

From: Joseph Erickson <joe@schoenbecklaw.com>
Sent: Friday, November 3, 2023 9:22 AM
To: John Hughes <john@hugheslawyers.com>
Cc: Justin Heim <Justin.Heim@ISGInc.com>; Pat Carey <patc@bannerassociates.com>; Mayor <mayor@cityofbaltic.com>; Travis <travis@cityofbaltic.com>; Nikki <nikki@cityofbaltic.com>; Ryan <ryan@cityofbaltic.com>; Brian <brian@cityofbaltic.com>; Ed PZ <edpz@cityofbaltic.com>; Debbie PZ <debbiepz@cityofbaltic.com>; Jay Baumiller <JayPZ@cityofbaltic.com>; Brian Hefty <brian@heftyseed.com>; Mike Wendland (mike@grantpark.capital) <mike@grantpark.capital>; Inspector <inspector@cityofbaltic.com>
Subject: RE: City of Baltic/Grant Park Addition & Phillips Crossing Addition

John:

I want to focus on the Detention Pond. Again, we have a contractor ready to go. From what I understand, we could still get the contractor out there next week.

The Detention Pond fits the terms of the Agreement—it includes portions of both School and City property. Thus, “part” of the Detention Pond is on City Property.

GPC is ready to uphold our side of the Settlement Agreement and build this Detention Pond in the location allowed by the terms of the Settlement Agreement.

As you know, GPC has made significant financial commitments to have this Detention Pond constructed in the area to the “North of Bulldog Avenue and to the East of Murphy’s Pond.” This is not an “alternate plan,” it is a plan expressly allowed by the City through the express terms of the Settlement Agreement.

What else is the City requesting for GPC to build the Detention Pond in the location allowed by the terms of the Settlement Agreement?

Sincerely,

Joe Erickson, Attorney
Schoenbeck & Erickson, PC
Redlin Art Center
1200 Mickelson Dr., #310
Watertown, SD 57201
Office: (605)886-0010
Fax: (605)886-0011
joe@schoenbecklaw.com
schoenbecklaw.com



From: Pat Carey <patc@bannerassociates.com>

Sent: Monday, October 2, 2023 11:12 AM

To: Justin Heim <Justin.Heim@ISGInc.com>; Mayor Mclsaac <mayor@cityofbaltic.com>; John Hughes <john@hugheslawyers.com>; Inspector <inspector@cityofbaltic.com>

Cc: Joseph Erickson <joe@schoenbecklaw.com>; Brian Hefty <brian@HeftySeed.com>; Mike Wendland (mike@grantpark.capital) <mike@grantpark.capital>; Paul Kraft <paulk@bannerassociates.com>; Pat Carey <patc@bannerassociates.com>

Subject: RE: Grant Park Capital

Justin:

Attached are the documents received to date regarding the USACE permit and wetland mitigation.

We will work to complete the NOI for the site – my understanding is the city will be the applicant as construction will take place on their property.

GPC will provide the form and permit fee for city to sign and submit.

Please let me know if you have any questions or need further information at this time.

