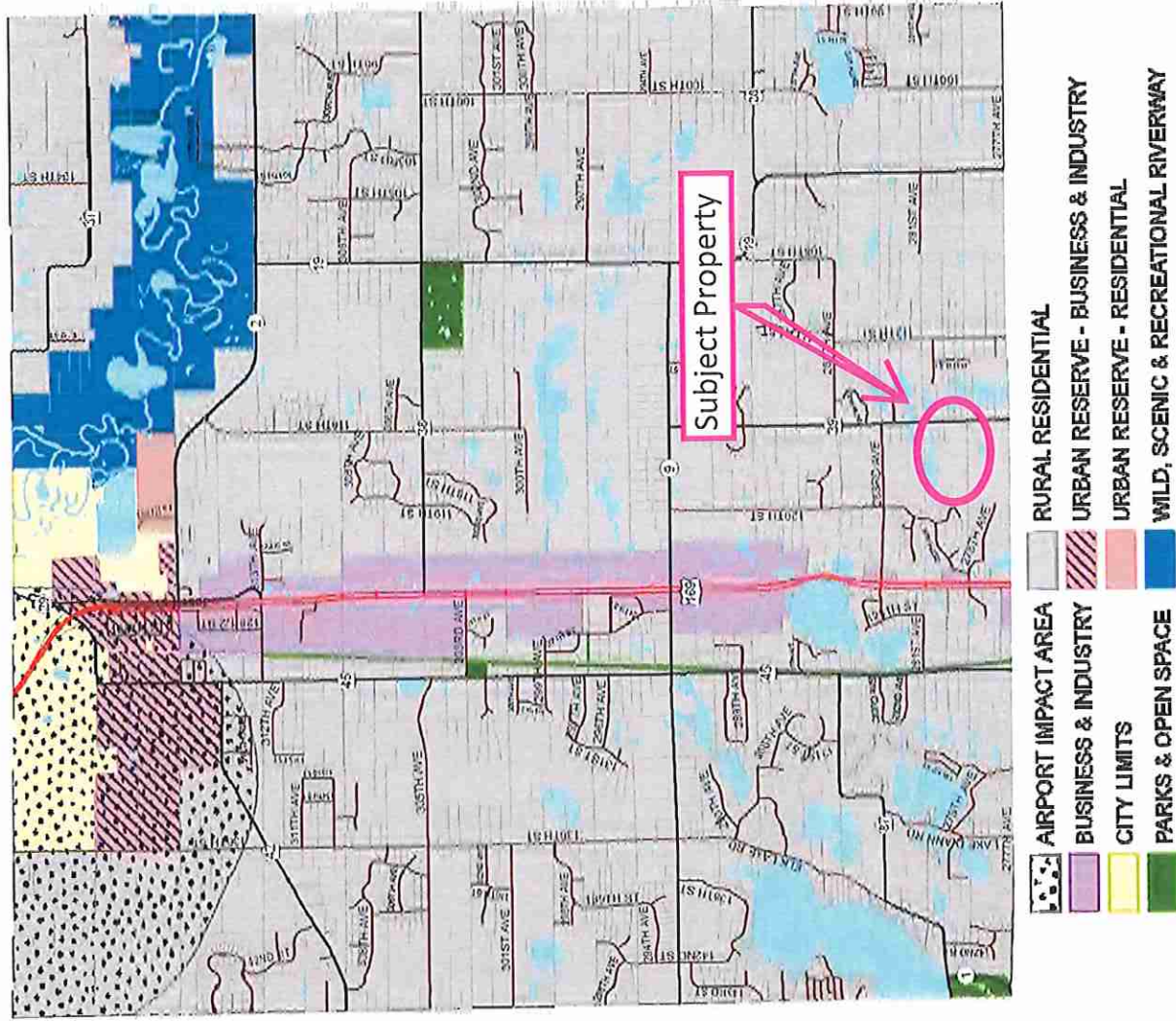


Figure 9.3: Sherburne County Future Land Use Map (Baldwin Township). Source: Sherburne County Planning & Zoning Dept.

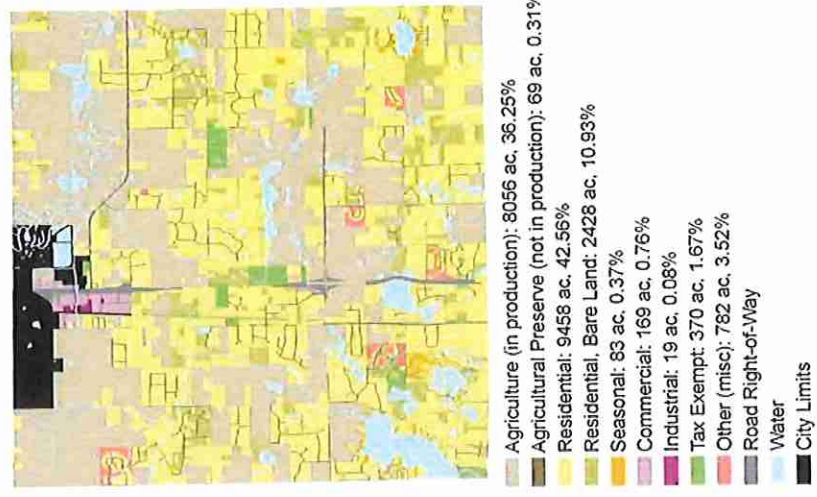
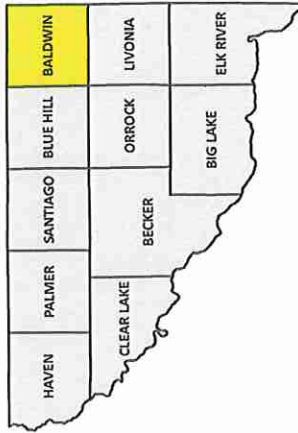


Figure 9.4: Baldwin Township existing land use by acres (2008). Source: Sherburne County Assessor's Dept.

Baldwin Township Zoning Map



Township Boundary

City Limits

Zoning

- R1, General Rural - 21,558ac (97.3%)
- C1, General Commercial - 163ac (0.8%)
- I1, General Industrial - 426ac (1.9%)
- S, Shoreland - 7860ac (35.5%)
- WS, Wild and Scenic - 1339ac (6%)

Roads

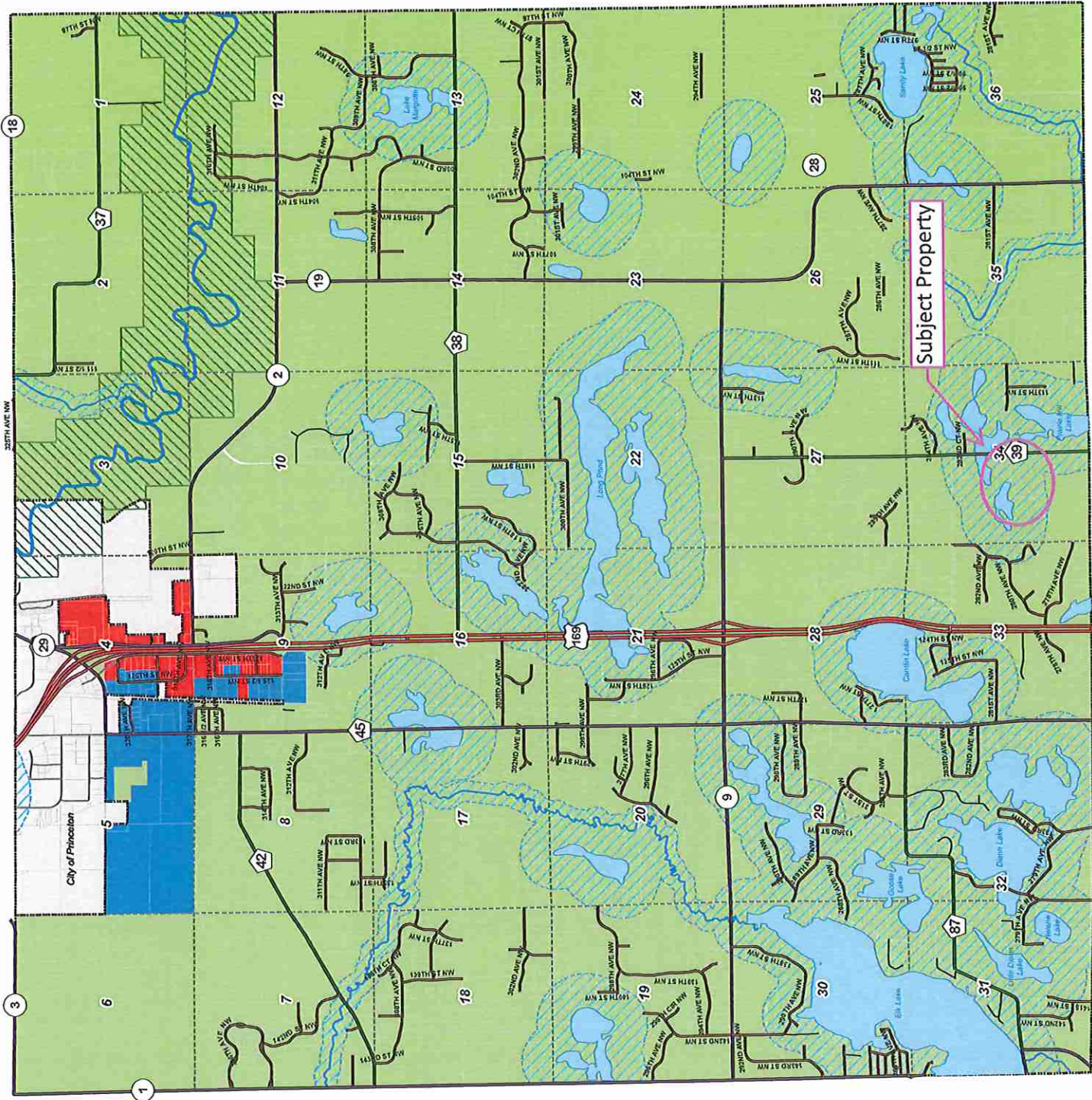
- US Highway
- County-State Aid Highway (CSAH)
- County Road
- Township Road
- Private Road
- City Street

TPC
The Planning Company



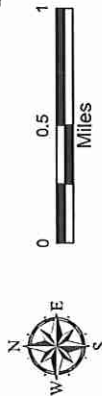
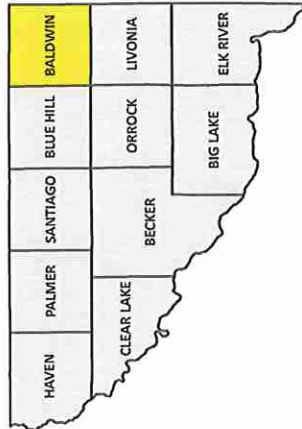
**Hakanson
Anderson**

DISCLAIMER: Baldwin Township does not warrant the accuracy nor the correctness of the information contained in this map. It is your responsibility to verify the accuracy of this information. In no event will Sherburne County be liable for any damages, including loss of business, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains. Map information is believed to be accurate but accuracy is not guaranteed.



Baldwin Township

ROADWAY CLASSIFICATION

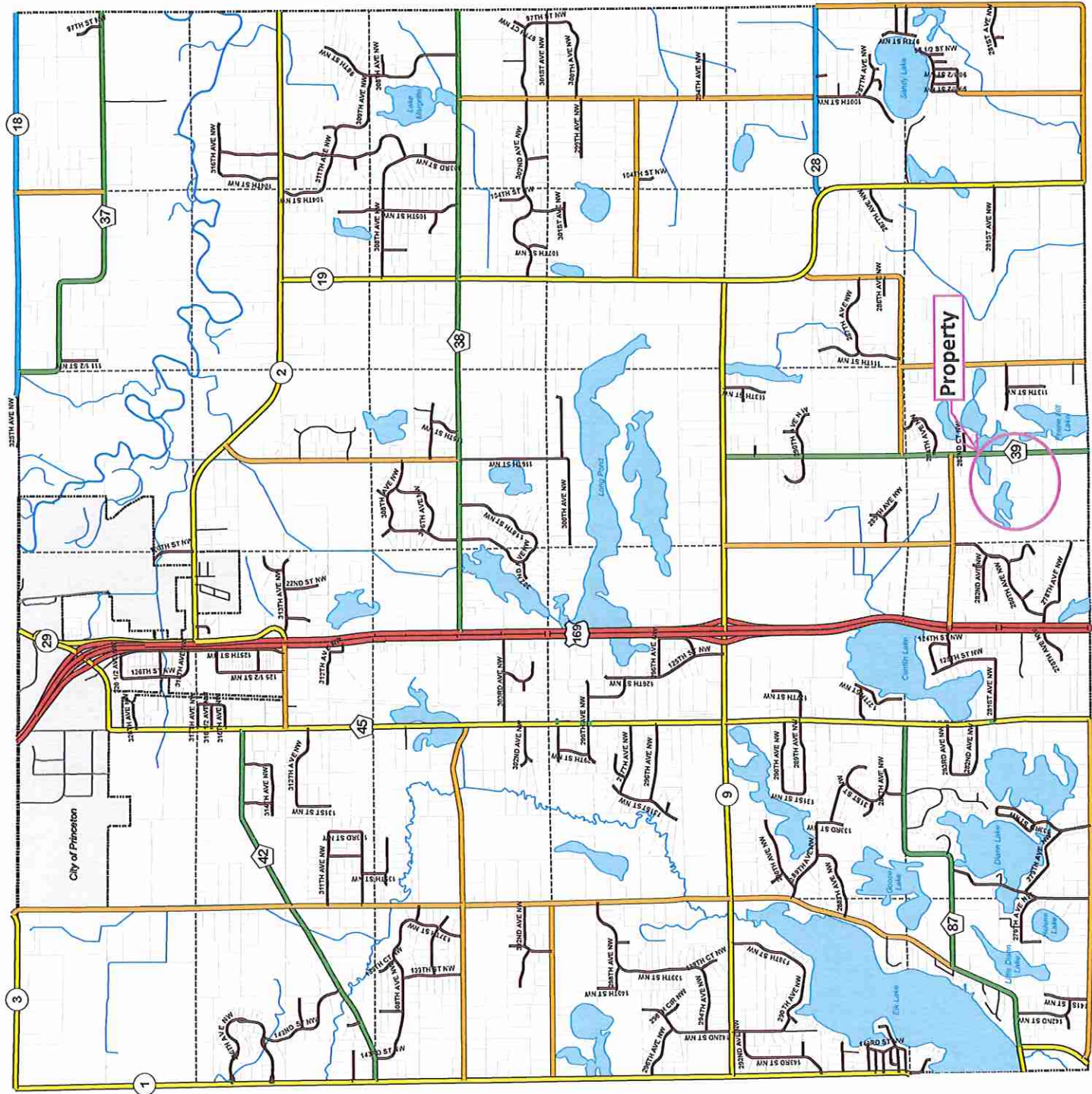


- Roads**
- DNR Public Waters
 - Township Boundary
 - Principal Arterial (Federal/State)
 - County Major Collector
 - County Minor Collector
 - County Local
 - Town Collector
 - Town Road
 - City Street
 - Private Road



Sources:
Sherburne County 2040 Transportation Plan
Baldwin Township

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DESCRIPTION OF PROPERTY TO BE PLATTED (PP NO. 01-034-3100)

The Northwest Quarter of the Southwest Quarter of Section 34, Township 25N, Range 25E, Sherburne County, Minnesota, containing 160.00 acres, more or less, as shown on the plat.

Surveyed and Platted by
LAKESIDE INVESTMENTS MN, LLC
Survey No. 250371
Date of Survey: 05/12/24
Date of Plat: 05/12/24

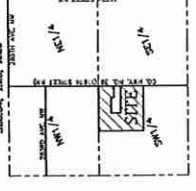
TABLE 1: AREA OF EACH LOT AND ADJACENT LOT AREA

Lot	Area (Acres)	Adjacent Lot Area (Acres)
Lot 1	2.57	Lot 2 = 2.57
Lot 2	2.57	Lot 3 = 2.57
Lot 3	2.57	Lot 4 = 2.57
Lot 4	2.57	Lot 5 = 2.57
Lot 5	2.57	Lot 6 = 2.57
Lot 6	2.57	Lot 7 = 2.57
Lot 7	2.57	Lot 8 = 2.57
Lot 8	2.57	Lot 9 = 2.57
Lot 9	2.57	Lot 10 = 2.57
Lot 10	2.57	Lot 11 = 2.57
Lot 11	2.57	Lot 12 = 2.57
Lot 12	2.57	Lot 13 = 2.57
Lot 13	2.57	Lot 14 = 2.57
Lot 14	2.57	Lot 15 = 2.57
Lot 15	2.57	Lot 16 = 2.57

NOTES

1. The boundaries shown on this plat are based on the survey of the Northwest Quarter of the Southwest Quarter of Section 34, Township 25N, Range 25E, Sherburne County, Minnesota, containing 160.00 acres, more or less, as shown on the plat.
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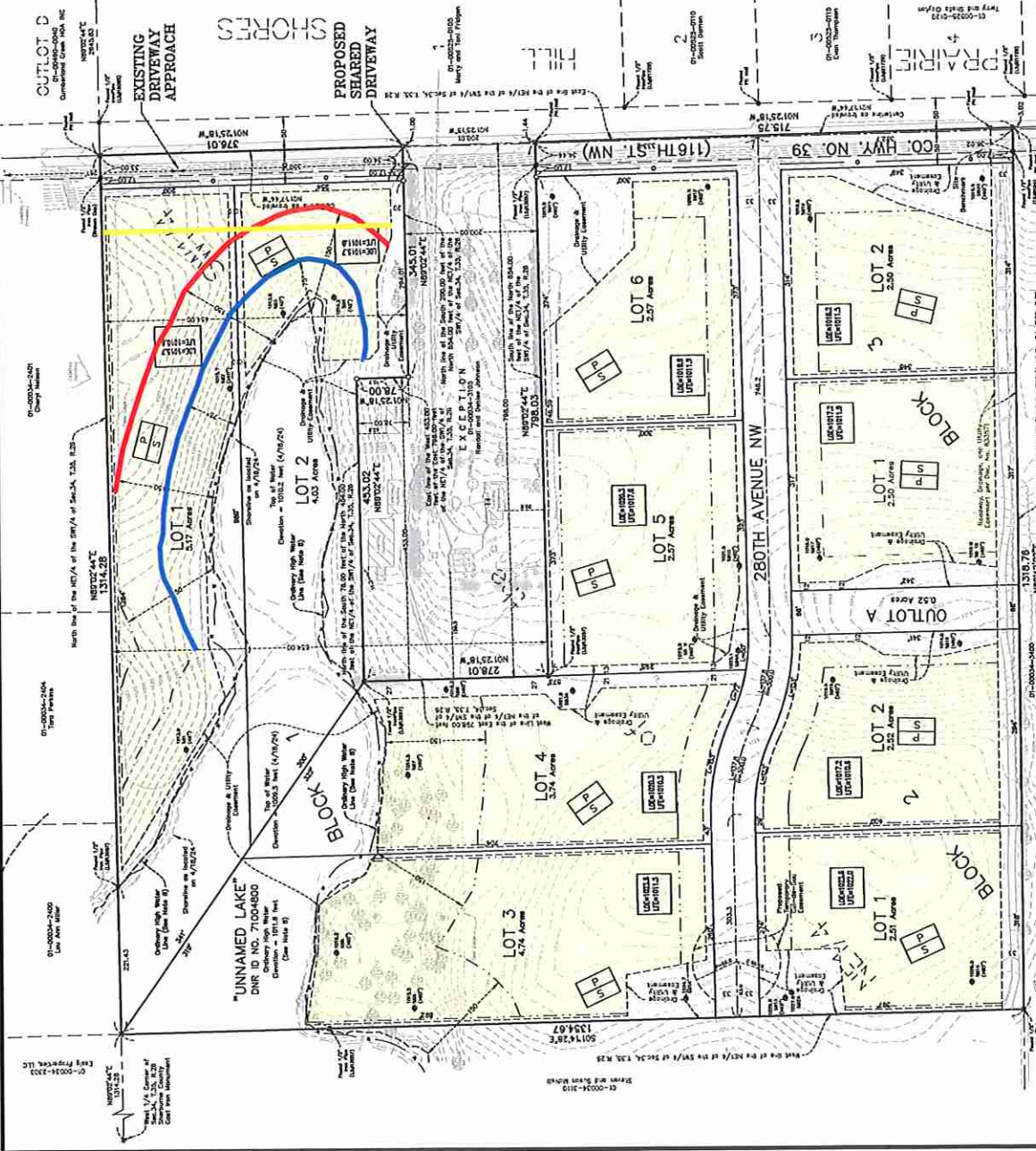
VICINITY MAP



PROPERTY INFORMATION

Property Owner	LAKESIDE INVESTMENTS MN, LLC
Property Address	1318.76 N 280TH AVE NW, Sherburne, MN 56283
Property Size	160.00 Acres
Property Zoning	Residential
Property Use	Residential
Property Description	160.00 Acres, more or less, as shown on the plat.

