



TOWN OF BROCKWAY
COUNTY OF STEARNS
STATE OF MINNESOTA
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MEETING MINUTES

October 17, 2022

Proposed

1. **Call to Order:**

- On this 17th day of October 2022, the Regular Monthly Meeting was called to order at 7:30 p.m. with the absence of Supervisor Douvier. The Pledge of Allegiance was recited.
- Motion was made by Fiedler to approve the agenda with six additions, seconded Pogatchnik, approved.
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Land Use Requests:

Motion was made by Fiedler to approve the Franz land split, seconded Pogatchnik, approved.
Motion was made by Fiedler to approve Kockler land split, seconded Pogatchnik, approved.

2. **Clerk's Report:**

- A. Motion was made by Pogatchnik to approve September 19, 2022, Regular Meeting Minutes as amended, seconded Fiedler, approved.

3. **Treasurer's Report:**

- A. Motion made by Fiedler to approve September report on accounts, seconded Pogatchnik, approved.
- B. Motion made by Fiedler to approve Claims No: 22695-22711, seconded Pogatchnik, approved.

4. **Public Input:**

- A. None at this time

5. **Old Business:**

- A. **Roads:** Pogatchnik thought then crack sealing in the last month has been done very well. Fiedler also agreed with this. Pogatchnik mentioned the brush cleaning and that John Smoley has been cleaned up in the areas where complaints were made. Pogatchnik stated FEMA the approvals are going through, we just need a few more things to follow up on. Pogatchnik brought up 380th Street which Victor Legatt had asked about. After looking at the site with the grass and sod, he felt we could have difficulty with FEMA on it. Before submitting to FEMA by the 6th of November if Victor wants to meet with one of the Supervisors to discuss it further. Would there be a benefit to it and would it fit the criteria for FEMA? At this point Pogatchnik feels that 380th is not right for ditch cleaning, but the landowner does have the right to give us his side of what happened during the May event. Fiedler got an email from Jim Scegura asking about the culvert south of his place. Douvier had stated to Fiedler that it had been looked at on 115th, less than 100 yards from Scegura's residence. Pogatchnik stated if it was related to the May storm, we absolutely can take a look at it if it fits FEMA we can tag it on. Pogatchnik will take a look at the culvert and talk with Scegura. Fiedler also brought up Victor Legatt's concern about the size of the rip rap we were using, and Fiedler stated he was not able to find

anything in our ordinance about the size of the rip rap. Fiedler is going to go back and research again. Fiedler stated since Burski was chosen for snow plowing, he sent them information training on the use of salt on the roadways per MS4 and the Pollution Control.

- B. **Smart's Ferry:** Fiedler stated in working with the County, Charles from Rocks to Roses knows what they need, the Engineer wrote up the certificate. Charles needs to complete his diagram and then it can be submitted to the County for approval. If it gets approved work probably will not get done until next spring. Clerk Stang gave estimates of garbage containers for Smart's Ferry. Stang and Pogatchnik were both concerned about how much other things would be in there not related to the boat landing. Fiedler stated that in previous meetings it was suggested that we do a test and see what happens. Fiedler feels that we should wait until Spring.
- C. **411th Avenue:** Fiedler stated Brandon Theisen was not able to come to the meeting, tabled.
- D. **Landscaping at Town hall:** Fiedler is waiting on Charles from Rocks & Roses, but not sure anything will get done this year hopefully by next spring.
- E. **Signs:** Clerk Stang gave them information on the cost from ID Solutions. Supervisors were concerned about the price being wrong. Clerk Stang will reach out to John and get an explanation.
- F. **99-year lease – legal description:** PC Sandal stated when we went to record it the description on the survey was different than what the county had. Sandal spoke with Sam Deleo who did the previous survey, sent Austin from his office. Austin explained that the lines should close at the beginning, but it falls about 37' short of that. There are some discrepancies on where the legal description should be. If it were to close on the line itself, it still falls short about 2'. Austin's office did do the survey back in 2020 so they are familiar with the discrepancy. Sam Deleo said his office would write up a new legal description for \$300 rather than redo the survey. It is going to get recorded so all point connects. Motion made by Pogatchnik to spend the \$300 to get the legal description written up and recorded for Walleye, seconded Fiedler, approved.
- G. **Gilleland Vacation Easement:** PC Sandal stated Austin is speaking on the Gilleland Vacation process. We have been advised by our Township Attorney that we would need to follow the process that we would use for roadway vacation. First step is to have a petition presented. Austin presented the petition to the board to vacate the easements on the parcels by Christy and Grant Gilleland, so the two easements running along the center of their property. Fiedler addressed the issues about using the vacation process by the statute, Gilleland's attorney first said no, but then talked with the township attorney and it was agreed that the process had to go through the proper channels. Township and County are in agreement that to go ahead with the vacation, but the formal process needs to be done. If the petition is accepted, we need to set a time and place for the Public hearing. Pogatchnik questioned if they were responsible for the cost of the hearing. PC Sandal will verify who pays for it and let the parties know and the supervisors. Fiedler suggested public hearing at the next meeting at 7:00.
- H. **MS4:** PC Sandal does not believe the Ordinance needs to be updated. He does believe it is important that it shows we are making an effort to adhere the policy when possible. MS4 does apply to all the platted areas. Fiedler wanted to know how many areas were platted, PC Sandal said 94 areas have two or more lots in Brockway Township. Pogatchnik doesn't believe all these platted areas count towards MS4. Fiedler explained he didn't ask for this because of MS4 he was just curious because of a previous meeting he attended.