Regards,

Pat Carey, PE (SD,MN) | Civil Department Head

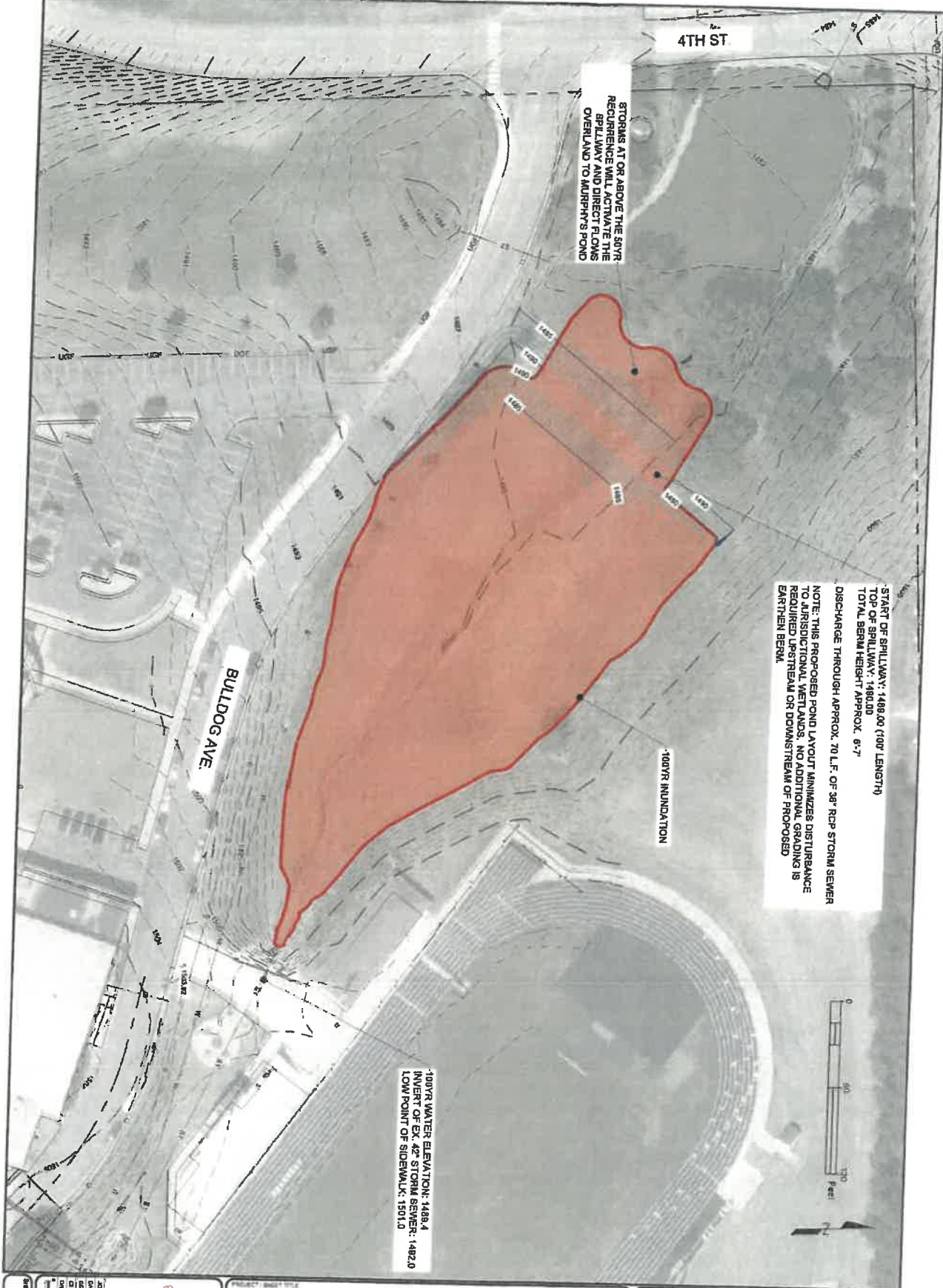
Banner Associates, Inc. | Brookings, SD

Tel | 605.692.6342 Toll Free | 1.855.323.6342

Direct Dial | 605.696.9165 Cell | 605.690.7022

www.bannerassociates.com





STORMS AT OR ABOVE THE 50YR REQUIREMENT WILL ACTIVATE THE SPILLWAY AND DIRECT FLOWS OVERLAND TO MURPHY'S POND

START OF SPILLWAY: 1488.00 (100' LENGTH)
 TOP OF SPILLWAY: 1488.00
 TOTAL BERM HEIGHT APPROX. 6'-7"
 DISCHARGE THROUGH APPROX. 70 L.F. OF 36" RCP STORM SEWER
 NOTE: THIS PROPOSED POND LAYOUT MINIMIZES DISTURBANCE TO JURISDICTIONAL WETLANDS. NO ADDITIONAL GRADING IS REQUIRED UPSTREAM OR DOWNSTREAM OF PROPOSED EARTHEN BERM.