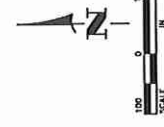
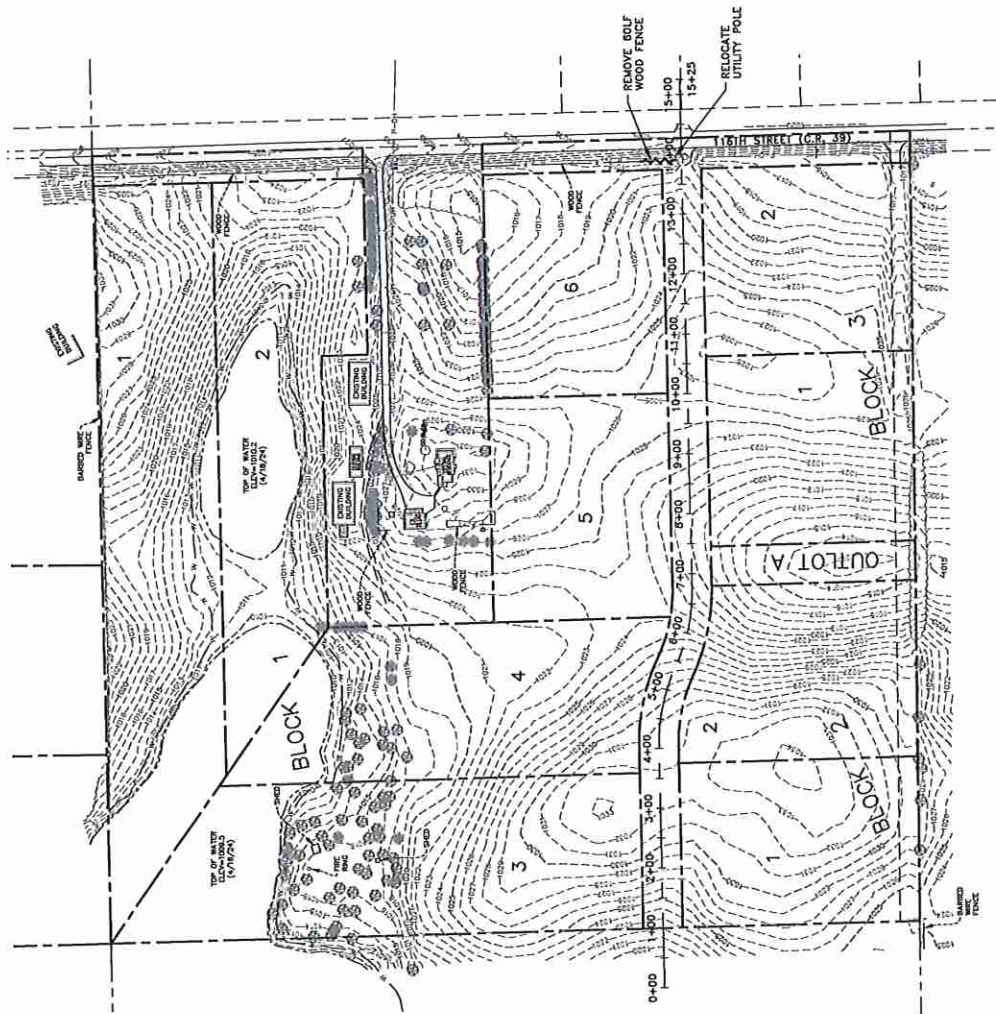
PRELIMINARY PLAT FOR LAKESIDE INVESTMENTS MN, LLC SHERBURNE COUNTY, MINNESOTA



RUM RIVER LAND SURVEYORS & ENGINEERS, INC.
1318.76 N 280TH AVE NW, Sherburne, MN 56283
Phone: 507-251-4474
Fax: 507-251-4475

DATE: 05/12/24
BY: [Signature]
CHECKED: [Signature]
DATE: 06/07/24
BY: [Signature]
CHECKED: [Signature]

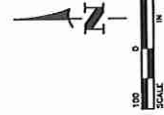
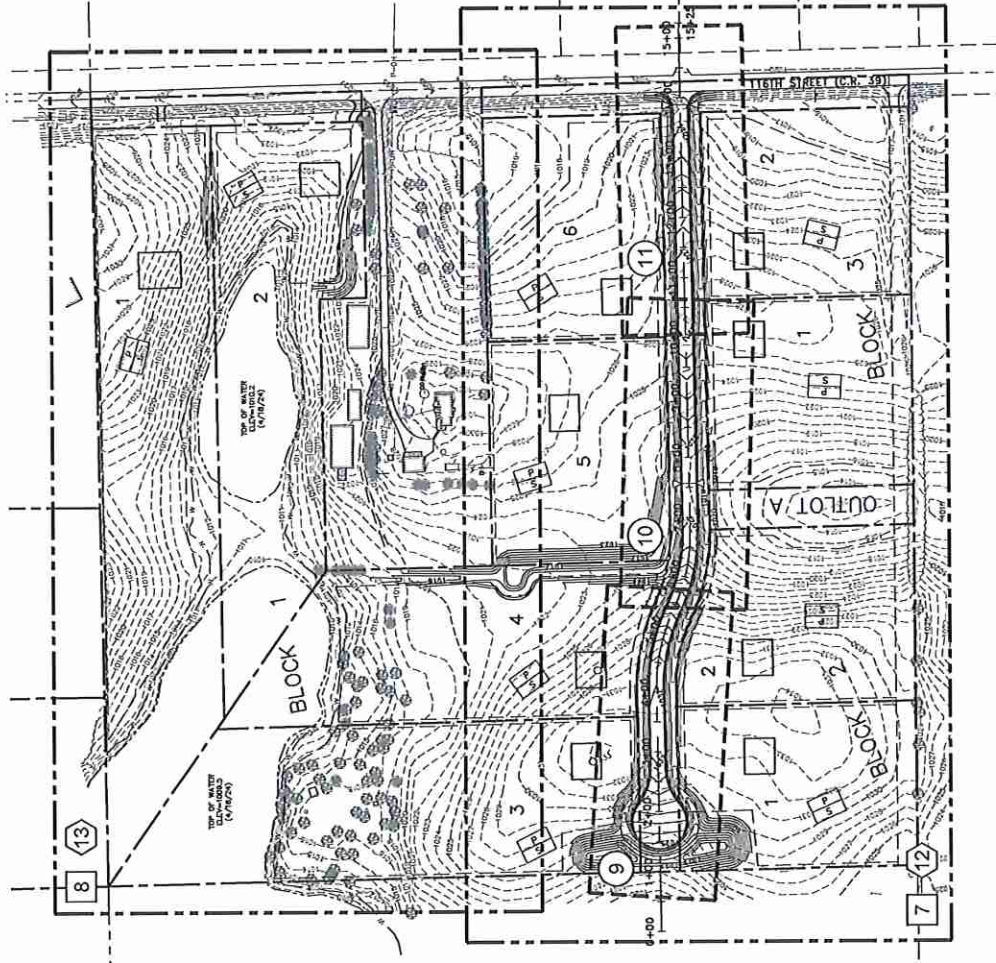
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SHEET 5 OF 13		EXISTING TOPOGRAPHY AND REMOVALS PLAN BALDWIN TOWNSHIP, MINNESOTA P-4683.02	
NORTHLAND PONDS		RUM RIVER LAND SURVEYORS & ENGINEERS 8741 39th Ave N Minneapolis, MN 55412	
DATE 05/21/2024	REVISION 1.0	DRAWN BY TAE	CHECKED BY C.J.J.
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota. Date 5/21/2024 INDUSTRY A. C. 43352 Lic. No. 43352			

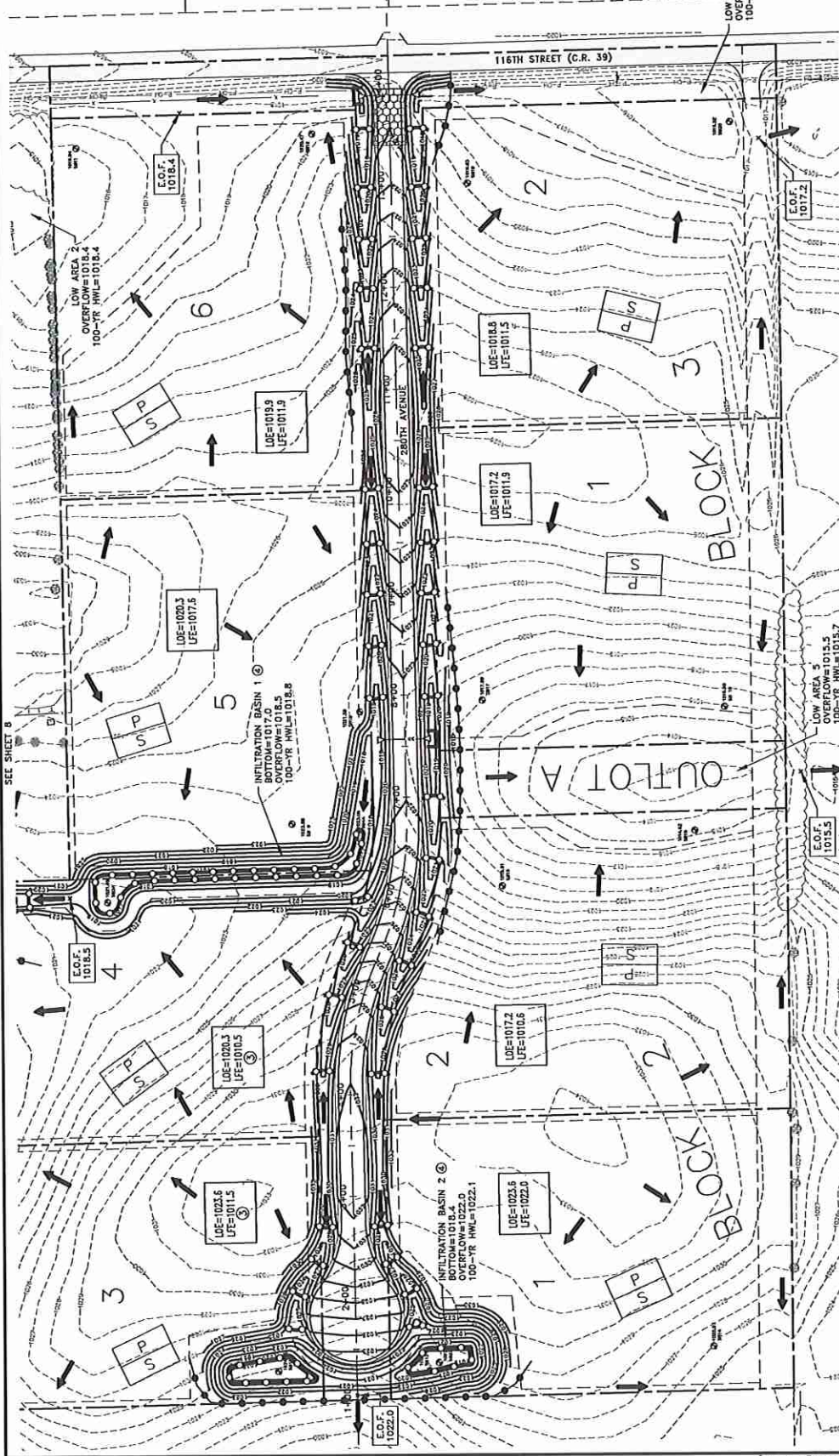
LEGEND

- X GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN SHEET NUMBER
- X STREET AND STORM SEWER CONSTRUCTION PLAN SHEET NUMBER
- X RESTORATION PLAN SHEET NUMBER



 RUM RIVER LAND SURVEYORS & ENGINEERS 6023 29th Ave N, Minneapolis, MN 55412 612.391.4474		NORTHLAND PONDS		PROPOSED CONDITIONS SHEET INDEX BALDWIN TOWNSHIP, MINNESOTA	
DATE: 12/17/24 REVISION: 1 DRAWN BY: JAE CHECKED BY: JAE DATE: 5/5/24 Licens. No.: 433822		I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.		SHEET 6 OF 13 P-4693.02	

REFERENCE NOTES:
 ① FINAL LOCATION OF HOUSE PAD AND SURFACE SEWAGE TREATMENT SYSTEM (SSTS) AREAS SHALL BE VERIFIED AT THE TIME OF HOME CONSTRUCTION.
 ② FINAL HOUSE TYPES AND ELEVATIONS SHALL BE DETERMINED AT THE TIME OF LOT DEVELOPMENT. HOUSE ELEVATIONS SHALL BE THE FINAL DEPTH TO MOTTLER SOILS.
 ③ MULTIPLE HIGH WATER AND ELEVATIONS EXIST ON THIS LOT. THE PROPOSED HOME ELEVATIONS SHOWN SHALL BE THE FINAL DEPTH TO MOTTLER SOILS.
 ④ HOUSE PADS SHOWN ON THE GRADING DRAINAGE AND SEDIMENT CONTROL PLAN SHALL BE REVIEWED IF THE HOUSE PAD IS RELOCATED.
 ⑤ CONSTRUCT INFILTRATION BASIN PER ②.



LEGEND
 HOUSE PAD LOCATION ②
 SEDIMENT CONTROL LOG PER ②
 SEDIMENT CONTROL LOG PER ③
 STABILIZED CONSTRUCTION EXIT PER ③
 CULVERT END CONTROL
 EMERGENCY OVERFLOW ELEVATION

DATE: 8/17/24		REVISION: 1		DRAWN BY: J. E. [Signature]		CHECKED BY: [Signature]		DATE: 8/17/24		PROJECT: NORTHLAND PONDS		SHEET: 7 OF 13		PROJECT: GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN		LOCATION: BALDWIN TOWNSHIP, MINNESOTA		P-4693.02	
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.		[Signature]		[Signature]		[Signature]		[Signature]		[Signature]		[Signature]		[Signature]		[Signature]		[Signature]	
DATE: 8/17/24		REVISION: 1		DRAWN BY: J. E. [Signature]		CHECKED BY: [Signature]		DATE: 8/17/24		PROJECT: NORTHLAND PONDS		SHEET: 7 OF 13		PROJECT: GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN		LOCATION: BALDWIN TOWNSHIP, MINNESOTA		P-4693.02	

Baldwin Township
Planning Commission Meeting Minutes
August 28, 2024 at 7:00 p.m.

Call to Order:

Chair Clarence Mattson called the Planning Commission meeting to order at 7:01 pm.

Pledge of Allegiance:

All present stood and recited the pledge of allegiance.

Roll Call:

Present: Chair Clarence Mattson, Vice Chair Sherry Newman, Commissioners Patti Miller, William McGowan, Richard Marshall, and Joy Johnson.

Also present were Town Planner, Dan Licht, Deputy Clerk Kayla Nielsen and Town Board Liaison, Jay Swanson.

Absent: Commissioner Calvin Schmock.

Planning Commission Claim Forms: All claim forms were filled out and returned to the Deputy Clerk Nielsen.

Approve Agenda: Chair Mattson said that item "C" was to be removed from the agenda, as the minutes from July 24, 2024 were not completed.

Commissioner Newman motioned to approve the agenda with item C removed. Commissioner Johnson seconded. All in favor. Motion carried.

Approval of Minutes: Removed from the agenda.

Public Hearings:

Jake Bayerl – 28145 Elk Lake Road E

Chair Mattson introduced the application.

Town Planner Licht presented the planning report.

Applicant Jake Bayerl was present and stated there is only one neighbor affected by the setback.

Chair Mattson opened the public hearing at 7:08 pm. Seeing no questions or comments, Chair Mattson asked for a motion to close the public hearing.

Commissioner Johnson motioned to close the public hearing at 7:08 pm. Commissioner Miller seconded. All in favor. Motion carried.

Chair Mattson asked if the applicant agreed with the conditions recommended by Town staff. Mr. Bayerl agreed.

Commissioner Miller motioned to adopt Findings of Fact as presented and recommend approval of a variance for 28145 Elk Lake Road (PID 01-428-0150), subject to the conditions as stated. Commissioner Newman seconded. All in favor. Motion carried.

Clarence Mattson said the applicant would be considered at the next Town Board meeting on September 9th 2024.

Kevin & Elizabeth Reem – 28543 100th Street NW - Variance for expansion of detached building.

Town Planner Licht presented the planning report.

Applicant Elizabeth Reem was present and had no comments

Chair Mattson opened the public hearing at 7:15pm. Seeing no questions or comments, Chair Mattson asked for a motion to close the public hearing.

Commissioner Miller motioned to close the public hearing at 7:15pm. Commissioner McGowan seconded. All in favor. Motion carried.

Chair Mattson asked the applicant about the four conditions recommended by Town staff. Mrs. Reem agreed with the conditions.

Commissioner McGowan asked how far the structure will be from the road. Ms. Reem replied that it will be a couple of feet. Town Planner Licht said there is plenty of room for snow removal and storage on the other side of the road.

Commissioner Johnson motioned to adopt Findings of Fact as presented and recommend approval of the variance for 28543 100th Street (PID 01-00405-0090), subject to conditions as stated. Commissioner Miller seconded. All in favor. Motion carried.

Chair Mattson stated the application will be considered at the next Town Board meeting on September 9th 2024.

Lakeside Investment

Chair Mattson introduced the application.

Town Planner Licht presented the planning report.

Present representing the applicant was Seth Monroe of Rum River Land Surveyors. Also present was applicant Todd Maloney. Mr. Monroe explained that planning for this subdivision started nine months ago. The subdivision application was submitted before the Zoning Ordinance was amended to establish the wetland with the property as a Natural Environmental lake. Mr. Monroe said they are requesting a variance with the subdivision application to allow a

reduction in the setback from the Ordinary High-Water Level by the amended Zoning Ordinance to allow the same lots that would have been allowed before the Zoning Ordinance amendment.

Chair Mattson opened the public hearing at 7:32 pm.