- i. **Internet:** Pogatchnik wanted to as because he understood in 2022, they were going to come through and put in all this high-speed internet, but in driving around he has not seen anything yet. We are supposed to be on for 2023 with our ARPA funds, but he hasn't seen any work that he believes they are installing any high-speed internet. Fiedler will check with Mike from Stearns County to see where it is at. Pogatchnik feels if it isn't going to happen, we can use the ARPA funds somewhere else. We have until December 2024 to use those funds.

6. **New Business:**

- A. **Road miles certified:** Brockway Township has 61 miles, Fiedler thought 67, last years was 61, Fiedler signed off on it and it will be returned to Stearns County.
- B. **Noxious Weed report:** Pogatchnik completed and there was only one area that was noted. This will also be sent into Bob Dunning.
- C. **Polar/CR 17:** Pogatchnik stated Polar is concerned about workers parking on CR 17 in front of their business. They felt "No Parking" signs would work. Pogatchnik said since it is a County Road there is nothing the Township can do. Pogatchnik stated he told HR the best we could do was write a letter of recommendation to the County to put "No Parking" signs there. Since Polar was not present to represent themselves, Pogatchnik feels we should do nothing.
- D. **Ordinance #8:** Fiedler stated talk has been about the property owners being responsible for cleaning out the culverts on their property. There are not specific enough directions in this ordinance, but he is suggesting that it gets added. This is what it might say, "The property owner is responsible for ongoing maintenance of their culvert and approach, this includes clean out of the culvert and damage to the ROW". Pogatchnik feels it sounds reasonable, but with respect to Douvier who does 90+ of the work with driveways and culverts he would like his input on changing that ordinance. Fiedler agreed, he will type up formally and then discuss it at the next meeting. PC Sandal said he could draft it in the ordinance.
- E. **Stearns Officer Meeting:** They have a meeting coming up on the 27th in Freeport, Fiedler cannot attend. Fiedler asked if Clerk Stang could attend, and she stated she could.
- F. **Stearns County Vacation Homes:** Fiedler stated the County sent a letter out stating they passed an ordinance that deals with vacation/short term rentals. Since we don't have a moratorium, this doesn't really affect Brockway. Pogatchnik stated it is just making sure they have the proper septic and well to maintain a home for rental.
- G. **MN Association Conference:** Fiedler stated he attended this conference, but it wasn't as good as previous. Some training on ROW, paved roads and cartways.
- H. **Harassment Policy:** Fiedler stated they talked about this at the conference about harassment in the workplace. They have a policy template. Fiedler feels we don't have an issue, but to have one written up would be good. Clerk Stang will look into this and get it prepared for next meeting.
- I. **Opole Sanitary Response:** Fiedler felt this was taken care of before, but we will get it ready and send out to the Opole residents in December with their bills.

7. **Mail / Miscellaneous:**

Clerk Stang stated MAT has training for End of year record keeping, the Clerk and Treasurer would like to attend? Fiedler and Pogatchnik both agreed this was okay.

8. **Public Input:**

Pat Smoley asked if we had gotten bill yet for brush mowing. If we get it and there is a muffler on there it was no fault of his. Pogatchnik asked how the ditch cutting went. Smoley stated it worked pretty well, but too light of a machine for some of the brush we had, hydraulics were hard to push. There were only two roads he didn't get to: Walleye Road and Wallaby Road.

Conrad Legatt asked about the 99-year lease who is the property owner? Scott Privatsky. Is he going to pick up the legal fees with the lawyers. Fiedler stated it is to our advantage so the township will. Conrad was concerned about the \$300, but that was for the legal description, which it is an advantage to our residents as then they can park there. Conrad also asked if there was going to be any additional clean up from brush cutting? Conrad stated on Tallow Road there were some pine trees cut up, Fiedler stated that John Smoley has been going around to clean up areas of concern. Conrad also asked if since we have done this cutting, do we have plans to do a controlled spraying, so the brush doesn't come back? Fiedler stated we spray every year. Pogatchnik stated he would like to see in the month of August that the township ditches get to a point where you run a mower through the ditches to the ROW. The brush has gotten out of hand.

Move to Adjourn/Recess: 8:41 time.

Next Regular Meeting Date: Monday November 21, 2022