100YR INUNDATION

100YR WATER ELEVATION: 1489.4
 INVERT OF EX. 42" STORM SEWER: 1492.0
 LOW POINT OF SIDEWALK: 1501.0



SHEET No. 1 DATE: 7/10/23 DRAWN BY: [Name] CHECKED BY: [Name] DESIGNED BY: [Name]	REVIEW ONLY NOT FOR CONSTRUCTION
	PROJECT: Grant Park Addition - Detention Pond PROPOSED DETENTION POND LAYOUT
	BALTIC, SD PROJECT NO. 232424
	DATE: [Blank] REV: [Blank]

GRANT PARK ADDITION - DETENTION POND PROPOSED DETENTION POND LAYOUT	
DATE: [Blank]	REV: [Blank]

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EXHIBIT
3

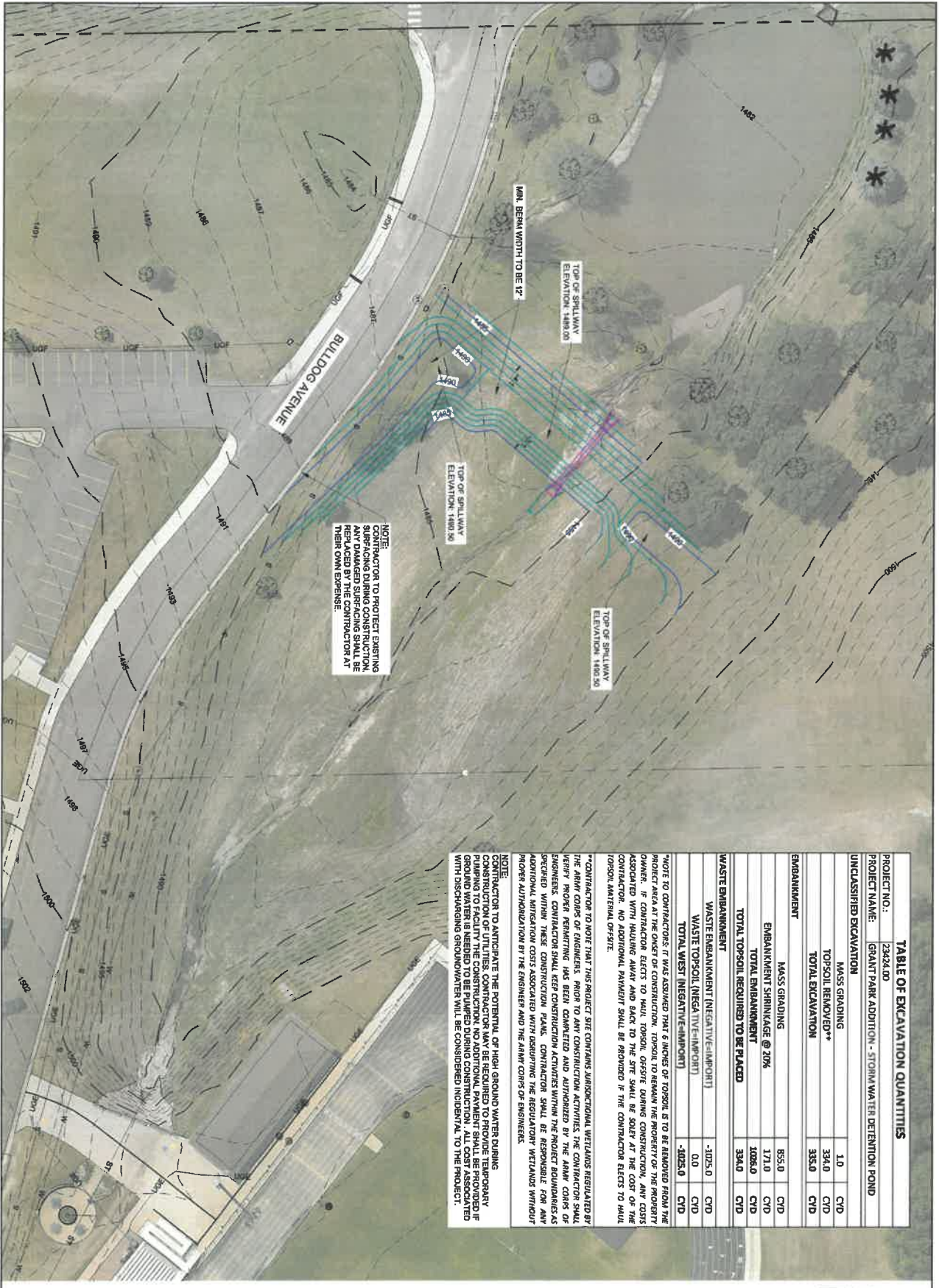


TABLE OF EXCAVATION QUANTITIES

PROJECT NO.:	23424.00
PROJECT NAME:	GRANT PARK ADDITION - STORM WATER DETENTION POND
UNCLASSIFIED EXCAVATION	
MASS GRADING	1.0 C/D
TOPSOIL REMOVED**	394.0 C/D
TOTAL EXCAVATION	395.0 C/D
EMBANKMENT	
MASS GRADING	855.0 C/D
EMBANKMENT SHRINKAGE @ 20%	171.0 C/D
TOTAL EMBANKMENT	1026.0 C/D
TOTAL TOPSOIL REQUIRED TO BE PLACED	394.0 C/D
WASTE EMBANKMENT	
WASTE EMBANKMENT (NEGATIVE-IMPORT)	-1025.0 C/D
WASTE TOPSOIL (NEGATIVE-IMPORT)	0.0 C/D
TOTAL WEST (NEGATIVE-IMPORT)	-1025.0 C/D