Cheryl Nelson, 28110 116th Street Zimmerman, stated the Planning Commission is making a mistake by allowing this variance. Mrs. Nelson stated she is concerned about losing the quality of water in this area. Mrs. Nelson asked who approached who to sell this land.

Town Planner Licht clarified that the Department of Natural Resources made a change in the classifications between wetland and a Natural Environment Lake. Town Planner Licht explained the wetland review process for compliance with the Wetland Conservation Act. Town Planner Licht said that there is no impact from the proposed development to the wetland.

Mike Seurer, 11837 283rd Avenue, stated concern about development, including an active eagle's nest and there are swans, sandhill cranes, bear, and deer. Mr. Seurer is concerned about cutting off the wildlife corridor. He further stated there should only be one lot and not two lots to the east of the Natural Environment Lake. Additionally, he encouraged the Planning Commission to table this application and drive by the property themselves. Mr. Seurer said this is public water and his concerns are about water quality, the wildlife and the need for parks in Baldwin.

Lou Miller, 11745 283rd Avenue, encouraged the Planning Commission to look at the DNR recommendations and to deny the variance request, as this is a wildlife corridor and the eagle's nest is active.

Chair Mattson asked if there were any more comments or questions. Seeing none at this time, Chair Mattson asked for a motion to close this portion of the public hearing.

Commissioner Johnson made a motion to close the public hearing at 8:02 pm. Commissioner Miller seconded. All in favor. Motion carried.

Commissioner Newman asked if the small lot is Lot 1 or lot 2. Town Planner Licht responded that the smaller lot is lot 1. Commissioner Newman asked if there is enough room to build on that lot. Town Planner Licht responded there is a buildable area in the corner.

Commissioner Marshall asked what the exception property is. Town Planner Licht responded that the property owner entered into an agreement to sell a portion of their property. They are going to subdivide a piece of the property to separate it from what they are going to develop and will be platted as an out lot.

Commissioner Johnson stated there is a lot of wildlife in her neighborhood and they only have a one-half acre lots.

Chair Mattson asked the representatives if they were aware of the conditions of approval cited by Town staff. Mr. Maloney responded that they agreed with the conditions.

Town Planner Licht read the conditions for the record, adding that the Planning Commission may include an additional condition, and further requested that the developer obtain an Eagle General Disturbance Permit.

Supervisor Swanson asked if there is room to build on Lot 2 with a 150-foot setback from the Ordinary High-Water Level. Town Planner Licht responded there would need to be a revised plan showing the 150-foot setback to confirm.

Commissioner Newman stated that she is not comfortable with Lot 2, based on the audience comments regarding the grade of the property and recommended the Ordinary High-Water Level be surveyed.

Commissioner Johnson asked if it would be possible to purchase this property and turn it into a park. Supervisor Swanson responded that would be a Town Board decision. Town Planner Licht stated the Park Committee recommended that the park dedication be met by payment of fees and not land acquisition for this development.

Chair Mattson asked Mr. Monroe and Mr. Maloney their thoughts on having the Ordinary High-Water Level surveyed. Mr. Monroe questioned if the survey would be done in a timely manner. Town Planner Licht stated that the plat and variance application needs to be acted on at the same time, to mean that the plat cannot be approved with the variance.

Sheldon Pool with Lakeside Investments, Inc., stated that when the property was purchased, there was not a 150-foot setback requirement, but now halfway through the project, the DNR changed the classification of the waterbody from the wetland to a Natural Environment Lake.

Town Planner Licht stated the Planning Commission can recommend approval with the 15 conditions, disapprove the plat based on non-compliance with the required setbacks, or table and request the developer to survey the Ordinary High-Water Level of the Natural Environment Lake.

Commissioner McGowan made the motion to table application. Commissioner Newman seconded. All in favor. Motion carried.

Oaks of Battle Brook, 31585 124th Street

Chair Mattson introduced the application

Town Planner Licht presented the planning report.

Applicants Joss Jondahl, 29820 108th Street, and Jason Betzler, 12222 313th Avenue were present.

Chair Mattson asked if they had anything they wanted to add. The applicant answered: "not at this time."

Chair Mattson opened the public hearing at 8:50 pm.

Heide Steele, 31603 123rd Street, asked what kind of traffic can be expected and what are the hours of business.

Kevin Steele, 31603 123rd Street, stated concern about the traffic with their driveway right next to their property. If the driveway was moved further south it would not be a problem.

Bryan Balkar, 31226 123rd Street, stated their property is just below Oaks of Battle Brook and they have a nursery with lots of plants and animals. Mr. Balkar is concerned about run off of oil and gas contaminating the ground.

Mr. Betzler stated this is more for equipment and storage. Workers will show up around 8 am. Mr. Jondahl stated they currently have 6 employees. Mr. Betzler stated there is at least 50 feet between the driveway and the property line.

Town Planner Licht stated the Planning Commission can impose daytime hours from 7 am to 10 pm.

Commissioner Newman made the motion to close the public hearing at 9:11 pm.

Commissioner Johnson seconded. All in favor. Motion carried.

Commissioner Newman stated the Planning Commission should discuss the issue of noise. Chair Mattson discussed considering day hours and night hours. Mr. Jondahl stated the shop will be used for maintenance of the equipment and office space for himself and Mr. Betzler. Ninety percent of the equipment is at the job sites. Hours can vary; however, office hours will be 7am to 7pm Monday through Saturday. No operation on Sunday. There is no stockpile of material.

Commissioner Miller motioned to approve construction of the shop with the 11 conditions and hours of operation. Commissioner McGowan seconded. All in favor. Motion carried.

New Business:

Baldwin North (ABRA Auto)

Dan Licht presented the planning report.

Chair Mattson asked if there were any questions from the Commissioners. Since there were no questions, Chair Mattson read through the 4 conditions.

Commissioner Marshall motioned to approve the building expansion with the four conditions. Commissioner Newman seconded. All in favor. Motion carried.

Chair Mattson stated the application will be considered at the next Town Board meeting on September 9th 2024.

Old Business: None

Town Supervisor Liaison Update:

Supervisor Swanson stated nothing at this time.

Commissioner Update:

Chair Mattson discussed being civil during Planning Commission meetings. Commissioner Johnson stated the Planning Commission is here for all residents and to help guide them through the process of what the commission can and cannot do. Town Planner Licht stated it is hard to deny an applicant if the applicant meets the requirements of the Town and County.

Town Staff Update:

Town Planner Licht stated at the next meeting there will be one application of a simple plat.

Miscellaneous Information and Communication:

Adjourn:

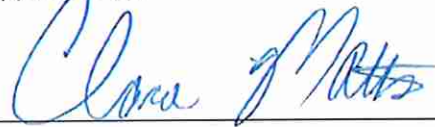
Commissioner Marshall motioned to adjourn the August 28th, 2024 Planning Commission meeting at 9:38 pm. Commissioner Johnson seconded. All in favor. Motion carried.

Respectively Submitted by:



Kayla Nielsen
Deputy Clerk

Approved by:



Clarence Mattson
Chair

11/13/2024

Date:

Attendees: Cindy Delkamp, Bill Delkamp, Scott Case, Jake Bayerl, Andy Schreder, Seth Monroe, Cheryl Nelson, Sheldon Pool, Kedrick Johnson, Todd Maloney, Nicole Straw, Elizabeth Reem, Kevin Steele, Heidi Steele, Michael Seurer, Kelli Duerr – RRC, Lou Miller, Tara Perkins, Joss Jondahl, and Jason Betzler.

Michael and Claudia Seurer
11837 283rd Ave. NW
Zimmerman, MN 55398

November 18, 2024

Planning Commission
Baldwin, MN

Commissioners,

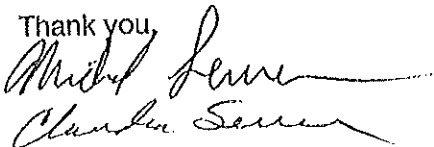
We are unable to attend the November 20, 2024 Planning Commission Meeting. After talking with the Township Clerk we are providing these written comments for the public hearing on the Lakeside Investments MN variance request. We want to start by thanking you for your service to our community.

We oppose the granting of a variance to the required 150 foot setback from the Ordinary High Water Level of a Natural Environment Lake for Lots 1 and 2, Block 1. Section XX-90-7.B.1 of the Zoning Ordinance requires a minimum setback of 150 feet from the Ordinary High Water Level of a Natural Environment Lake for the structures and subsurface sewage treatment system for the following reasons among others.

- They are asking you for a reduction of 50%, not just a few feet.
- After visiting the site, the Minnesota Department of Natural Resources (DNR) objects to granting this variance. The mission of the DNR is to work with Minnesotans to conserve and manage the state's natural resources in a way that creates a sustainable quality of life. We are concerned granting this variance would eventually affect the water quality of the lake and possibly private wells in the area. It will definitely affect the wildlife which includes Bald Eagles, Trumpeter Swans and Sandhill Cranes. There is an active Bald Eagle nest on the property and eagles are protected by the Bald and Golden Eagle Protection Act. Trumpeter Swans are listed as a Species of Special Concern and use this lake. Sandhill Cranes are one of Earth's oldest bird species. They also use this lake.
- The Planning Report, on page four, states "there is the ability to locate a single family dwelling and subsurface sewage treatment system within Lot 1, Block 1, but the developer is requesting the variance to allow for the house placement." Therefore there is no need to grant a variance for Lot 1.
- The report also states "Because of the limits of the buildable area at the northeast corner of the subject property and the lack of depth between the Natural Environment Lake and 116th street, a dwelling within Lot 2, Block 1 cannot comply with the 150 foot setback." Therefore do not approve the variance request.
- The report also states that there is no basis to grant a variance because of previous setback requirements being changed.
- Improving the developer's profit margin by granting a significant variance so that they can add an additional lot should not be a reason to grant a variance.
- Part of the Baldwin Mission Statement mentions "protecting the natural environment." Please do so by denying this variance request.

Please deny the variance request for these two lots. You have the options of requiring Lot 1, Block 1, to comply with the 150 foot setback and to deny the variance for Lot 2, Block 1. You can also ask for Lots 1 and 2 to be combined into one lot to reduce the impact on the environment.

Thank you,



Michael and Claudia

**CITY OF BALDWIN
PLANNING COMMISSION MEETING MINUTES
NOVEMBER 20, 2024**

Call to Order: Chair Mattson called the Planning Commission meeting to order at 7:00 pm.

Pledge of Allegiance: All present stood and recited the Pledge of Allegiance.

Present: Chair Clarence Mattson, Vice Chair Sherry Newman, Commissioners Patti Miller, William McGowan, Calvin Schmock, and Richard Marshall.

Also present: City Planner Dan Licht, and City Council Liaison Jay Swanson.

Absent: Commissioner Joy Johnson

All claim forms were filled out and returned to the Deputy Clerk.

Approval of Agenda:

Under New Business, the address reading 28716 Elk Lake Road should be written as 28716 Elk Lake Road East.

***Commissioner Schmock motioned to approve the agenda as amended.
Commissioner Marshall seconded. All in favor. Motion carried 6-0.***

Approval of Minutes:

Special Planning Commission Minutes of October 23, 2024

Commissioner Marshall noted on page two, under public hearings for Joshua Krenz, his statement should say "Commissioner Marshall asked if the property is guided commercial."

***Commissioner Schmock motioned to approve the minutes as amended.
Commissioner Miller seconded. All in favor. Motion carried 6-0.***

Public Hearings:

Lakeside Investments MN, LLC; PID 01-00034-3100

City Planner Licht presented the planning report.

Seth Monroe with Rum River Land Surveyors and applicant Sheldon Pool were present representing Lakeside Investments. Mr. Monroe noted that this property met requirements prior to the DNR adding additional Natural Environment Lake classifications.

Chair Mattson opened the public hearing at 7:31 pm.

Lou Miller, 11745 283 Ave, recommends the Planning Commission deny the request for the seventy-five-foot setback and recommend the proposed property be combined from two lots into one lot.

Steve McNeil, 4931 Peabody Street, Duluth, encourages the Planning Commission to think about adding a tall grass buffer around the edge of the proposed properties.

***Commissioner Newman motioned to close the public hearing at 7:39 pm.
Commissioner Schmock seconded. All in favor. Motion carried.***

Commissioner Schmock proposed moving from two lots to one lot on the basis of citing the Comprehensive Plan. Commissioner Schmock does not agree with moving forward with the variance because of the change in the lake classification.

Chair Mattson disagrees with Commissioner Schmock because the change from a wetland to a lake was made by the DNR without viewing the property and the property met all requirements prior to this change.

***Commissioner Schmock motioned to deny based on the DNR recommendations.
No second. Motion failed.***

Commissioner McGowan asked if this variance should be grandfathered in as the proposed would have been considered if the DNR had not changed their classifications. City Planner Licht stated the ordinance changed after Lakeside Investments submitted paperwork, but before the Planning Commission could discuss the property, the new DNR classifications apply.

Commissioner Newman asked what the different classifications of lakes are. City Planner Licht explained the different classifications to the Planning Commission.

Commissioner McGowan motioned to approve a variance and preliminary plat for Northland Ponds subject to the conditions stated in the Planning Report and the following additional stipulations:

1. Lot 1, Block 1 shall comply with the 150 foot setback required from the Ordinary High Water Level.
12. A minimum 20 foot wetland buffer shall be established by conservation easement at the delineated edge of the Natural Environment Lake, subject review and approval by City staff concurrent with application for final plat.

Commissioner Miller seconded. All in favor. Voting in favor: Mattson, McGowan, Miller, and Newman. Voting against: Schmock and Marshall. Motion carried 4-2.

Chair Mattson asked the Commissioners voting against for feedback to present to the City Council.

Commissioner Schmock stated his reasons are stated in the variance denial findings of fact presented in the planning report.

Commissioner Marshall stated he does not agree with requiring the wetland buffer allowing the DNR control of the resident's use of their own property.

City of Baldwin; Ordinance Amendments

City Planner Licht presented the planning report.

Chair Mattson opened the Public Hearing at 8:39 pm. Hearing no comments, requested to close the public hearing.

Commissioner Marshall motioned to close the public hearing at 8:39 pm.

Commissioner Schmock seconded. All in favor. Motion carried.

Commissioner Marshall motioned to approve the ordinance amendments.

Commissioner Schmock seconded. All in favor. Motion carried 6-0.

New Business:

Steinbrecher Companies; 28716 Elk Lake Road E

City Planner Licht presented the planning report.

Homeowner Nick Spain, 28716 Elk Lake Road East, was present.

Shane Steinbrecher, Steinbrecher Companies, was present and presented the Planning Commission with a larger map of the proposed septic system.

Commissioner Schmock motioned to approve the variance, subject to the two conditions recommended by City staff. Commissioner Miller seconded. All in favor. Motion carried 6-0.

Old Business: None

City Council Liaison Update:

Mayor Swanson updated the Planning Commission with the information about the recount for the four-year City Council seat and the timeline for seating the rest of the City Council.

Commissioner Update: None.

City Staff Update: None.

Miscellaneous Information and Communications: None.

Adjourn:

Commissioner Marshall motioned to adjourn at 9:13 pm. Commissioner Schmock seconded. All in favor. Motion carried.

Respectfully submitted,

Approved by:

Kayla Nielsen
Deputy Clerk

Clarence Mattson
Chair

Date

Attendees: Sheldon Pool, Seth Monroe, Don Newman, Shane Steinbrecher, Nick Spain, Randy Johnson, Lou Miller, and Steve McNeill

Ecological and Water Resources
Region 3 North District
1035 S Benton Dr.
Sauk Rapids MN 56379

November 25, 2024

City of Baldwin
30239 128th St. NW
Baldwin, MN 55371

Re: Preliminary Plat Northland Ponds with shoreland setback variance

Members of the Board of Adjustment,

Thank you for the opportunity to comment on this application requesting a Preliminary plat and variance to setbacks from the Ordinary High Water level (OHWL). My comments and recommendation are based on an evaluation of the facts presented in the application received November 15, 2024 and evidence gathered during my site visit on October 7, 2024 against the criteria in Minn. statute [§462.357](#). Based on this evaluation, the **DNR recommends denial** of the preliminary plat and variance.

Summary of variance request

The applicant has requested a preliminary plat with a variance to deviate from building setbacks

Review of the proposed preliminary plat shows that Lot 1 and 2 of Block 1 have proposed building pads and septic systems within the 150 foot setback.

Lot 1 of Block 1 has space for a building pad and septic system 150 feet away from the Ordinary High Water level. Lot 2 of Block 1 does not have enough space to meet the 150 foot setback for a building pad and septic system.

Evaluation Criteria and Approach

The role of the Board of Adjustment (BOA) is to objectively evaluate whether the submitted facts meet the statutory criteria for approving a variance. Under Minn. statute [§462.357](#), variances can only be approved when they are in harmony with the general purposes and intent of the zoning code and when they are consistent with the comprehensive plan. Specifically, variances can only be granted when the applicant proves there are practical difficulties in complying with the zoning code. State law only allows variances if all three practical difficulties criteria are met:

- There are unique circumstances to the property not created by the landowner.
- The property owner proposes to use the property in a reasonable manner not permitted by the ordinance.
- Granting the variance will not alter the essential character of the locality.

If any of these criteria are not met, then the variance must be denied. State law also does not allow approving variances solely for financial reasons. The decision to approve or deny a variance requires a rational explanation, based on facts, not on proposed conditions of approval. Conditions may be

considered, but only after a decision is made to approve. Additionally, opinions of support or opposition, without supporting evidence, from neighbors or the public are not facts and should not be considered.

This property is in the shoreland of a public water, an area that the state has identified as a sensitive area where special laws are needed to protect scenic character; aquatic and riparian vegetation; habitat; and to reduce the flow of nutrients into surface waters preventing excessive algae and plant growth to maintain safe recreational opportunities. This context is critical for properly evaluating the facts against the practical difficulties criteria whether the Board of Adjustment is deciding, or a district court is reviewing such a decision on appeal.

Analysis of Facts and Recommendation

The Board of Adjustment should **deny** this variance because:

The preliminary plat as submitted would create 2 nonconforming lots.

There are NO UNIQUE CIRCUMSTANCES of the property not created by the property owner.

Unique circumstances are physical characteristics of the land that are rare compared to other nearby shoreland properties. This is a nearly 37-acre undeveloped parcel that can be subdivided into 9 lots meeting the lot area and setback requirements. The financial desire to squeeze one more lot into the proposed plat for financial gain is not a unique circumstance.

There is nothing that makes this property physically unique from other similar undeveloped shoreland properties or to justify deviations from the standards when others must comply. If this preliminary plat is entitled to a variance, there is no reason why any other preliminary plat not providing sufficient buildable area would not be entitled to a variance to create nonconforming lots. Granting a variance, therefore undermines the purpose of shoreland regulations or any other ordinances regulating lot area and width. This problem is due to the proposer's desire for additional financial gain

The property owner DOES NOT propose to use the property in a reasonable manner given the purpose of the OHWL setback standards.

This criterion is about what is reasonable given the purpose of the ordinance, NOT what is reasonable to the developer. Variance requests should only be the minimum necessary to achieve the purposes of the ordinance.

The purpose of chapter 90-7 B (1) is to minimize land disturbance and sediment flows into surface waters by keep structures away from the water based on the sensitivity of the water to disturbance. This water is a shallow natural environment lake that is very susceptible to eutrophication from sediment and nutrient flow. Furthermore, the purpose of the setback standards are to keep human activity away from the shore to minimize disturbance to near shore habitat. The applicant has not demonstrated why it is necessary to create lots that cannot meet building setbacks, a significant deviation from the regulations, when a plat of 9 lots can be approved in full compliance with the ordinance.

The variance WILL ALTER the essential character of the area.

Essential character is about how the resulting structure placement, and the land and water disturbance to construct the structure will alter the hydrology, nutrient flow into waters, vegetation and habitat. The wetland complex is a high-quality habitat resource with a variety of animal and plant species. Water quality is very high and shallow wetlands like this are very susceptible to eutrophication from waterward nutrient flows.

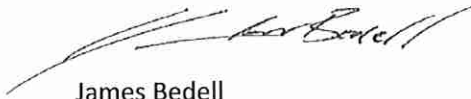
Conclusion

The facts do not support a decision to approve and show that financial concerns are driving the variance request. A decision to approve the preliminary plat with a variance would therefore be arbitrary and capricious. **The DNR recommends denial.**

State rule and your ordinance requires that final variance decisions, including findings, be sent to the DNR within 10 days of the decision. The DNR monitors local government variance decisions and may appeal decisions we believe do not meet the statutory criteria and result in negative impacts to shorelands and public waters.

If you have any questions, please call, or email me.

Sincerely,



James Bedell
Area Hydrologist
James.bedell@state.mn.us
320-223-7850

c: Tim Crocker; R3 North District Manager
Constance Holth; R3 North District Hydrologist Supervisor
Daniel Petrik; Shoreland Program Manager

Joan Heinen

From: D. DANIEL LICHT <ddl@planningco.com>
Sent: Friday, December 13, 2024 9:35 AM
To: Joan Heinen
Cc: Seth Monroe; Northstar Truck Sales; Sheldon Pool; Bedell, James (DNR); Dan Bogart, PE
Subject: RE: Baldwin CC - Northland Ponds
Attachments: NorthlandPonds_pp_res(A2).docx; NorthlandPonds_pp_res(A1).docx;
NorthlandPonds_pp_res(D).docx

Attached are three versions of a resolution the City Council to consider acting upon:

- Approval of a variance for Lot 2, Block 1
- Approval of the preliminary plat, denial of the variance
- Denial of the preliminary plat and variance

DDL

From: D. DANIEL LICHT
Sent: Friday, December 13, 2024 8:38 AM
To: Joan Heinen <Town.Clerk@baldwintwpmn.com>
Cc: Seth Monroe <sethm@haa-inc.com>; Northstar Truck Sales <todd@northstartrucksales.com>; Sheldon Pool <sheldonpool@yahoo.com>; Bedell, James (DNR) <james.bedell@state.mn.us>; Dan Bogart, PE <dbogart@bogat-pederson.com>
Subject: Baldwin CC - Northland Ponds

Hi Joan:

Attached is the memo and exhibits for the Northland Ponds agenda item. Please let me know if you need anything further!

Sincerely,

D. Daniel Licht
THE PLANNING COMPANY LLC
3601 Thurston Avenue, Suite 101
Anoka, MN 55303
612.991.2230
DDL@PlanningCo.com

RESOLUTION NO: 24-60

**CITY OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA**

**NORTHLAND PONDS
VARIANCE DENIAL AND PRELIMINARY PLAT APPROVAL**

WHEREAS, The Lakeside Investments MN, LLC (the “developer”) is proposing to subdivide property legally described as:

The Northeast Quarter of the Southwest Quarter of Section 34, Township 35, Range 26, Sherburne County, Minnesota, excepting therefrom the South 200.00 feet of the 200.00 feet of the North 654.00 feet of the East 798.00 feet, Also excepting therefrom the South 78.00 feet of the North 454.00 feet of the West 453.00 feet of the East 798.00 feet of the Northeast of the Northeast Quarter of the Southwest Quarter of Section 34, Township 35, Range 26, Sherburne County, Minnesota.

WHEREAS, the property is guided for Rural land uses by the Comprehensive Plan; and

WHEREAS, the property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of a Natural Environment Lake.

WHEREAS, the developer has submitted application for preliminary plat approval to be processed in accordance with Section XX-3-3.B of the Subdivision Ordinance; and

WHEREAS, the developer has submitted application for a variance from Section XX-90-7.B.1 of the Zoning Ordinance establishing setbacks within the Shoreland Overlay District; and

WHEREAS, the City Council must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-6-3 of the Zoning Ordinance:

- A. That the variance would be consistent with the comprehensive plan.

Finding: The proposed variance will allow for subdivision and construction of two new single family lots consistent with the Comprehensive plan.

- B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: Proposed Lots 1 and 2, Block 1 are located at the northeast area of the preliminary plat separated from the balance of the subdivision by a wetland now classified as a Natural Environment Lake as of 17 June 2024. Section XX-90-7.B.1 of the Zoning Ordinance requires a 150 foot setback from the Ordinary High Water Level of a Natural Environment Lake. There is not area within Lot 2, Block 1 to allow for location of a single family dwelling without approval of a variance. Approval of a variance without a finding of a practical difficulty is not consistent with the criteria established by the Zoning Ordinance.

- C. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: The preliminary plat for subdivision of the was established prior to adoption of the ordinance classifying the wetland as a Natural Environment Lake creating a practical difficulty for approval of the subdivision designed as proposed caused by government action that is not unique in applying development standards to other newly classified Natural Environment Lakes.

- D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is due to the recent classification of the wetland as a Natural Environment Lake, which to comply with would require the preliminary plat to be revised to eliminate the proposed lots and building sites in the area of Lot 1 and Lot 2, Block 1. The effect of the plat revision eliminating lots and building sites in the area of Lot 1 and Block 2 is an economic consideration for the developer, but not approving the variance does not deprive the developer of a reasonable use of the property in compliance with the requirements of the Zoning Ordinance.

- E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The proposed subdivision design of the preliminary plat is consistent with the character of rural residential land uses surrounding the subject property.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The proposed variance applies to only two of the 10 lots proposed with the preliminary plat and is the minimum action necessary to alleviate the practical difficulty caused by government action of amending the development standards applicable to the property.

- G. The potential for the variance to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: The proposed location of the structures and Subsurface Sewage Treatment Systems within Lots 1 and 2, Block 1 are setback the greatest distance possible from the Ordinary High Water Level, which is greater than would have been required prior to the recent classification of the wetland as a Natural Environmental Lake, to prevent potential impacts to natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Finding: The requested variance is not for a use not allowed by the Zoning Ordinance.

WHEREAS, the Planning Reports dated 11 December 2024 prepared by the City Planner, The Planning Company, LLC, is incorporated herein by reference; and

WHEREAS, the Planning Commission conducted a public hearing at their regular meeting on 28 August 2024 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission tabled the application to allow the developer to request the Department of Natural Resources survey the Natural Environment Lake to determine the Ordinary High Water Level; and

WHEREAS, the Planning Commission conducted a second public hearing at their regular meeting on 20 November 2024 to consider the application and additional information, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission voted to adopt findings of fact and recommend approval of the requests; and

WHEREAS, the City Council considered the application at their meeting on 16 December 2024.

NOW, THEREFORE, BE IT RESOLVED by the Baldwin City Council that based on the foregoing information and applicable ordinances **requested variance is DENIED and preliminary plat are APPROVED**, subject to the following conditions:

1. The preliminary plat shall be valid for a period of one year from the date of approval in accordance with Minnesota Statutes 462.358, Subd. 3C., unless extended by the City Council.
2. The preliminary plat shall be revised to combine Lots 1 and 2, Block 1 into one lot.
3. Access from Lot 1, Block 1 to 116th Street (CR 39) shall be subject to review and approval of Sherburne County.
4. The proposed intersection of 280th Avenue with 116th Street (CR 39) shall be subject to review and approval of Sherburne County.
5. The developer shall dedicate a temporary roadway easement at the terminus end of 280th Avenue, subject to review and approval of City staff.
6. Outlot A shall be deeded to the City for future right-of-way purposes.
7. The right-of-way and street design and construction for 280th Avenue shall be subject to review and approval of the City Engineer.
8. Access to individual lots from City streets shall comply with Section 1.08 of the City Right-of-Way Ordinance and Section XX-21-6.B.2.b of the Zoning Ordinance.
9. Construction on all lots shall comply with the following setback requirements:

A. Front Yard or Side Yard Abutting a Public Road:		
	County Road	67 feet
	City Street:	50 feet

B. Side Yard (except as allowed by Section XX-51-5.A):	20 feet
C. Rear Yard:	25 feet
D. Ordinary High Water Level	150 feet

10. Impervious surface within all or portions of lots within the Shoreland Overlay District shall not exceed 25 percent; proposed impervious surface within the Shoreland Overlay District shall be shown on the certificate of survey for each lot with application for a Building Permit.
11. Subsurface Sewage Treatment Systems and well utilities for each lot shall be subject to review and approval of the Building Official.
12. All grading, drainage, and erosion control plans shall be subject to review and approval of the City Engineer.
13. A minimum 20 foot wetland buffer shall be established by conservation easement at the delineated edge of the Natural Environment Lake, subject review and approval by City staff concurrent with application for final plat.
14. All wetland issues shall be subject to review and approval of the City Engineer.
15. All easements shall be subject to review and approval of the City Engineer.
16. Park dedication requirements shall be satisfied by payment of a cash fee in lieu of land based on the Fee Schedule Ordinance in effect at the time of final plat approval, subject to approval of the City Council.
17. Development of the subject property shall comply with the Bald and Golden Eagles Protection Act, including issuance of a General Permit for Disturbance, subject to review and approval of the U.S. Fish and Wildlife Service.

(remainder of page intentionally blank signatures follow)

ADOPTED by the Baldwin City Council this 16th day of December, 2024.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:

CITY OF BALDWIN

Jay Swanson, Mayor

ATTEST:

Joan Heinen, City Clerk/Treasurer

EXHIBIT A
LEGAL DESCRIPTION

Parcel A:

The Southwest Quarter of Southeast Quarter of Section 20, Township 35, Range 26, Sherburne County, Minnesota.

Parcel B:

The Southeast Quarter of Southwest Quarter of Section 20, Township 35, Range 26, Sherburne County, Minnesota.

Parcel C:

The Northwest Quarter of Southwest Quarter of Southwest Quarter; and the East Half of Southwest Quarter of Southwest Quarter, Section 20, Township 35, Range 26, Sherburne County, Minnesota

RESOLUTION NO: 24-60

**CITY OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA**

**NORTHLAND PONDS
VARIANCE AND PRELIMINARY PLAT APPROVAL**

WHEREAS, The Lakeside Investments MN, LLC (the “developer”) is proposing to subdivide property legally described as:

The Northeast Quarter of the Southwest Quarter of Section 34, Township 35, Range 26, Sherburne County, Minnesota, excepting therefrom the South 200.00 feet of the 200.00 feet of the North 654.00 feet of the East 798.00 feet, Also excepting therefrom the South 78.00 feet of the North 454.00 feet of the West 453.00 feet of the East 798.00 feet of the Northeast of the Northeast Quarter of the Southwest Quarter of Section 34, Township 35, Range 26, Sherburne County, Minnesota.

WHEREAS, the property is guided for Rural land uses by the Comprehensive Plan; and

WHEREAS, the property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of a Natural Environment Lake.

WHEREAS, the developer has submitted application for preliminary plat approval to be processed in accordance with Section XX-3-3.B of the Subdivision Ordinance; and

WHEREAS, the developer has submitted application for a variance from Section XX-90-7.B.1 of the Zoning Ordinance establishing setbacks within the Shoreland Overlay District; and

WHEREAS, the City Council must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-6-3 of the Zoning Ordinance:

- A. That the variance would be consistent with the comprehensive plan.

Finding: The proposed variance will allow for subdivision and construction of two new single family lots consistent with the Comprehensive plan.

- B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: Proposed Lots 1 and 2, Block 1 are located at the northeast area of the preliminary plat separated from the balance of the subdivision by a wetland now classified as a Natural Environment Lake as of 17 June 2024. The developable area of proposed Lots 1 and 2, is limited by the extent of the Natural Environment Lake encumbering the property and lack of depth between said lake and 116th Street (CR 39) and the practical difficulty of the property owner caused by the government action of amending the performance standards applicable to the subject property after the preliminary plat application had been submitted.

- C. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: The preliminary plat for subdivision of the was established prior to adoption of the ordinance classifying the wetland as a Natural Environment Lake creating a practical difficulty for approval of the subdivision designed as proposed caused by government action.

- D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is only due to the recent classification of the wetland as a Natural Environment Lake as a result of government action and limited area and depth of developable land at the northeast area of the proposed preliminary plat such that the need for variance is not based only on economic considerations.

- E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The propose preliminary plat is consistent with the character of rural residential land uses surrounding the subject property.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The proposed variance applies to only two of the 10 lots proposed with the preliminary plat and the proposed setback reduction from 150 feet to 75 feet is the minimum action necessary to alleviate the practical difficulty caused by government action of amending the development standards applicable to the property.

- G. The potential for the variance to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: The proposed location of the structures and Subsurface Sewage Treatment Systems within Lots 1 and 2, Block 1 are setback the greatest distance possible from the Ordinary High Water Level, which is greater than would have been required prior to the recent classification of the wetland as a Natural Environmental Lake, to prevent potential impacts to natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Finding: The requested variance is not for a use not allowed by the Zoning Ordinance.

WHEREAS, the Planning Reports dated 11 December 2024 prepared by the City Planner, The Planning Company, LLC, is incorporated herein by reference; and

WHEREAS, the Planning Commission conducted a public hearing at their regular meeting on 28 August 2024 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission tabled the application to allow the developer to request the Department of Natural Resources survey the Natural Environment Lake to determine the Ordinary High Water Level; and

WHEREAS, the Planning Commission conducted a second public hearing at their regular meeting on 20 November 2024 to consider the application and additional information, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission voted to adopt findings of fact and recommend approval of the requests; and

WHEREAS, the City Council considered the application at their meeting on 16 December 2024.

NOW, THEREFORE, BE IT RESOLVED by the Baldwin City Council that based on the foregoing information and applicable ordinances **requested variance and preliminary plat are APPROVED**, subject to the following conditions:

1. The preliminary plat shall be valid for a period of one year from the date of approval in accordance with Minnesota Statutes 462.358, Subd. 3C., unless extended by the City Council.
2. Access from Lots 1 and 2, Block 1 to 116th Street (CR 39) shall be subject to review and approval of Sherburne County.
3. The proposed intersection of 280th Avenue with 116th Street (CR 39) shall be subject to review and approval of Sherburne County.
4. The developer shall dedicate a temporary roadway easement at the terminus end of 280th Avenue, subject to review and approval of City staff.
5. Outlot A shall be deeded to the City for future right-of-way purposes.
6. The right-of-way and street design and construction for 280th Avenue shall be subject to review and approval of the City Engineer.
7. Access to individual lots from City streets shall comply with Section 1.08 of the City Right-of-Way Ordinance and Section XX-21-6.B.2.b of the Zoning Ordinance.
8. Construction on all lots shall comply with the following setback requirements:

A. Front Yard or Side Yard Abutting a Public Road:		
	County Road	67 feet
	City Street:	50 feet
B. Side Yard (except as allowed by Section XX-51-5.A):		20 feet
C. Rear Yard:		25 feet
D. Ordinary High Water Level		

	Lot 2, Block 1	75 feet
	Lots 1, 3-6, Block 1; Lots 1-2, Block 2; Lots 1-2, Block 3	150 feet

9. Impervious surface within all or portions of lots within the Shoreland Overlay District shall not exceed 25 percent; proposed impervious surface within the Shoreland Overlay District shall be shown on the certificate of survey for each lot with application for a Building Permit.
10. Subsurface Sewage Treatment Systems and well utilities for each lot shall be subject to review and approval of the Building Official.
11. All grading, drainage, and erosion control plans shall be subject to review and approval of the City Engineer.
12. A minimum 20 foot wetland buffer shall be established by conservation easement at the delineated edge of the Natural Environment Lake, subject review and approval by City staff concurrent with application for final plat.
13. All wetland issues shall be subject to review and approval of the City Engineer.
14. All easements shall be subject to review and approval of the City Engineer.
15. Park dedication requirements shall be satisfied by payment of a cash fee in lieu of land based on the Fee Schedule Ordinance in effect at the time of final plat approval, subject to approval of the City Council.
16. Development of the subject property shall comply with the Bald and Golden Eagles Protection Act, including issuance of a General Permit for Disturbance, subject to review and approval of the U.S. Fish and Wildlife Service.

(remainder of page intentionally blank signatures follow)

ADOPTED by the Baldwin City Council this 16th day of December, 2024.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:

CITY OF BALDWIN

Jay Swanson, Mayor

ATTEST:

Joan Heinen, City Clerk/Treasurer

EXHIBIT A
LEGAL DESCRIPTION

Parcel A:

The Southwest Quarter of Southeast Quarter of Section 20, Township 35, Range 26, Sherburne County, Minnesota.

Parcel B:

The Southeast Quarter of Southwest Quarter of Section 20, Township 35, Range 26, Sherburne County, Minnesota.

Parcel C:

The Northwest Quarter of Southwest Quarter of Southwest Quarter; and the East Half of Southwest Quarter of Southwest Quarter, Section 20, Township 35, Range 26, Sherburne County, Minnesota

RESOLUTION NO: 24-60

**CITY OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA**

**NORTHLAND PONDS
VARIANCE AND PRELIMINARY PLAT DENIAL**

WHEREAS, The Lakeside Investments MN, LLC (the “developer”) is proposing to subdivide property legally described as:

The Northeast Quarter of the Southwest Quarter of Section 34, Township 35, Range 26, Sherburne County, Minnesota, excepting therefrom the South 200.00 feet of the 200.00 feet of the North 654.00 feet of the East 798.00 feet, Also excepting therefrom the South 78.00 feet of the North 454.00 feet of the West 453.00 feet of the East 798.00 feet of the Northeast of the Northeast Quarter of the Southwest Quarter of Section 34, Township 35, Range 26, Sherburne County, Minnesota.

WHEREAS, the property is guided for Rural land uses by the Comprehensive Plan; and

WHEREAS, the property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of a Natural Environment Lake.

WHEREAS, the developer has submitted application for preliminary plat approval to be processed in accordance with Section XX-3-3.B of the Subdivision Ordinance; and

WHEREAS, the developer has submitted application for a variance from Section XX-90-7.B.1 of the Zoning Ordinance establishing setbacks within the Shoreland Overlay District; and

WHEREAS, the City Council must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-6-3 of the Zoning Ordinance:

- A. That the variance would be consistent with the comprehensive plan.

Finding: The proposed variance will allow for subdivision and construction of two new single family lots consistent with the Comprehensive plan.

- B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: Proposed Lots 1 and 2, Block 1 are located at the northeast area of the preliminary plat separated from the balance of the subdivision by a wetland now classified as a Natural Environment Lake as of 17 June 2024. Section XX-90-7.B.1 of the Zoning Ordinance requires a 150 foot setback from the Ordinary High Water Level of a Natural Environment Lake. There is not area within Lot 2, Block 1 to allow for location of a single family dwelling without approval of a variance. Approval of a variance without a finding of a practical difficulty is not consistent with the criteria established by the Zoning Ordinance.

- C. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: The preliminary plat for subdivision of the was established prior to adoption of the ordinance classifying the wetland as a Natural Environment Lake creating a practical difficulty for approval of the subdivision designed as proposed caused by government action that is not unique in applying development standards to other newly classified Natural Environment Lakes.