**NOTE TO CONTRACTORS: IT WAS ASSUMED THAT 6 INCHES OF TOPSOIL IS TO BE REMOVED FROM THE PROJECT AREA AT THE ONSET OF CONSTRUCTION. TOPSOIL TO REMAIN THE PROPERTY OF THE PROPERTY OWNER. IF CONTRACTOR DECIDES TO HAUL TOPSOIL OFFSITE DURING CONSTRUCTION, ANY COSTS ASSOCIATED WITH HAULING AWAY AND BACK TO THE SITE SHALL BE SOLELY AT THE COST OF THE CONTRACTOR. NO ADDITIONAL PAYMENT SHALL BE PROVIDED IF THE CONTRACTOR DECIDES TO HAUL TOPSOIL MATERIAL OFFSITE.

**CONTRACTOR TO NOTE THAT THIS PROJECT SITE CONTAINS JURISDICTIONAL WETLANDS REGULATED BY THE ARMY CORPS OF ENGINEERS. PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL VERIFY PROPER PERMITTING HAS BEEN COMPLETED AND AUTHORIZED BY THE ARMY CORPS OF ENGINEERS. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROJECT BOUNDARIES AS SPECIFIED WITHIN THESE CONSTRUCTION PLANS. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL MITIGATION COSTS ASSOCIATED WITH CONSULTING THE REGULATORY AGENCIES WITHOUT A PRIOR AUTHORIZATION BY THE ENGINEER AND THE ARMY CORPS OF ENGINEERS.

NOTE: CONTRACTOR TO ANTICIPATE THE POTENTIAL OF HIGH GROUND WATER DURING CONSTRUCTION OF THIS PROJECT. CONTRACTOR MAY BE REQUIRED TO PROVIDE TEMPORARY DRAINAGE SYSTEMS TO PREVENT HIGH GROUND WATER FROM ENTERING THE DETENTION POND. IF GROUND WATER IS NEEDED TO BE PUMPED DURING CONSTRUCTION, ALL COSTS ASSOCIATED WITH DISCHARGING GROUNDWATER WILL BE CONSIDERED INCIDENTAL TO THE PROJECT.