- D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is due to the recent classification of the wetland as a Natural Environment Lake, which to comply with would require the preliminary plat to be revised to eliminate the proposed lots and building sites in the area of Lot 1 and Lot 2, Block 1. The effect of the plat revision eliminating lots and building sites in the area of Lot 1 and Block 2 is an economic consideration for the developer, but not approving the variance does not deprive the developer of a reasonable use of the property in compliance with the requirements of the Zoning Ordinance.

- E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The proposed subdivision design of the preliminary plat is consistent with the character of rural residential land uses surrounding the subject property.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The proposed variance applies to only two of the 10 lots proposed with the preliminary plat and is the minimum action necessary to alleviate the practical difficulty caused by government action of amending the development standards applicable to the property.

- G. The potential for the variance to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: The proposed location of the structures and Subsurface Sewage Treatment Systems within Lots 1 and 2, Block 1 are setback the greatest distance possible from the Ordinary High Water Level, which is greater than would have been required prior to the recent classification of the wetland as a Natural Environmental Lake, to prevent potential impacts to natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Finding: The requested variance is not for a use not allowed by the Zoning Ordinance.

WHEREAS, without approval of the requested variance, the preliminary plat does not comply with Section XX-10-3.B.4 of the Subdivision Ordinance.

WHEREAS, the Planning Reports dated 11 December 2024 prepared by the City Planner, The Planning Company, LLC, is incorporated herein by reference; and

WHEREAS, the Planning Commission conducted a public hearing at their regular meeting on 28 August 2024 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission tabled the application to allow the developer to request the Department of Natural Resources survey the Natural Environment Lake to determine the Ordinary High Water Level; and

WHEREAS, the Planning Commission conducted a second public hearing at their regular meeting on 20 November 2024 to consider the application and additional information, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission voted to adopt findings of fact and recommend approval of the requests; and

WHEREAS, the City Council considered the application at their meeting on 16 December 2024.

NOW, THEREFORE, BE IT RESOLVED by the Baldwin City Council that based on the foregoing information and applicable ordinances **requested variance and preliminary plat are DENIED.**

(remainder of page intentionally blank signatures follow)

ADOPTED by the Baldwin City Council this 16th day of December, 2024.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:

CITY OF BALDWIN

Jay Swanson, Mayor

ATTEST:

Joan Heinen, City Clerk/Treasurer

EXHIBIT A
LEGAL DESCRIPTION

Parcel A:

The Southwest Quarter of Southeast Quarter of Section 20, Township 35, Range 26, Sherburne County, Minnesota.

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The Southeast Quarter of Southwest Quarter of Section 20, Township 35, Range 26, Sherburne County, Minnesota.

Parcel C:

The Northwest Quarter of Southwest Quarter of Southwest Quarter; and the East Half of Southwest Quarter of Southwest Quarter, Section 20, Township 35, Range 26, Sherburne County, Minnesota



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

MEMORANDUM

TO: Baldwin Mayor and City Council

FROM: D. Daniel Licht

DATE: 11 December 2024

RE: Baldwin; Ordinance Amendments

TPC FILE: 269.01

BACKGROUND

Baldwin Township became the City of Baldwin on 18 November 2024. An immediate effect of the change in governance is that the Zoning Ordinance is no longer be required to be consistent with the Zoning Ordinance of Sherburne County in accordance with Minnesota Statutes Section 394.33, Subdivision 1.

City staff is seeking to propose amendments to the Zoning Ordinance that will facilitate property development for residents under City jurisdiction. These include requirements for a Land Use Permit for development of property including wetlands identified by the National Wetland Inventory and removal of the limit on the area of individual accessory buildings. City staff also brought forward for discussion by the Planning Commission allowance of shipping containers as detached accessory buildings as to possible expanded use on residential properties.

Minnesota Statutes Chapter 342 became law in 2023 allowing for legalization of recreational adult-use cannabis. Implementation of the law will be the responsibility of the Office of Cannabis Management (OCM) through regulatory rules and procedures still being developed. The law does establish that cities cannot prohibit cannabis businesses from operating within their jurisdictions and limits the scope of regulations that a city can adopt to control public use, as well as time, place, and manner operations of a cannabis business. City staff has included in the proposed ordinance amendments zoning regulations for cannabis business uses that establish definitions, general performance standards, designation of allowed uses by zoning district, and standards specific to those uses allowed by interim use permit.

A public hearing was held at the Planning Commission meeting on 20 November 2024 to consider the proposed amendments. There were no public comments and the public hearing was closed. Having previously discussed the proposed amendments at their Special Meeting on 16 October 2024, the Planning Commission did not have additional comments.

Exhibits:

- Draft ordinance amendment
- Wetland Conservation Act resolution

ANALYSIS

Cannabis. The City must initially decide upon a regulatory policy to be taken towards cannabis businesses. At one end of the spectrum is a laissez faire approach of the City taking the minimum action required by Statute regarding the license and operation of cannabis businesses on the basis that the State has deemed this to be a legal activity in Minnesota.

- **Public Use.** The Statute legalized adult use of cannabis within public places effective 1 August 2023 unless otherwise regulated by local government jurisdictions. The draft ordinance provides that adult use of cannabis within the City is only allowed on private properties and those properties licensed to permit its use.
- **Number.** The Statute establishes that counties and cities may impose the following limits the number of cannabis business licenses issued within their jurisdictions.
 - Minimum 1 license 12,500 population within issuing LGU (county/city)
 - If County has 1 license / 12,500 county population, a city not required to register
- **Cannabis Businesses.** The Statute defines 14 specific cannabis businesses and two hemp-based businesses allowed to operate in Minnesota, listed below. This list includes medical cannabis cultivator and medical cannabis processor, which would include an existing business operating in Otsego.
 - Cannabis microbusiness
 - Cannabis mezzobusiness
 - Cannabis cultivator
 - Cannabis manufacturer
 - Cannabis retailer
 - Cannabis wholesaler
 - Cannabis transporter
 - Cannabis testing facility
 - Cannabis event organizer
 - Cannabis delivery service
 - Medical cannabis cultivator
 - Medical cannabis processor
 - Medical cannabis retailer
 - Medical cannabis combination business
 - Low Potency Hemp Edible Manufacturer
 - Low Potency Hemp Edible Retailer

The definitions of each of these businesses included within the Statute establish a basis for the City to define the types of businesses to be allowed within various zoning districts in terms of time, place, and manner regulations applicable to each type of operation.

- **Time/Place/Manner Regulations.** The concepts of time, place, and manner regulations is the fundamental basis of zoning. Allowed uses are defined and located within the City based on land use compatibility and access to infrastructure so as to protect public health safety and welfare. Uses are allowed by the Zoning Ordinance either as permitted, conditional, or interim uses that are subject to varied levels of review by the Planning Commission and City Council, with likewise varied levels discretion to impose conditions related to the operation of the use. Zoning Districts provide for co-location of like land uses within a defined geographic area where they will compatibly exist and, in the case of businesses, provide for market attraction and business interchange.
- **Zoning Districts.** The primary form of place regulations for land uses is by zoning district. A preliminary outline of the cannabis businesses and hemp businesses by land use characteristics and corresponding zoning districts, not including residential or institutional districts, is provided below:

Business		C1 Commercial	I1 Industrial
Microbusiness			Interim
Mezzobusiness			Interim
Cultivator			Interim
Manufacturer			Interim
Retailer		Permitted	
Transporter			Interim
Testing facility			Interim
Event organizer		Permitted	
Delivery service			Interim
Medical	Cultivator		Interim
	Processor		Interim
	Retailer	Permitted	
	Combination		Interim
LP Hemp Edible Manufacturer			Interim
LP Hemp Edible Retailer		Permitted	

How each of the cannabis business is allowed within the assigned zoning districts will also need to be determined as allowance as a permitted, conditional, or interim use is a form of time, place, and manner regulation. The Statute does not provide direction as to how cities must allow cannabis businesses within the Zoning Ordinance as Statutes do with other certain uses.

Requiring the additional review processes of a conditional use or interim use can also be problematic from a political perspective. The Planning Commission and City Council have an educated understanding of the level of discretion allowed to the City for review of conditional uses and interim uses and application of conditions. The public does not always have this level of understanding and may have unfounded expectations of the City Council's ability to approve or deny a cannabis business application through the Conditional Use Permit or Interim Use Permit review process.

To this end, it the most practical approach for the City is to allow retail cannabis businesses subject to the general performance standards established by the Zoning Ordinance applicable to any business within the same zoning district and those specifically established by Statute or OCM rules and procedures.

These businesses involved in cultivation, processing, manufacture, and distribution, as well as medical businesses, are more industrial in character and are proposed to be allowed in the I-1, Industrial District. The Statute does not provide specific performance standards for these uses. As such, City staff recommends that these uses be established as interim uses within the designated zoning districts. Allowance as an interim use versus a conditional use permit provides that the approval for the business is terminated with a change in circumstances, including ownership, such that City can review the new or altered operations.

- **Building Code.** The Statute allows for compliance with the building code as a requirement for a county or city to registering a license within its jurisdiction. The Zoning Ordinance already establishes this requirement as a general performance standard applicable to all uses within the City. Connecting building code compliance to the cannabis business license does provide an additional avenue of enforcement in the case of known violations.
- **Property Taxes.** The Statute requires a cannabis business to certify that the current years' property taxes have been paid as a condition of a county or city registering a license within its jurisdiction. This provision is consistent with other State Statutes requiring certification of taxes paid as a condition of zoning and subdivision approvals.
- **Administration.** The Statute establishes administrative responsibilities for counties and cities registering cannabis businesses that involve compliance checks and inspections. The inspections are technical involving verification of product as well as handling and storage. For this reason, there has been discussion between Sherburne County, cities, and townships about joint responsibilities. City staff continues discussion with Sherburne County staff on this matter. If the City is ultimately the jurisdiction that administrates of cannabis businesses, the Statute provides a schedule for registration fees that can be collected as well as distribution of the special sales tax for cannabis retail sales that can be used by the City to fund these responsibilities.

The Office of Cannabis Management continues to work to establish additional regulations, policies, and procedures for cannabis businesses. However, the Statute allows that cannabis businesses licenses may be issued as of 1 January 2025. City staff recommends that it is best that the City proactively have at least the zoning regulations in place prior to 1 January 2025. City staff will monitor the Office of Cannabis Management rule making process and review potential applications of regulations as they are published while also continuing discussions with Sherburne County regarding administration of cannabis regulations.

Wetlands. Minnesota Rules Section 8420.0200, Subpart 1.A establishes that outside of the seven-county Twin Cities Metropolitan Area, the Local Government Unit responsible for administration of the Wetland Conservation Act is the County or City in which the activity is located. Section XX-16-4 of the Baldwin Zoning Ordinance establishes performance standards applicable to site development involving wetland impacts or potential wetland impacts administered by Sherburne County. Upon incorporation of Baldwin, these responsibilities will belong to the City.

The draft ordinance amendment includes changes to Chapter 16 of the Zoning Ordinance and Chapter 7 of the Subdivision Ordinance transferring authority for wetland administration to the City Engineer. Approval of the Zoning Ordinance amendment is also to include adoption of a resolution notifying the Board of Soil and Water Resources that the City will be the Local Government Unit responsible for administration of the Wetland Conservation Act going forward.

Accessory Buildings. Section XX-18-2. Of the Zoning Ordinance establishes limits on the area allowed for detached accessory buildings. The Planning Commission and City Council have taken issue with the current requirement that arbitrarily limits the area of any one detached accessory building allowed to be constructed within a lot. Limits on the area (and number) of detached buildings are meant to control the bulk and scale of a building(s) relative to the residential dwelling on the property to ensure that the use remains accessory and does not disrupt the intended residential character of an area.

Rural residential areas typically have opportunities for larger detached accessory buildings corresponding to larger parcels and less development density. Establishing allowances for detached accessory buildings in relation to the area of a lot is a common means controlling the bulk and scale of structures on a property. The scale established by the Zoning Ordinance correlates allowed building area to lot area in a reasonable manner. The provision limiting the area of individual buildings does not affect the bulk of detached accessory buildings within a lot as the allowed area can be achieved through multiple buildings. This approach may also lead to a perception of greater crowding of buildings within a lot given multiple structures and the need for separation.

The Planning Commission discussed at their Special Meeting on 16 October 2024 amending the Zoning ordinance to eliminate the scaled limit on the area of individual detached accessory buildings based on lot area. The Planning Commission further discussed eliminating the overall maximum area for any detached accessory building. The current maximum allowed 5,500 square foot detached accessory building is allowed on unplatted parcels or platted lots larger than five acres, which is equal to the four percent or three percent total area allowed, respectively. Rather, the Planning Commission supported allowing detached accessory buildings up to four percent of the lot area and without the current distinction between unplatted and platted lots.

Shipping Containers. Section XX-18-2.G of the Zoning Ordinance regulates use of shipping containers on residential properties as follows:

XX-18-2.G. Shipping/Storage Containers and Semi-Trailers: Shipping/storage containers and semi-trailers are prohibited for use as an accessory structure on any platted lot and on non-platted residential lots less than 10 acres in area, except when used for the following purposes:

- 1. As a temporary storage unit for moving purposes for a period of not more than one consecutive month in a 12 month period; or*
- 2. As a temporary construction project container not to exceed three consecutive months.*
- 3. Shipping/storage containers and semi-trailers used for these purposes on platted lots shall comply with the parking requirements for vehicles provided for in chapter 21 of this ordinance.*

Use of shipping containers on platted lots or unplatted residential lots less than 10 acres in area is limited to a temporary basis. City staff is dealing with use of a shipping container on a platted lot less than 10 acres in area as code enforcement and is aware of other properties where a shipping containers is being used as a detached accessory structure in violation of the current provisions of the Zoning Ordinance.

The Town Board directed the Planning Commission to consider and make recommendations as to whether the current provisions of the Zoning Ordinance regulating use of shipping containers ought to be amended to allow greater use than currently provided for. The Planning Commission discussed the matter at their special meeting on 16 October 2024 and recommended no amendment of the Zoning Ordinance regulating use of shipping containers on residential properties.

Incorporation. With incorporation being effective as of 18 November 2024, City staff has included a provision in the proposed amendments directing the Zoning Administrator to revise the Zoning Ordinance, Subdivision Ordinance, and Building Ordinance to reflect this change. The ordinances are to be revised to change words such as Town to City, Town Board, to City Council, etc. No changes in the scope of the regulations is being authorized.

CONCLUSION

City staff recommends adoption of the proposed amendments of the Zoning Ordinance (Ordinance 900), Subdivision Ordinance (Ordinance 910), and Building Ordinance (Ordinance 920). We also recommend adoption of a resolution notifying the Board of Water and Soil Resources that the City is henceforth the Local Government Unit for administration of the Wetland Conservation Act.

- c. Joan Heinen, City Clerk/Treasurer
Mike Couri/Bob Ruppe, City Attorney
Shane Nelson/Matthew Kind, City Engineer

ORDINANCE NO.: 2024-11

CITY OF BALDWIN
SHERBURNE COUNTY, MINNESOTA

AN ORDINANCE AMENDING ORDINANCES 900, 910, AND 920
REGARDING WETLANDS, ACCESSORY BUILDINGS, CANNABIS, AND INCORPORATION.

THE BALDWIN CITY COUNCIL ORDAINS:

Section 1. Section XX-2-2 of Ordinance 900 (Zoning Ordinance - Definitions) is hereby amended to include the following terms alphabetically:

Cannabis Businesses Related: Unless otherwise noted in this section or chapter 28 of this title, words and phrases contained in Minnesota Statutes, section 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this title.

- A. Adult-Use Cannabis Product: As defined under Minnesota Statutes, section 342.01, subd. 4.
- B. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
- C. Cannabis Retail Businesses: A state licensed retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.
- D. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
- E. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a twenty four (24) hour day.
- F. Lower Potency Hemp Edible: As defined under Minnesota Statutes, section 342.01, subd. 50.
- G. Office of Cannabis Management: State of Minnesota Office of Cannabis Management, as may be referred to as "OCM" in reference to this title.
- H. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise

made available to the public.

- I. Preliminary License Approval: Office of Cannabis Management pre-approval for a cannabis business license for applicants who qualify under Minnesota Statutes, section 342.17.
- J. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
- K. Residential Treatment Facility: As defined under Minnesota Statutes, section 245.462 subd. 23.
- L. Retail Registration: An approved registration issued by Wright County to a cannabis retail business.
- M. School: A public school as defined under Minnesota Statutes, section 120A.05 or a nonpublic school that complies with the reporting requirements under Minnesota Statute, section 120A.24.
- N. State License: An approved license issued by the Office of Cannabis Management to a cannabis retail business.

Section 2. Section XX-5-4 of Ordinance 900 (Zoning Ordinance - Interim Use Permits; Specific Use Standards) is hereby amended to include the following provisions with subsequent sections renumbered accordingly:

- H. Cannabis businesses; combination medical cannabis, cultivator, manufacturer, medical cannabis combination, mezzobusiness, microbusiness, testing facility, and lower potency hemp manufacturer only, provided that:
 - 1. General Standards. The cannabis business shall comply with the provisions of chapter 28 of this title.
 - 2. Indoor Operations:
 - a. A cannabis business shall be conducted entirely within a principal or accessory building as allowed by this title; all outside storage is prohibited.
 - b. All waste and recycling containers shall be kept within a principal or accessory building.
 - 3. Minimum Buffer Zone. All principal and accessory buildings occupied by a cannabis business shall be setback a minimum of 500 from any residential district established by chapter 45 of this title.
 - 4. Allowed Hours: The hours of operation for a cannabis business shall be as established by Section of XX-28-4.C.1 of this title.

5. Emissions. An emissions plan shall be submitted with application for a conditional use permit describing the emissions(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises, subject to the following:

- a. Sufficient measures and means of preventing any gas, vapors, odors, smoke, odors, debris, dust, fluids, or other substances from exiting a cannabis business shall be provided at all times.
- b. In the event that any gas, vapors, odors, debris, dust, fluids, or other substances exit a cannabis business, the cannabis business and the owner of the subject property shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition.
- c. The cannabis business shall properly dispose of all such materials, items, and other substances in a safe, sanitary, and secure manner and in accordance with all applicable federal, state and local laws and regulations.

6. Cultivation:

- a. Cannabis cultivation shall not be perceptible from the exterior of the building in which the cultivation occurs.
- b. Lighting:
 - (1) The use of any lighting for indoor marijuana cultivation shall be limited to light-emitting diodes (LEDs), compact fluorescent lamps (CFLs), or other fluorescent lighting.
 - (2) Use of high-intensity discharge (HID) lighting, including, but not limited to, mercury-vapor lamps, metal-halide (MH) lamps, ceramic MH lamps, sodium-vapor lamps, high-pressure sodium (HPS) lamps and xenon short-arc lamps, shall be prohibited.

5. Security:

- a. Burglary alarm systems with audible and sheriff notification components that are professionally monitored and maintained in good working condition shall be installed on all doors, windows, and access points.
- b. Surveillance cameras shall be installed and operate 24 hours a day, seven days a week, with 30 day video storage, to monitor all entrances and trash receptacles, along with the interior and exterior of the premises shall be required.
- c. Exterior lighting shall be required sufficient for observers to see and for cameras to record, that is either constantly on or activated by motion detectors.

d. Deadbolt locks shall be installed and utilized on all exterior doors and locks shall be installed on all other windows or access points.

e. Additional security requirements including, but not limited to, security guards, steel doors, and steel window coverings shall be required as determined by the city council.

7. Retail sale of products other than cannabis products as an accessory use shall be allowed subject to approval of separate interim use permit.

Section 3. Section XX-16-4.A of the Ordinance 900 (Zoning Ordinance - General Performance Standards; Wetlands) is hereby amended to read as follows:

A. ~~A land use permit issued by Sherburne County shall be required for all properties with wetlands prior to any site disturbance or issuance of a building permit~~Prior to any site disturbance or issuance of a building permit for any property with wetlands, the City Engineer shall determine that there are no wetland impacts or that any wetland impacts are approved in accordance with the provisions of this Section.

Section 4. Section XX-16-4.B of the Ordinance 900 (Zoning Ordinance - General Performance Standards; Wetlands) is hereby amended to read as follows:

B. Prior to approval of a preliminary plat or recording of any subdivision, a wetland delineation and any proposed wetland impacts shall be approved by ~~Sherburne County~~the City Engineer.

Section 5. Section XX-16-4.C.5 of the Ordinance 900 (General Performance Standards – Wetlands) is hereby amended to read as follows:

5. ~~Administration;—Sherburne County~~The City Engineer shall make all necessary wetland decisions pursuant to the requirements of the Minnesota wetland conservation act.

Section 6. Section XX-18-2 of Ordinance 900 (Zoning Ordinance - Accessory Uses, Structures, and Buildings; Accessory Structures and Buildings) is hereby amended to read as follows:

F. ~~Area. Residential~~The area of all detached accessory structures on residential properties are shall be limited to the following area and no variance may be granted to the building size limitations provided in the section: 4 percent of the area of the parcel or lot.

Unplatted Parcel or Lot Area		Maximum Area of Any One Structure	Maximum Lot Coverage for All Detached Accessory Structures
Unplatted Parcels	Less than 2.5 acres	1,200 square feet	4 percent of lot area
	2.5 acres to 5.0 acres	1,800 square feet	
	Greater than 5.0 acres	5,500 square feet	
Platted Lots	Less than 2.5 acres	1,200 square feet	3 percent of lot area
	2.5 acres to 5.0 acres	1,800 square feet	

	Greater than 5.0 acres	5,500 square feet	
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Section 7. Chapter 28 of Ordinance 900 (Zoning Ordinance - Reserved) is hereby amended to add the following provisions:

Chapter 28
CANNABIS BUSINESS USES

11-28-1: Purpose and Intent; Authority and Jurisdiction

11-28-2: License and Retail Registration

11-28-3: Buffer Zone Required

11-28-4: Performance Standards

11-28-5: Temporary Cannabis Events

11-28-6: Lower Potency Edibles

11-28-7: Use in Public Places

11-28-1: FINDINGS AND PURPOSE; AUTHORITY:

A. Findings and Purpose. The city makes the following legislative findings:

1. The purpose of this chapter is to implement the provisions of Minnesota statutes, chapter 342, which authorizes the city to protect the public health, safety, and welfare of residents by regulating cannabis businesses within the city.
2. The city finds that the proposed provisions are appropriate and lawful regulations for the city, that the proposed amendments will promote the interests of the community in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

B. Authority. The city has the authority to adopt this chapter pursuant to:

1. Minnesota statutes, section 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
2. Minnesota statutes, section 342.22, regarding the local registration and enforcement requirements of state licensed cannabis retail businesses and lower potency hemp edible retail businesses.
3. Minnesota statutes, section 152.0263, Subd. 5, regarding the use of cannabis in public places.
4. Minnesota statutes, section 462.357, regarding the authority of a local authority to adopt zoning ordinances.

XX-28-2: LICENSE AND RETAIL REGISTRATION:

- A. State License. Operation of a cannabis business of the types established by Minnesota statutes, section 324.10 shall require a state license in accordance with Minnesota statutes, section 342.14.
- B. Retail Registration. No individual or entity may operate a cannabis retail business within the city without first obtaining approval of a registration in accordance with Minnesota statutes, section 342.22.

XX-28-3: BUFFER ZONE REQUIRED:

- A. Operation of a retail cannabis business within shall be prohibited within:
1. 1,000 feet of a school;
 2. 500 feet of a day care;
 3. 500 feet of a residential treatment facility;
 4. 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- B. For purposes of this section, the distance of a required buffer between a cannabis retail business and a use identified in section XX-28-3.A of this section shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure the cannabis business is located to the property line of said use.
- C. Pursuant to Minnesota statutes, section 462.367, subd. 14, a registered cannabis business established in accordance with the provisions of this chapter or a cannabis business seeking registration from continuing operation at the same site shall not be prohibited if a use identified within section XX-28-3.A of this section a moves within the minimum required buffer zone.

XX-28-4: PERFORMANCE STANDARDS: Operation of a registered cannabis business of the types established by Minnesota Statutes, section 324.10 within the city shall comply with the provisions of this title and the following:

- A. Building Code. The cannabis business shall comply with the provisions of Ordinance 920, Chapter 2 of this code.
- B. Fire Code. The cannabis business shall comply with the provisions of Ordinance 920, Chapter 3, of this code.
- C. Allowed Hours:
1. Retail sale of cannabis, cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products shall be limited to occur between the hours of 10:00 A.M. to 9:00 P.M each day, unless extended by approval of an interim use permit.
 2. Cannabis businesses other than those specified by section XX-28-4.C.1 of this section shall be allowed to operate 24 each day unless otherwise limited in accordance with the

provisions of this code.

D. Ventilation. A cannabis business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the cannabis business at the property line.

E. Age Limitations. No person under 21 years of age shall be within the cannabis business premises.

F. Public View:

1. All activities of a cannabis business businesses, including, without limitation, cultivating, growing, processing, displaying, manufacturing, selling, and storage, shall be conducted out of public view.

2. No cannabis or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.

G. Prohibited Activities:

1. Consumption or use of cannabis products onsite of a cannabis retail business is prohibited.

2. There shall be no outdoor events or sales associated with a cannabis business; all such activities shall occur within a principal or accessory building, including temporary structures, as allowed in compliance with this title.

3. No cannabis business shall occupy a residential dwelling unit.

XX-28-5: TEMPORARY CANNIBIS EVENTS: In addition to the provisions of Section XX-5-3 of this title, the following conditions shall be required for temporary cannabis events:

A. No sales of cannabis products, except for lower-potency hemp edibles, shall be allowed at temporary cannabis events.

B. No on-site consumption of cannabis products, except for lower-potency hemp edibles, shall be allowed at temporary cannabis events

XX-28-6: LOWER POTENCY EDIBLES: The retail sale of lower potency edibles and beverages shall be allowed, subject to the conditions within this section:

A. Age Restrictions. The sale of lower potency edibles is permitted only in places that admit persons 21 years of age or older.

B. Product Storage. Lower potency edibles shall only be sold behind a counter and shall be stored in a locked case.

XX-28-7: USE IN PUBLIC PLACES: No person shall use cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products in a public place or a place of public

accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of cannabis products.

Section 8. Section XX-61-2 of Ordinance 900 (Zoning Ordinance - C1 District; Permitted Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

C. Cannabis businesses; retail businesses, medical cannabis retailer, and lower potency hemp edible retailer only, subject to the provisions of chapter 28 of this title.

Section 9. Section XX-71-4 of Ordinance 900 (Zoning Ordinance - I1 District; Interim Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

D. Cannabis businesses; combination medical cannabis, cultivator, manufacturer, medical cannabis combination, mezzobusiness, microbusiness, testing facility, and lower potency hemp manufacturer only.

Section 11. Section XX-7-2.B.12 of Ordinance 910 (Subdivision Ordinance - Information Requirements) is hereby amended read as follows:

12. Wetland information:

- a. Plats with no wetland impacts may submit a routine level 1 wetland delineation, unless waived by ~~Sherburne county~~the City Engineer, based on available information from the national wetland inventory map and county soil survey. Simple plats with potential wetland impacts shall require a routine level 2 wetland delineation for wetlands on the property, subject to approval of ~~Sherburne county~~the City Engineer in accordance with section XX-16-4 of the zoning ordinance.
- b. All plats that are not simple plats must obtain a routine level 2 wetland Delineation for the entire property, ~~the delineation must be approved by the Sherburne County Planning and Zoning Department prior to the township authorizing preliminary plat approval that~~shall be subject to approval of the City Engineer.
- c. If wetland impacts are proposed, either a de minimis exemption or wetland replacement plan must be approved by the City Engineer prior to the township authorizing preliminary plat City Council approval of a preliminary plat.

Section 12. Section XX-7-2.c.12 of Ordinance 910 (Subdivision Ordinance - Information Requirements) is hereby amended to read as follows:

12. A wetland delineation completed by a Minnesota licensed wetland delineator approved by ~~Sherburne county and the Technical Evaluation Panel~~the City Engineer.

Section 13. Ordinance 900 (Zoning Ordinance), Ordinance 910 (Subdivision Ordinance), and Ordinance 920 (Building Ordinance) have been adopted in form and shall be amended by the Zoning Administrator as necessary to revise references to "Baldwin Township", the "Town", "Town" officials, or

"Town" staff or other relevant terms to address incorporation as the City of Baldwin.

Section 14. This ordinance shall be in full effect upon adoption and publication.

(remainder of page intentionally blank signatures follow)

ADOPTED by the Baldwin City Council this 16th day of December, 2024.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:

CITY OF BALDWIN

Jay Swanson, Mayor

ATTEST:

Joan Heinen, City Clerk/Treasurer

RESOLUTION NO: 2024-61

**CITY OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA**

WETLAND CONSERVATION ACT ADMINISTRATION

WHEREAS, the Minnesota Wetland conservation Act (WCA) requires local governmental units (LGUs) to implement this law by adopting the rules and regulations promulgated by the Board of Water and Soil Resources (BWSR) pertaining to wetland draining, filling and excavation; and

WHEREAS, Minnesota Rules chapter 8420.0200, Subp. 1.A requires that the local government unit responsible for making decisions in accordance with the WCA be the county or city; and;

WHEREAS, prior to November 18, 2024, Sherburne County was the designated LGU for administration of the WCA within Baldwin Township; and

WHEREAS, the City of Baldwin was incorporated on November 18, 2024; and

WHEREAS, it is the intent of the City of Baldwin to be the designated LGA for administering the WCA upon incorporation; and

WHEREAS, the BWSR is requesting notification of an LGU's decision adopting or excepting administrative responsibility for another LGU in accordance with Minn. Rules part 8420.0200, Subpart 2 item A; which requires each local government unit of the State to acknowledge in writing to the (BWSR) that it is assuming its responsibilities under the Wetland Conservation Act; and

WHEREAS; the LGU is responsible for following the WCA rules as stated in 8420.0200, Determining Local Government Unit Duties;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Baldwin shall be and accepts the administrative responsibility as the LGU for the WCA within the legal boundaries of the City of Baldwin in accordance with Minnesota Rules.

(remainder of page intentionally blank signatures follow)

ADOPTED by the Baldwin City Council this 16th Day of December, 2024.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:

CITY OF BALDWIN

Jay Swanson, Mayor

ATTEST:

Joan Heinen, City Clerk/Treasurer

**CITY OF BALDWIN
SHERBURNE COUNTY
STATE OF MINNESOTA**

RESOLUTION No. 24-33

**RESOLUTION ESTABLISHING MUNICIPAL STATE AID STREETS TO THE
MUNICIPAL STATE AID SYSTEM FOR THE
CITY OF BALDWIN, MINNESOTA**

WHEREAS, it appears to the City Council of the City of Baldwin that the streets hereinafter described should be designated Municipal State Aid Streets under the provisions of Minnesota Law.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Baldwin that the roads be described as follows, to wit:

- MSAS 101: 305th Avenue NW- from 144th Street NW (CSAH 1) to 128th Street NW (CR 45)
MSAS 102: 301st Avenue NW- from 144th Street NW (CSAH 1) to 136th Street NW
MSAS 103: Elk Lake Road E. / 136th Street NW- from 283rd Ave NW (CR 87) to 315th Avenue NW (CR 42)
MSAS 104: 313th Avenue NW - from 128th Street NW (CR 45) to U.S. Hwy 169
MSAS 105: 125th Street NW - from 313th Street NW to Rum River Drive S.
MSAS 106: 303rd Avenue NW – from 128th Street NW (CR 45) to U.S. Hwy 169
MSAS 107: 283rd Avenue NW – from U.S. Hwy 169 NW to 116th Street NW (CR 39)
MSAS 108: 285th Avenue NW / 108th Street NW – from 116th Street NW (CR 39) to 108th Street NW; then from 285th Avenue NW to 289th Avenue NW (CSAH 19) and there terminating.
MSAS 109: 297th Avenue NW – from 108th Street NW (CSAH 19) to 100th Street NW
MSAS 110: 100th Street NW – from 289th Avenue NW (CSAH 28) to 305th Avenue NW (CR 38)
MSAS 111: 104th Street NW – from 321st Avenue NW (CR 37) to 325th Avenue NW (CSAH 18)
MSAS 112: 116th Street NW – from 305th Avenue NW (CR 38) to 313th Avenue NW (CSAH 2)
MSAS 113: 120th Street NW – from 283rd Avenue NW to 293rd Avenue NW (CSAH 9)

be, and hereby established, located, and designated a Municipal State Aid Street of said City, subject to the approval of the Commissioner of Transportation of the State of Minnesota.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for his consideration, and that upon the approval of the designation of said roads or portions thereof, that same be constructed, improved and maintained as a Municipal State Aid Street of the City of Baldwin, to be numbered and known as a Municipal State Aid Street.

ADOPTED by the Baldwin City Council this 16th day of December, 2024.

CITY OF BALDWIN

Jay Swanson, Mayor

ATTEST:

Joan M. Heinen, Clerk

CERTIFICATION

I hereby certify that the above is a true and correct copy of a Resolution duly passed, adopted and approved by the City Council of said City on 16th day of December 2024.

Joan Heinen
City Clerk
City of Baldwin

Joan Heinen

From: mike gwynn <mggwynn@gmail.com>
Sent: Friday, December 13, 2024 7:49 AM
To: Joan Heinen
Subject: frontier trails
Attachments: nov dmr ft 2024.xlsx

The WWTF at Frontier Trails is running well. The November DMR numbers look good. However, a few weeks ago we looked at the inspection pipes in the mound and there was standing water in them. It may have been that the pumps had just been running. We will continue to look at that. Spring will give us a better opportunity. Not sure at this point if we have an issue or not.

CITY OF BALDWIN

12/13/24 7:45 AM

602 Transactions

Page 1

2024

November

Last Dim Descr	Search Name	Dr/Cr Amt	Comments
R Revenue			
Interest Earnings	Bremer Bank	-\$20.96	November 2024 Bank Interest
Penalties and Inter		-\$65.35	UB Receipt Serv Pen 1 Frontier Trails
Sewer Charges		-\$3,146.65	UB Receipt Serv 1 Frontier Trails
Sewer Charges	Credit Card Payments	-\$200.00	Amanda Gagnon Frontier Trails Colt Lysdahl
Sewer Charges		-\$483.00	UB UR Receipt Group 01 FRONTIER TRAILS
R Revenue		-\$3,915.96	
E Expenditure			
Electric Utilities	CONNEXUS ENERGY-1808	\$316.45	Frontier Trails SSD
FICA Contributions		\$13.69	Labor Distribution
FICA Contributions		\$1.43	Labor Distribution
FICA Contributions		\$9.07	Labor Distribution
Health		\$29.42	Labor Distribution
Medicare Contribut		\$3.20	Labor Distribution
Medicare Contribut		\$0.33	Labor Distribution
Medicare Contribut		\$2.12	Labor Distribution
Other Supplies	ELAN FINANCIAL SERVICES	\$2,398.02	Frontier Trails SSD Micro C
Other Supplies	PRINCETON GAS INC.	\$11.94	Ice Frontier Trails SSD
PERA Contribution		\$16.56	Labor Distribution
PERA Contribution		\$1.73	Labor Distribution
PERA Contribution		\$10.97	Labor Distribution
Postage	ELAN FINANCIAL SERVICES	\$56.00	Frontier Trails SSD Postage
Professional Servic	UTILITY CONSULTANTS, INC.	\$667.55	Frontier Trails SSD
Wages and Salarie		\$23.00	Labor Distribution
Wages and Salarie		\$146.25	Labor Distribution
Wages and Salarie		\$220.65	Labor Distribution
E Expenditure		\$3,928.38	
		\$12.42	

Public Works Report – December 16th, 2024

Frontier Trails

- 12 Hours invested over the past 19 working Days. (November 15th – December 16th)

Parks

- Portable restrooms picked up

Roads

- Total Road Patching Material 2024 season (U.P.M & HOT PATCH) – 47.50 Tons
- Snowplow / sanding events x2
- Snowplow Drivers Preseason Meeting – Completed
- Developing strategies for future surface treatments - pavement maintenance plans (P.M.P)
- Several trees down blocking road – cleaned up
- Large Dead Oak in R.O.W 99 ½ St.: Job awarded to Jakes Top Notch Tree Service - Scheduled
- 99 ½ St. Culvert Apron replacement – Quote for \$1000 (Completed)
- 278th Ave (West of HWY 169) – Job awarded to Jakes Top Notch Tree Service – Scheduled

Grounds

- Meetings with OSHA consultants / to develop & ensure steps forward for a comprehensive plan ensuring OSHA compliance to foster a safer workplace for everyone.

Trucks / Equipment

- #30 - Wing painted
- #6 – Purchased replacement cutting edge for Wideout XL (Bench stock)
- New Holland W190B - purchased replacement cutting edge for plow blades (Bench stock)

Appendix A- Hourly Base Rates
Snowplow Driver 1 (Class D)

	A	B	C	D	E
Effective	Start	1-year	5-year	10-year	15-year
1/1/2024	21.14	22.197	23.30685	24.47219	25.6958

Snowplow Driver 2 (Class A or B)

	A	B	C	D	E
Effective	Start	1-year	5-year	10-year	15-year
1/1/2024	28.2	29.61	31.0905	32.64503	34.27728

UPDATED:

10/21/2024 16% OVER PREVIOUS YEAR

CITY OF BALDWIN SNOWPLOW AND ICE CONTROL OPERATIONS

Snow removal and/or ice control operations will begin under the direction of the City Council and/or designated representative. Operations will begin when **two or more inches** of snow have fallen. It is the intent of the City to complete plowing, widening, and sanding operations within 48 hours of the time the snowfall ceases, but such operations typically will not remove all snow or ice from the roads. Residents are reminded to use caution while driving, as the legal speed limit may not be safe or reasonable during winter weather conditions. Snow and ice removal operations may be suspended during periods of limited or zero visibility and when weather conditions make snow and ice control operations unusually dangerous for the snow plow operators.

ICE CONTROL AND SALT/SAND APPLICATION

- | | |
|---------------------------|--|
| 1. <u>First Priority</u> | Priority routes, high volume intersections, hills and curves |
| 2. <u>Second Priority</u> | Stop intersections, moderate volume intersections |
| 3. <u>Third Priority</u> | Residential intersections |

PROPERTY DAMAGE: The City will not be responsible for any of the following damage occurring during the normal course of snow removal from City roads: 1) mailboxes or fences damaged by thrown snow or from improperly placed mailboxes per Postmaster policy; and 2) damage to landscaping or objects within the City road right-of-way.