DATE: 2024.10.03
 DRAWN BY: J. F. J. / J. F. J.
 CHECKED BY: J. F. J. / J. F. J.
 DESIGNED BY: J. F. J. / J. F. J.
 PROJECT: GRANT PARK ADDITION - STORM WATER DETENTION POND

C-200

PROJECT / SHEET TITLE:
GRANT PARK ADDITION STORMWATER DETENTION POND
OVERALL GRADING PLAN

BAL TIC, SD
 DESCRIPTION

REV	DATE	DESCRIPTION

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EXHIBIT
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TEER

EVERETT,
ROYE
TRUST

Lovely Ave

4th St

CITY OF BALTIC

BALTIC SCHOOL
DISTRICT NO 49-1

BALTIC

BALTIC

Bulldog Ave

mapbox

BALTIC SCHOOL
DISTRICT NO 49-1

EXHIBIT
5

Sat

JOINT MEETING MINUTES
BALTIMORE CITY COUNCIL & PLANNING & ZONING BOARD
NOVEMBER 8, 2022, 7:00 PM
BALTIMORE CITY HALL
130 ST. OLAF AVENUE, BALTIMORE, SOUTH DAKOTA

I. CALL TO ORDER

Mayor McIsaac called the meeting to order at 7:00 PM at the Baltimore City Hall.

II. ROLL CALL

Answering roll call were Alderman and P&Z Member Ryan Sinding, Alderwoman Nikki Oien, Alderman and P&Z Member Travis Schreurs, Alderman Brian McGreevy (by telephone), P&Z Chairman Ed Wilson, and P&Z members Debra Murphy and Nate Vrchota. Also present was City Attorney John Hughes, Finance Officer Linda Hunnel, Customer Relations Manager Lacey Branham, Maintenance Supervisor Ryan Fods, and ISG Engineer Justin Heim,

III. PLEDGE OF ALLEGIANCE

Mayor McIsaac led the meeting with the Pledge of Allegiance.

IV. APPROVAL OF JOINT MEETING AGENDA Approval of the meeting agenda's is not necessary, according to SDCL.

a. Grant Park\Phillips Crossing

i. Detention Pond

Chairman Wilson had reviewed the newly submitted detention pond design. ISG Engineer Justin Heim said minor grading is necessary outside the right of way and increased erosion control with sidewalks is needed along three lots. Schreurs made a motion to note approval based on revisions ISG has provided. Second by McGreevy. Motion carried, all voting aye. City Attorney John Hughes said core issues will be part of the upcoming developer's agreement, including the detention pond.

ii. Sidewalk Resolution

There was lengthy discussion on the requirement for a sidewalk along 5th Street, adjacent to the Grant Park development. Mayor McIsaac reported that 5th Street will run from the edge of city limits to the school, and there needs to be discussions on infrastructure (possible storm sewer and w\s mains) before curb and gutter or paving takes place. Chairman Wilson stated that the assessment process could affect adjacent landowners. Schreurs referred to Baltimore Municipal Code. 91.18, which reads 'All new residential and commercial construction shall install curb and gutter, adjacent to the property where such construction occurs in conformity with the specifications of the city's engineer. The City Council shall reserve the right to direct that curb and gutter be constructed and the cost assessed against any abutting property owner.' This discussion was purely informational. Heim said if done, the project should be done in one phase.

The developer's agreement is a work in progress. City Attorney Hughes is entering core items from Justin Heim: time frames, warranty periods, security, etc. Appointing a team to go through these items was discussed. Vrchota made a motion to give the Mayors approval to appoint a committee to review the developers agreement. Oien seconded. Motion carried, all voting aye.

Motion by Sinding, second by Schreurs to adjourn the joint session of the city council and the planning and zoning board at 8:25 PM. Motion carried, all voting aye.

The Baltimore City Council then held their regular monthly meeting.

V. APPROVAL OF MINUTES