RESPONSIBILITY OF RESIDENTS: Responsibilities include clearing their own driveways, clearing areas for trash cans, clearing around mailboxes and newspaper delivery tubes. These areas should be cleared without depositing any snow into the street. There also must not be any large piles, which obstruct vision of driveways. Trash cans must not be placed on the street surfaces. The City will not clear private drives. Parking of vehicles or other objects on City roads from November 1st through April 30th is prohibited. Any illegally parked vehicles may be towed to an impound lot at the car owner's expense.

Residents are reminded that it is against the law to plow snow from your driveway across a public road as this creates a hazardous situation for the public using the roads. Property owners who plow snow into the right of way will be billed for the cost of the City removing this snow.

Baldwin City Council
(Revised 2/2/06)(Revised 12/16/19)(Revised 12/12/24)

CITY OF BALDWIN
SNOWPLOW AND ICE CONTROL OPERATIONS~~POLICY~~

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Formatted: Superscript

Residents are reminded that it is against the law to plow snow from your driveway across a public road as this creates a hazardous situation for the public using the roads. Property owners who plow snow into the right of way will be billed for the cost of the City removing this snow. (Minnesota Statute 160.2715).

Baldwin City Council
(Revised 2/2/06)

(Revised 12/16/19)

(Revised ~~12/1~~1221/24)

Joan Heinen

From: Mike Couri <mike@couriruppe.com>
Sent: Thursday, December 12, 2024 5:33 PM
To: Joan Heinen
Cc: Bob Ruppe
Subject: Revised snow and ice policy
Attachments: Baldwin Snowplow and Ice Control Policy, 12-12-24, clean.docx; Baldwin Snowplow and Ice Control Policy, 12-12-24, redlined.docx

Joan,

Attached is the revised snow and ice removal operations statement for publication in the newspaper and posting on your website. Note this does not take the place of your snow and ice control policy, but rather is an informational statement to inform your residents of what to expect from the City when it carries out its snow and ice removal operations. Please let me know if you have any questions regarding this issue. Thank you.

Michael C. Couri
Couri & Ruppe, P.L.L.P.
705 Central Avenue East
P.O. Box 369
St. Michael, MN 55376
763-497-1930

**CITY OF BALDWIN
SHERBURNE COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 24-62

AMENDMENT OF A SNOW AND ICE CONTROL POLICY

WHEREAS, the City Council of City of Baldwin is the statutory road authority and provides maintenance for all City roads within the City; and

WHEREAS, the City Council, as the road authority, provides for snow and ice control on the City roads it has designated to receive winter maintenance; and

WHEREAS, the City Council determines it is in the best interest of the City to develop a policy to set out how snow and ice control activities will be conducted on City roads considering the limited maintenance budget, personnel, and equipment available in the City.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby adopts the following as the snow and ice control policy for the City:

I. POLICY CONSIDERATIONS

In developing this policy for how to best undertake snow and ice control activities in the City, the City Council has had to balance a number of factors including, but not limited to, the following: public safety; the amount of funds available for these activities; the wish to maintain an efficient transportation system; enable the delivery of emergency services; avoid damage to personal property; and the cost effective allocation of resources. A further explanation of some of these policy considerations follows:

1. **Budgetary:** The funds the City has available for snow and ice control are derived from two sources. The first is the City tax levy that is set by the City Council. The second source of funds comes from the gas tax imposed and collected by the state, a small portion of which is distributed to City to help maintain their roads.
2. **Personnel & Equipment:** The City has two full-time and several part-time employees available to carry out snow and ice control activities using the City's equipment. The City Council members are each designated as road superintendents with individual responsibility to enforce this resolution.
3. **Delayed or Suspended Operations:** Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of operators or pose an unreasonable risk of damaging equipment. Once initiated, operations will be suspended if conditions deteriorate to the point that operations become unsafe for operators because of factors including, but not limited to, severe cold, significant winds, limited visibility, accumulation of ice, or rapid accumulation of

snow. Operations will also be delayed or suspended if existing or anticipated conditions indicate the operations will not be effective. Any decision to delay or suspend operations shall be made by the City Council, in consultation with the Contractor, based upon the actual and anticipated weather conditions.

4. **Environmental Protection:** Because the City is concerned about the potential negative environmental effects of the use of salt it will minimize its use. When possible and financially practicable, salt and sand with salt will be stored in a manner to minimize run-off, and if snow containing salt is hauled, every reasonable effort will be made to deposit the snow away from public waters.

II. EMERGENCY RESPONSE VEHICLE ASSISTANCE

If law enforcement requests snow removal to assist emergency vehicles to respond to an emergency situation, reasonable efforts will be made to dispatch necessary personnel and equipment to accommodate the request.

III. WHEN SNOWPLOWING BEGINS

1. The City Council shall determine when to begin snow and ice control operations. The criteria for that decision are, but not limited to:
 - An evaluation of the immediate and anticipated weather conditions.
 - The likely effectiveness of operations.
 - Safety of employees.
 - If an unreasonable risk of damaging equipment exists.
 - Snow accumulation of two inches or more.
 - Drifting snow that causes problems for travel.
 - Severe icy conditions that seriously affect travel.
 - Time of snowfall in relationship to heavy use of the roads.
2. Snow and ice control operations are expensive and involve the use of limited personnel and equipment. Consequently, operations will normally not begin until the snow has stopped falling or an accumulation of two inches or more has occurred.
3. Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of snowplow operators and equipment. Factors that may delay snow and ice control operations include: severe cold, significant winds, and limited visibility.

IV. WHEN SNOWPLOWING WILL BE DELAYED OR SUSPENDED

As stated in the policy considerations above, snow and ice control operations will be delayed or suspended if the City Council or its designee determines that the safety of the operators is at risk, conditions pose an unreasonable risk of damaging equipment, or if operations will not be effective because of existing or anticipated conditions.

V. HOW SNOW WILL BE PLOWED

1. Snow will be plowed in a manner as to minimize traffic obstructions. Snow will normally be plowed from the center of the road first. Then snow will be pushed from left to right until at least the main traveled portion of the road has been cleared. On narrow roads, the City Council may choose to plow snow from one side to the other. Snow will normally be discharged to the sides of the road. Because of limitations of budget, equipment, and restrictions on the use of salt, blacktopped roads will not usually be cleared down to bare blacktop.
2. In the event of equipment failure, extreme snowfall, or other unanticipated events including the availability or need to rest snowplow crews, deviation from these standards may be appropriate at the discretion of the City Council or its designee.
3. Snow will be plowed as close as practicable to mailboxes located in the road right-of-way. It shall be the responsibility of property owners to clear snow from around their mailboxes to enable mail delivery.
4. Snowplowing unavoidably results in snow being deposited on driveways and approaches. Because the City does not have the resources available to it to clear the ends of driveways and approaches, it is the responsibility of landowners to remove snow from their driveways and approaches.

VI. SANDING AND SALTING

The City must consider the cost, environmental impact, public safety, and availability of staff and equipment when deciding if, when, and to what extent to apply sand and salt. Furthermore, the state legislature has imposed the following limitations on the use of salt by road authorities in order to:

1. minimize the harmful or corrosive effects of salt or other chemicals upon vehicles, roadways, and vegetation;
2. reduce the pollution of waters; and
3. reduce the driving hazards resulting from chemicals on windshields. Road authorities, including road authorities of cities, responsible for the maintenance of highways or streets during periods when snow and ice are prevalent, shall utilize such salt or other chemicals only at such places as upon hills, at intersections, or upon high speed or arterial roadways where vehicle traction is particularly critical, and only if, in the opinion of the road authorities, removal of snow and ice or reduction of hazardous conditions by blading, plowing, sanding, including chemicals needed for free flow of sand, or natural elements cannot be accomplished within a reasonable time. Minn. Stat. § 160.215.

4. to the extent sand and salt is applied, priority will be given to the following areas in the order listed:
 - Hills, controlled intersections, bridges, and curves
 - Major arterial and collector streets
 - School zones
 - Bus routes
 - Commercial areas
 - Residential areas
 - Rural areas

VII. SNOWPLOWING OF PRIVATE PROPERTY

The City will not snowplow or sand private property except when requested to do so by law enforcement to provide access for emergency vehicles responding to an emergency. If private property is used with permission of the owner to turn around City equipment or to store snow, the City may snowplow the private property as needed to accommodate the City's use of the land.

VIII. DEPOSITING SNOW IN PUBLIC RIGHTS-OF-WAY

It is unlawful for anyone to deposit any snow or ice in a public road right-of-way or to otherwise obstruct a public road. Minn. Stat. §160.27, subd. 5(a)(1); 169.42, subd. (1). Depositing snow or ice in a road also increases snowplowing costs, creates a potential public safety hazard, and could damage equipment.

IX. OBJECTS WITHIN CITY ROAD RIGHTS-OF-WAY

Public road rights-of-way are used for a variety of purposes that are outside of the direct control of the City. While reasonable efforts will be made to avoid damaging private property, snow and ice control operations may result in damage to the property of others. Where private property damage does occur, it is the policy of the City to handle damages in the following manner:

1. **Mailboxes:** Owners are responsible for erecting their own mailboxes in order to receive roadside mail delivery. Mailboxes must conform to the standards established by the Minnesota Department of Transportation. Mailboxes that do not conform to the established standards are considered a public nuisance and are prohibited by law. Minn. Stat. § 169.072. The mailbox owner assumes all risk of damage from snowplowing including damage from pushed or piled snow. The only exception is where the mailbox is damaged through direct contact with snowplowing vehicles. If, in the opinion of the City Council or its designee, a mailbox was damaged through direct contact with snowplowing vehicles, the City will repair, replace, or make other arrangements with the owner to correct the damage to the mailbox. Under no circumstances will the City pay more than fifty dollars (\$50) to correct damage to a mailbox. Furthermore, the City will not pay to repair or replace any mailbox that does not substantially comply with the

standards established by the state, even if they are damaged by direct contact with snowplowing vehicles.

2. **Sod and Landscaping:** The City assumes no responsibility for damages from snow or ice control operations to sod, trees, or other landscaping materials or vegetation.
3. **Lawn Sprinklers, Lighting and Personal Property:** The City assumes no responsibility for damage to aboveground or underground lawn sprinkling systems, exterior lighting systems, or other items of personal property located in a road right-of-way whether by direct or indirect contact with snow or ice control equipment.
4. **Utility Structures:** The City will only be responsible for damage to utility pedestals, transformers, or other utility structures within the right-of-way that result from direct contact with snow and ice removal equipment provided the structure was marked with a minimum 5-foot identification marker. City liability will be limited to the actual costs to repair the damages as documented by invoices submitted to the City by the utility company.
5. **Clearing Snow Around Items Left in Road:** It is the responsibility of owners to keep the road rights-of-way clear of vehicles, trailers, trash cans, and other items of personal property in order to facilitate the proper snow and ice control operations. If an owner fails to keep the road clear of personal property, the owner becomes responsible for promptly clearing the snow left in the right-of-way around the item. If the City Council determines personal property left in the road right-of-way poses an unreasonable risk to public safety, or significantly interferes with snowplowing operations, it will have the item removed from the right-of-way at the owner's expense pursuant to applicable City ordinances.

X. TRAFFIC REGULATIONS

The City Council recognizes that snowplow operators are exempt from traffic regulations set forth in Minnesota Statutes, Chapter 169 while actually engaged in work on streets, except for regulations related to driving while impaired and the safety of school children. Pursuant to this authority, snowplow operators engaged in snow removal or ice control on city streets have discretion to disregard traffic laws set forth in Chapter 169, except for laws relating to impaired driving and school children safety, when in their judgment, it is safe to disregard such laws. The privileges granted herein to operators of snow removal and ice control vehicles shall apply only if the vehicle is equipped with one lighted lamp displaying a flashing, oscillating, or rotating amber light placed in such a position on the vehicle as to be visible throughout an arc of 360 degrees.

Motorists are reminded that flashing amber and blue lights identify snow removal equipment. Motorists should maintain a 150-foot minimum distance from snow removal equipment.

XI. DEVIATION FROM POLICY

The City Council or its designee may deviate from this policy when in his or her judgment it is in the best interest of the City or is necessary because of budget needs or other circumstances. Changes in priorities (lasting more than 4 hours) will be documented as to what caused such actions, why the change was necessary, and for how long the change is to be in effect. Those City employees and/or contractors affected will be notified immediately by radio or cell phone of such changes with all communications logged. Information logged will include the time and date of the communication, name of employee contacted, and how they were contacted. Any changes of priorities lasting more than 24 hours should be made in a written record and the public should be informed of such changes through normal methods used by the City for emergency notifications.

XII. COMPLAINTS AND REQUESTS FOR FURTHER SERVICES

Complaints, requests for further services regarding snow and ice control, or damage to property should be directed to the City Council.

XIII. REVIEW OF POLICY

The City Council will periodically review this policy, taking into consideration any changing conditions in the City's circumstances, any complaints or comments received, and the experience learned from undertaking snow and ice control procedures.

Passed this 16th day of December 2024.

Jay Swanson, Mayor

ATTEST:

Joan Heinen, Clerk

(Revised 01/02/06)
(Revised 12/16/19)
(Revised 12/16/24)

CITY OF BALDWIN ORGANIZATION

CITY COUNCIL:

Road Construction
Agenda Items
Fire Department Expenditures
Planning Commission

Plat Review and Recommendations
Special Service Districts
Employee Relations
Maintenance/Office Expenditures

COUNCIL, SEAT A – JEFF HOLM

Economic Development Coordinator
*BR&E Coordinator
*Promotion & Marketing Coordinator
Baldwin Planning Comm. Liaison (2nd Contact)
Planning & Zoning Comp. Plan (2nd Contact)
Airport Commission Liaison (1st Contact)
City, Buildings & Ground Manager (1st Contact)

\$1000

Zoning Issues
Liquor, Gambling Licenses
Liaison with Planner (2nd Contact)
Employee Liaison (2nd Contact)
Frontier Trails SSD Liaison (2nd Contact)
Capital Improvement Coordinator
Facility & Equipment

COUNCIL, SEAT B – SCOTT CASE

Conditional & Interim Use Permits (2nd Contact)
Airport Commission Liaison (2nd Contact)
Address Signs
2nd Emergency Town Manager
Liaison with Building Inspector (2nd Contact)
Newsletter (1st Contact)
Animal Control (2nd Contact)

\$1000

Mailboxes
Zoning Issues
IT
Assessor (2nd Contact)
Retro-reflectivity Standards
Telecommunications Coordinator
Public Health, Safety & Welfare

COUNCIL, SEAT C–ALAN WALKER

Animal Control (1st Contact)
Parking Ordinance Advisor
Water Advisory Group
Fire Department Liaison (2nd Contact)
Liaison with City Engineer (2nd Contact)
Liaison with Building Inspector (1st Contact)

\$1000

Oak Wilt (2nd Contact)
City Buildings & Grounds Manager (2nd Contact)
Newsletter (2nd Contact)
Roads, Drainage & Cul-de-Sacs
Road Maintenance (2nd Contact)
Septic Systems

COUNCIL, SEAT D–ACTING MAYOR TOM RUSH

\$1000

Clean Up Day
Cemetery Plots/Maintenance Advisor
Beautification-Tree Planting & Streetscape
Park Committee Liaison
Fire Department Liaison (1st Contact)
Road Abandonment
Delinquent Properties
Conducts Meetings In Absence of Mayor
Yearly Mileage Certification
Liaison with City Attorney (2nd Contact)
Road Maintenance (1st Contact) **\$5000**

Budget Coordinator
Oak Wilt (1st Contact)
FunFest
Finance
Signs off on Expenditures in Absence of Mayor
Roads, Culverts, Ditches & Signs
Road Construction
Noxious Weed Control
Liaison with City Engineer (1st Contact)

MAYOR, SEAT E – JAY SWANSON

Frontier Trails SSD Liaison (1st Cont.) **\$2500**
 County PC Liaison (1st Contact)
 Coordinates Activities of the City
 Liaison with City Engineer (2nd Contact)
 Developer Agreements/Engineering Standards
 Policies & Procedures
 Agenda Coordinator
 1st Emergency City Manager
 Liaison with Planner (1st Contact)
 Baldwin Planning Comm. Liaison (1st Contact)

\$1000

Liaison to Neighboring Communities
 Signs off on Expenditures
 New Plats
 Special Services Districts
 Conducts City Council Meetings
 Employee Liaison (1st Contact)
 Review ROW Permits
 Liaison with City Attorney (1st Contact)
 Assessor (1st Contact)
 Conditional & Interim Use Permits (1st Contact)

FIRE CHIEF \$2500**CLERK/TREASURER & DEPUTY CLERK/TREASURER \$250 for Clerk Approved 5/15/2023**

Minutes/History
 Legal Announcements
 Election Administrator
 Meeting Agendas
 Accounts Payable/Receivable
 Employee Benefits, Withholding, PERA
 Gopher Bounty
 Social Media
 Liaison with Attorney
 Newsletter
 Utility Billing & Receivables
 WAN (Internet)
 Zoning Questions

Capital Asset/Inventory Coordinator
 Correspondence
 Budget Reporting
 Accounting
 Collections/Payments
 Insurance
 Cemetery (Lester Kriesel)
 Liaison w/Sherburne Co. Auditor
 Developers Accounts/Preliminary Plat Appl.
 Telephone (all wired & wireless telephone systems)
 Fire Clerk
 Information Technology
 Building Permit Questions

MAINTENANCE DUTY LIST**Employees**

- Prepare time roll every payday - deliver to Clerk
- Keep time clock up to date
- Keep timecards and claim slips available

Maintenance

- Maintain daily work schedule – work being done and to be done
- Keep monthly maintenance report with monthly memo report to City Council
- Maintain all equipment
- Keep all equipment serviced and clean
- Keep all maintenance purchase orders and invoices up to date with P.O.#'s
- Maintain files for all vehicles-work done, etc.
- Hazardous materials, hazardous waste - Dispose of according to EPA regulations
- Assist with fire equipment time permitting
- Maintain inventory – tools and equipment
- Inventory fuel 1st of month fill out MN Revenue report
- Order fuel – maintenance and fire dept.
- Tailgate meeting records

Parks

- Mowing, including trails and ballfield

Snowplowing

- Salt/sand
- Manage salt reports/needs
- Snowplow drivers list
- Plow times and costs
- Tailgate meeting records
- Inventory of plow blades

Clean Up Day

- Quotes from vendors – report to City Council
- Arrange for all equipment
- Work with volunteers

Mowing

- Inventory mower blades
- Cemetery
- City Hall
- Roadside ditches

Roads

- Blacktop patching
- Gravel when necessary
- Signage – replace any damaged or missing
- Keep records of any major road concerns – see form
- Clean up trash along roadside
- Trim trees as needed
- Remove downed trees ASAP

Clean Shop

- Keep shop clean
- Clean floor drains yearly

Clean City Hall

- Vacuum/sweep monthly or as needed
- Bathrooms weekly or as needed

Building Maintenance (City Hall & Fire Hall)

- Lights, plumbing, heating, etc. as needed
- Keep brine tank filled
- Monitor sewer tanks - hall and fire dept. and have pumped as needed

Elections/Special Events

- Set up/take down Shop/Hall

Wastewater Treatment Plant Operation

Assist with Fire as Requested

Revised 4/4/11	Revised 01/09/2017	Revised 4/2/2024
Adopted 4/4/11	Revised 3/28/2017	Revised 5/20/2024
Revised 8/16/11	Revised 7/10/2017	Revised 12/9/2024
Revised 3/22/12	Revised 4/2/2018	
Revised 5/7/12	Revised 7/16/2018	
Revised 7/2/12	Revised 8/09/2018	
Revised 8/6/12	Revised 4/15/2019	
Revised 4/1/13	Revised 12/16/19	
Revised 4/7/14	Revised 04/06/2020	
Revised 10/21/14	Revised 03/22/2021	
Revised 4/13/15	Revised 03/18/2022	
Revised 3/21/16	Revised 02/28/2023	
Revised 4/4/16	Revised 08/03/2023	



Sherburne County Assessor

Sherburne County Assessor's Office
13880 Business Center Drive
Suite 100
Elk River, MN 55330
(763) 765-4900
1-800-438-0577

DEC 09 2024

12/4/2024

City of Baldwin
Attn: Township Clerk – Joan Heinen
30239 128th St
Princeton, MN 55371

RE: LOCAL BOARD OF APPEAL AND EQUALIZATION DATE AND TIME

Dear Joan:

I have tentatively set your Local Board of Appeal and Equalization meeting for Tuesday, April 8th, 2025 at 3:00 P.M. Please contact my office as soon as possible if this date conflicts with your schedule so I can reschedule an alternate date and/or time. The Department of Revenue requires minutes of the meeting as part of the township record. You MUST provide a clerk to take minutes. My office shall be provided with a copy of those minutes within five working days after the above date so that we can file them with necessary records as directed by the State of Minnesota.

Also, it is imperative that a quorum of your city council members be present for the meeting, so please keep that in mind when reviewing the proposed date and time. Lack of a quorum means no legal meeting and no action possible at the local level. Thus, people in attendance would receive a letter explaining that fact and directing them to attend the County Board of Appeal and Equalization if they want to pursue obtaining a change in value or classification. Our records show that city council members Scott Case and Jay Swanson are currently trained and at least one of them MUST attend the meeting.

Please email approval of date and time or request to change to:
Kristina.botzek@co.sherburne.mn.us

Respectfully,

Michelle Moen

Michelle Moen, S.A.M.A.
Sherburne County Assessor

November 14, 2024

Jay Swanson, Board Chairperson
Baldwin Township
30239 128th St NW
Baldwin Township, MN 55371

NOV 18 2024

RE: Notice of Regulatory Requirements for Baldwin Township under the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Stormwater General Permit for Municipal Separate Storm Sewer Systems

Dear Jay Swanson:

The purpose of this letter is to notify you that the Minnesota Pollution Control Agency (MPCA) has identified Baldwin Township as a Municipal Separate Storm Sewer System (MS4) subject to regulation under the NPDES/SDS requirements of Minn. R. 7090:

A stormwater permit is required under Minn. R. 7090.1010 for an MS4 owned or operated by a municipality with a population of at least 5,000 based on the most recent decennial census or approved municipal boundary adjustment under the provisions of Minn. Stat. ch. 414, and discharges or has the potential to discharge storm water into an outstanding resource value water as identified in part 7050.0335; or into a trout lake or trout stream as identified in part 6264.0050, subp.2 and 4; or to a water listed as impaired under section 303(d) of the Clean Water Act, United States Code, title 33, § 1313, except those waters listed as impaired solely for mercury (Hg) or polychlorinated biphenyls (PCB's).

The permit requires those that own or operate a MS4 to develop, implement, and enforce a Stormwater Pollution Prevention Program (SWPPP). The goal is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations. Please note, judicial ditches operated under Minnesota drainage laws established under Minn. Stat. ch. 103E are not considered an MS4 owned/operated by a municipality. Rather, they are "waters of the state" protected from point source discharges under the Clean Water Act (CWA). More information about the MS4 program can be found at www.pca.state.mn.us/MS4.

You are required to respond to the MPCA in writing within 60 calendar days of the date of this letter. The response must include:

1. Confirmation Baldwin Township meets the criteria specified above for stormwater regulation *or*
2. An explanation of why Baldwin Township does not meet the criteria specified above for stormwater regulation. This may include, but is not limited to, stormwater conveyance system maps or specific written documentation detailing that Baldwin Township does not own or operate a stormwater conveyance system. Enclosed is a map which depicts the outstanding resource value or impaired water of interest.

Jay Swanson, Board Chairperson

Page 2

November 14, 2024

Please submit your response via email to the MPCA at: ms4permitprogram.pca@state.mn.us. If you are not the appropriate contact person for Baldwin Township, or if you have any questions regarding this matter, please contact MPCA staff Nick Nistler at nicholas.nistler@state.mn.us or 218-302-6670.

Sincerely,

Duane Duncanson

This document has been electronically signed.

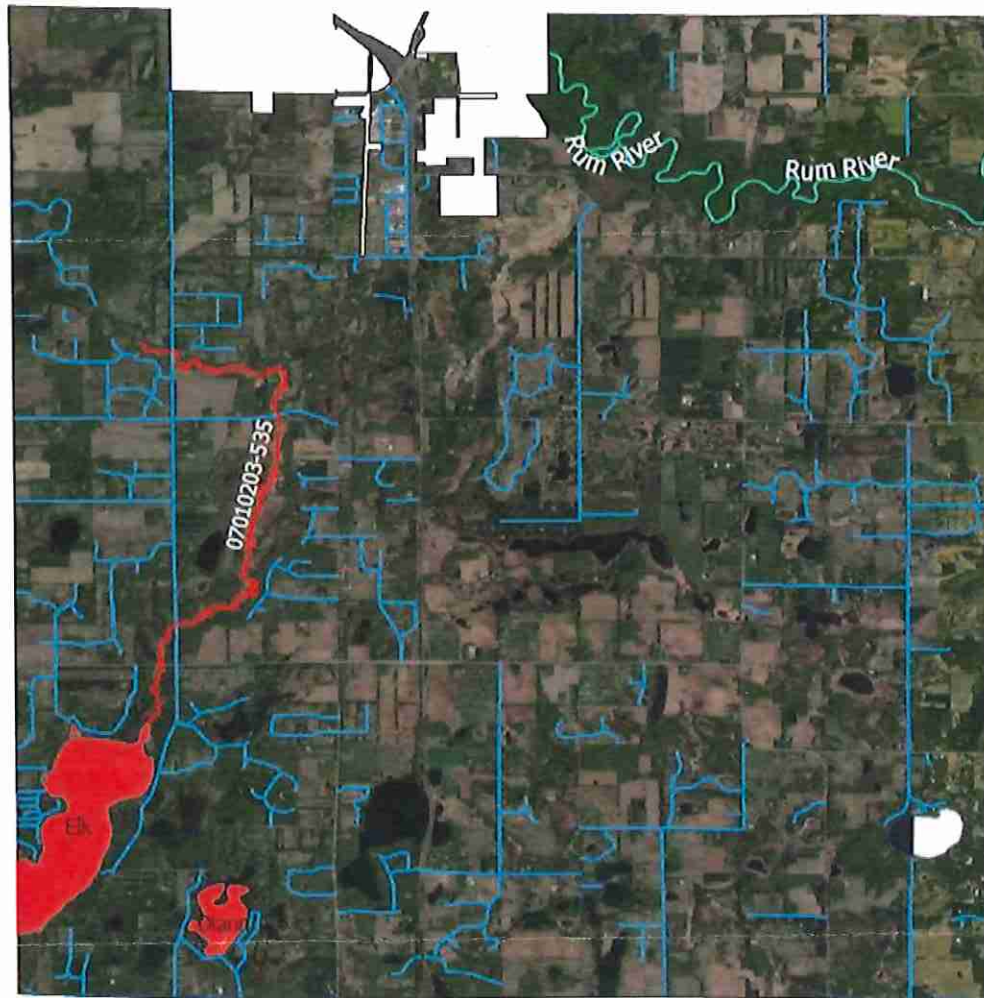
Duane Duncanson
Supervisor
Stormwater Section
Municipal Division

Enclosure: Baldwin Township Map

DD/NN:map

cc: Activity ASI20240001 @ 215165

Special Waters: Baldwin TOWNSHIP



Sherburne County MN GIS, Maxar

AUID	NAME	IMPAIRMENT
71-0046-00	Diann	Nutrients
71-0055-00	Elk	Nutrients

AUID	NAME	IMPAIRMENT
07010203-535	Battle Brook	E.coli; FishesBio; InvertBio

Legend

- Impaired Lake 2024
- Impaired Stream 2024

- City or Municipal Highway Agency
- Town or Township Highway Agency

- ORVW Stream
- Municipality over 5K, not permitted

**CITY OF BALDWIN
RESOLUTION NO. 24-57**

RESOLUTION ACCEPTING DONATIONS

WHEREAS, The City of Baldwin is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests; and

WHEREAS, the following persons and entities have offered to contribute the cash amounts set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>
Princeton Twice New Clothing and Treasures	\$1000.00

WHEREAS, all such donations have been contributed to assist the Fire Department in the establishment, operation and/or purchase of fire truck and equipment; and

WHEREAS, The City Council finds that it is appropriate to accept the donations offered.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALDWIN, MINNESOTA, AS FOLLOWS:

1. The donations described above are accepted.
2. The city clerk is hereby directed to issue receipts to each donor acknowledging the city's receipt of the donor's donation.

Adopted by the City Council of the City of Baldwin, December 16th, 2024.

Approved:

Jay Swanson, Mayor

Attested:

Joan Heinen, Clerk-Treasurer

**CITY OF BALDWIN
RESOLUTION NO. 24-63**

RESOLUTION ACCEPTING DONATIONS

WHEREAS, The City of Baldwin is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests; and

WHEREAS, the following persons and entities have offered to contribute the cash amounts set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>
Baldwin Fire Relief Association	\$15,000.00

WHEREAS, all such donations have been contributed to assist the Fire Department in the establishment, operation and/or purchase of fire truck and equipment; and

WHEREAS, The City Council finds that it is appropriate to accept the donations offered.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALDWIN, MINNESOTA, AS FOLLOWS:

1. The donations described above are accepted.
2. The city clerk is hereby directed to issue receipts to each donor acknowledging the city's receipt of the donor's donation.

Adopted by the City Council of the City of Baldwin, December 16th, 2024.

Approved:

Jay Swanson, Mayor

Attested:

Joan Heinen, Clerk-Treasurer



Proposal: Host a Continuing Education Event for Local Contractors

Submitted by: Rum River Consultants

Introduction

Rum River Consultants proposes partnering with the City of Baldwin to host a continuing education class for local contractors. This event will support contractors in meeting their licensing requirements while providing professional growth and development opportunities. By collaborating on this initiative, the City of Baldwin can demonstrate its commitment to its local workforce and foster economic growth in the community.

Event Overview

Proposed Date and Time:

The event would take place on a Friday or Saturday between January and March 2025, based on the availability of the Baldwin Fire Station.

- Participant Sign-in: 7:30 a.m. – 8:00 a.m.
- Class Hours: 8:00 a.m. – 4:00 p.m., including two 15-minute breaks and a one-hour lunch.

Location: Baldwin Fire Station

Target Audience: Licensed contractors in Baldwin and surrounding areas.

Purpose: To equip contractors with the tools and knowledge to comply with state regulations, adopt industry best practices, and maintain a competitive edge.

Roles and Responsibilities

Rum River Consultants:

- Provide instructors and develop the curriculum.
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- Manage participant sign-ins, educational credit reporting, and course evaluations.
- Promote the event via Rum River Consultants' website and direct email campaigns to local contractors.

The City of Baldwin:

- Provide the venue (the Baldwin Fire Station).
- Assist in advertising the event through the City's website and other communication channels.

Proposed Sponsorships

To offset costs and involve the community, we propose inviting local businesses to sponsor the event by providing lunch for attendees. In return, sponsors will receive recognition during the event and in promotional materials.

Conclusion

This event is a great opportunity for the City of Baldwin to invest in its local workforce, strengthen its reputation as a contractor-friendly community, and support economic development. We are confident this collaboration will benefit Baldwin's contractors and the broader community.

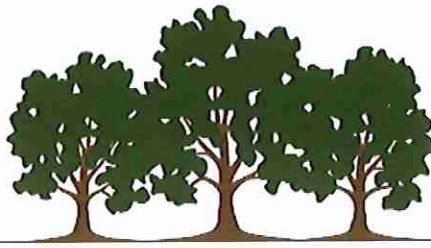
We look forward to your feedback and are available to discuss next steps.

Respectfully submitted by,

Kelli Duerr
CE Coordinator
Rum River Consultants

Process for Code Enforcement

1. Letter sent to violator. The violator has 10 days to remove encroachment or call City Hall.
 2. Ticket to homeowner by City of Baldwin. Dan Licht does a \$50 citation.
 3. Towed – Public Works contacts Towing Company
- Violation received from Baldwin Public Works with photos/documentation
 - The email is printed along with supporting photos/documentation
 - A letter is drafted by City staff to the property owner with a date listed 10 days after the letter. (Photos of the violation is not sent with the letter; photos are for staff use only)
 - If the violation is not addressed/cleared by the date listed (the 10-day period listed on the letter) the Clerk is to contact Dan Licht to report the violation and issue a citation.
 - Per the meeting on December 18th, 2023, the Public Works department has the authority to tow any vehicles at any time if it interferes with plowing or public safety.
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 - **Encroachments observed during day-to-day by maintenance staff that will interfere with snow plowing or cause a traffic hazard.**
 1. Photo of vehicle/equipment with notice posted sent to City Staff (Yellow Paper)
 2. Send correction letter within 10-days to remove.
 3. Report violation to Dan Licht to send \$50 citation.
 4. If not removed, tow/remove encroachment.
 - **Encroachments observed during plowing:**
 1. Post 24-hour removal warning notice on vehicle/equipment (red flyer)
 2. Personnel takes photos of vehicle/equipment with notice posted and a photo of the EMS/address sign
 3. If not removed within 24 hours, tow/remove encroachment.
 4. If the opportunity is available, take a photo before towing.
 - **Encroachments obstructing the travelled portion of the road causing a significant traffic hazard:**
 1. Tow/remove encroachment immediately.



CITY OF BALDWIN

30239 128th Street, Baldwin, MN 55371

Telephone: (763) 389-8931

Fax: (763) 389-2751

NOTICE

City of Baldwin Resident

Minnesota State Statute 160.2715 states that it is illegal to deposit or plow snow onto or across a public roadway. Violators may be faced with a civil liability lawsuit.

It has been brought to our attention you may have violated such statute and the County Sheriff will be notified if this practice continues.

If you have any questions or concerns on this matter, please contact the City Hall at 763-389-8931.

Issued By

Date

Mission Statement

To make the City of Baldwin a proud place to live by safeguarding property rights, encouraging agriculture, commercial communities and residential growth.

160.2715 RIGHT-OF-WAY USE; MISDEMEANORS.

(a) Except for the actions of the road authorities, their agents, employees, contractors, and utilities in carrying out their duties imposed by law or contract, and except as herein provided, it shall be unlawful to:

- (1) obstruct any highway or deposit snow or ice thereon;
- (2) plow or perform any other detrimental operation within the road right-of-way except in the preparation of the land for planting permanent vegetative cover or as authorized under section 160.232;
- (3) erect a fence on the right-of-way of a trunk highway, county state-aid highway, county highway, or town road, except to erect a lane fence to the ends of a livestock pass;
- (4) erect or reconstruct driveway headwalls in or on the right-of-way of a highway or road, except as may be allowed by permit from the road authority imposing reasonable regulations as are necessary to prevent interference with the construction, maintenance, and safe use of the highway or road and its appurtenances;
- (5) dig any holes in any highway, except to locate markers placed to identify sectional corner positions and private boundary corners;
- (6) remove any earth, gravel, or rock from any highway;
- (7) obstruct any ditch draining any highway or drain any noisome materials into any ditch;
- (8) place or maintain any building or structure within the limits of any highway;
- (9) place or maintain any advertisement within the limits of any highway, except as provided in section 160.27, subdivision 7;
- (10) paint, print, place, or affix any advertisement or any object within the limits of any highway, except as provided in section 160.27, subdivision 7;
- (11) deface, mar, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance on or along any highway;
- (12) remove, injure, displace, or destroy right-of-way markers, or reference or witness monuments, or markers placed to preserve section or quarter-section corners;
- (13) improperly place or fail to place warning signs and detour signs as provided by law;
- (14) drive over, through, or around any barricade, fence, or obstruction erected for the purpose of preventing traffic from passing over a portion of a highway closed to public travel or to remove, deface, or damage any such barricade, fence, or obstruction.

(b) Any violation of this section is a misdemeanor.

History: 1959 c 500 art 1 s 27; 1973 c 123 art 5 s 7; 1980 c 435 s 1; 1980 c 533 s 2; 1986 c 398 art 27 s 2; 1986 c 435 s 1; 1989 c 179 s 2; 1995 c 23 s 1; 1998 c 283 s 1; 2004 c 295 art 2 s 15

CITY OF BALDWIN

NOTICE

YOUR VEHICLE IS PARKED ON A PUBLIC CITY ROAD AND MUST BE REMOVED IMMEDIATELY TO ALLOW FOR **EMERGENCY SERVICES** AND TO MAINTAIN THE CITY ROADS IN A SAFE MANNER.

YOU MUST FIND OFF THE ROAD PARKING. FOR ADDITIONAL INFORMATION, PLEASE VISIT OUR WEBSITE AT WWW.BALDWINMN.GOV TO VIEW ORDINANCE 110.

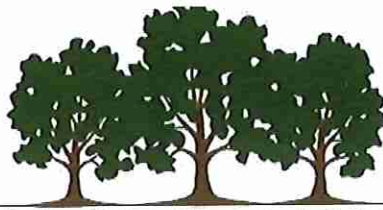
VEHICLE OR OTHER WHEELED EQUIPMENT **MUST BE REMOVED WITHIN 24 HOURS.** IF NOT REMOVED THE VEHICLE OR EQUIPMENT WILL BE TOWED AT **OWNERS EXPENSE.**

VEHICLE _____

LICENSE NO. _____

ADDRESS _____

By Order of the Baldwin City Council



CITY OF BALDWIN

30239 128th Street, Princeton MN 55371

Telephone: (763) 389-8931

Fax: (763) 389-2751

CORRECTION NOTICE

DATE:

[DATE]

MAILING ADDRESS:

[NAME]

[ADDRESS]

[CITY][STATE][ZIP CODE]

LOCATION OF OBSTRUCTION: [ADDRESS OF OBSTRUCTION]

PID: [PARCEL ID NUMBER]

The City of Baldwin has adopted Ordinance 100 managing public rights-of-way. The right-of-way is the area platted and owned or managed by easement by the City of Baldwin for roadway purposes including the road surface, ditch, and boulevard area.

Section 1.03 of the Right-of-Way ordinance prohibits obstruction of the right-of-way that may interfere with the safe use of the road or maintenance of the right-of-way. Obstructions include, but are not limited to, fences, posts, structures, piled materials, hay bales, trailers, campers, equipment, any vehicle not parked on the road in accordance with parking regulations. You can view City Ordinances online at www.baldwinmn.gov.

City Staff have identified concerns regarding your property. We would like to work with you to address and resolve any potential issues. The following items are possible violations:

- [STATE THE OBSTRUCTION HERE]

Please remove the encroachment or contact the City Hall to discuss this matter no later than [10 DAYS AFTER THE DATE OF LETTER]. Please note, if you do not remove the encroachment or contact City Staff by the date listed above, the City may issue an Administrative Notice and/or an Administrative Citation. Future obstruction of the right-of-way in the same manner will be subject to immediate corrective action without warning.

Cooperation and prompt attention to this matter is greatly appreciated.
If you have any questions regarding this notice, please contact City Hall at 763-389-8931.

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