



TOWN OF BROCKWAY
COUNTY OF STEARNS
STATE OF MINNESOTA
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MEETING MINUTES

October 21, 2024

Approved

1. **Call to Order:**

- On the 21st of October, the Regular meeting was called to order at 7:30, Pledge was recited.
- Motion made by Fiedler to approve the agenda, seconded Douvier, approved.

2. **Land Use Requests:**

None

Clerk's Report:

Motion made by Pogatchnik to approve the September minutes, seconded Douvier, approved.

3. **Treasurer's Report:**

- A. Motion made by Fiedler to approve the September report on accounts, seconded Douvier, approved.
- B. Motion made by Fiedler to approve Claims No #23135-23152, seconded Douvier, approved.

4. **Public Input:**

None

5. **Old Business:**

- A. **Roads:** Fiedler stated he heard from Jodi Teich of Stearns County and there as a requested increase in the Engineering cost of about 35,630. Jodi stated this is not uncommon she just asked the City and Townships if they were okay with that, and they all responded they were. There is a provision in the contract for such an increase. Pat Smoley asked when they were going to let the bids, Fiedler was unsure. Pogatchnik stated he had talked with John Anderson of ID Signs, he asked about a four way stop ahead sign he stated we did not need it, Pogatchnik told him to do what is correct. John also asked about the "No Parking" signs by Upper Deck he wondered if he could remove and not replace. Pogatchnik told him there was a reason, but he did not know why. Tell him to leave them. Fiedler stated the engineering for striping on the newly paved roads from this year. Quotes were sent to 3 companies, and they only got one back from Sir Lines A lot \$6,495.75 for regular paint and \$8,202.50 for epoxy. Motion made by Pogatchnik to accept Sir Lines A lot to strip the roads with regular paint, seconded Fiedler approved. Fiedler will email Haakanson and Anderson with the accepted bid.
- B. **Prairie Grass Lane:** Question should it be a township road. Twp Attorney Ruppe has reviewed documents and PC Sandal was discussing it with him. Fiedler stated it appears neither PGL nor PGD have been accepted as a township road. PGD has been maintained for 15-20 years so it is a township road. PGL has never been accepted as a township road. If the residents want it to be taken over, options would be either the residents get the road up to standards and assess them or the Township can get bids and let the residents decide whether they want to continue, and it could

be assessed on their taxes. Pogatchnik stated if he lived on a road to be taken over by the township, he would want the township to get bids, so a neighbor does not get upset. Then one neighbor is not taking all the heat for making a wrong decision. Fiedler asked how many residents from PGL were present, and all were. Fiedler would like to get some type of insight on how they want to proceed and to grant ROW to the township without buying it from them. Township gets 3 bids; you provide ROW for the road, and it will be assessed on your taxes long term. With a show of hands is everyone in agreement. Resident M. Stang asked if the properties in the front of PGL were in Township? Douvier stated 2 of the lots are, Sandal stated the plated ones need to be dedicated. There were a couple of plats that did have some dedicated roads. Stang asked if the two plats that come up to PGL are they township, Douvier agreed that they are. R Stang stated on the township website PGL has been marked as a township road since 2008. J. Stang stated it is on a comprehensive plan that is on our website PGL is listed as a township road. Fiedler stated that is something of which he was unaware. R Stang asked, "what do you consider maintaining a road? We haul gravel on it grade, snow plows it on a regular basis. Fiedler stated they would do more research and be fair to everybody. R Stang asked if we could get the bids and keep that process going, Fiedler agreed that it could be done. Pogatchnik asked how can we get bids if there is no Engineering on it? So, there is a process right there that is a financial cost, you need to bid documents for a contractor to bid for it. Douvier asked if any boring had been done, no one remembers this being done. Fiedler stated we need to table for now to determine how to proceed. M. Stang asked if it would be maintained as far as snow plowing this year? Motion made by Pogatchnik that Brockway Township plows Prairie Grass Lane with no liability for surface damage for the reason of the school bus to go down and turn around, seconded Fiedler, approved.

- c. **Meeting rules:** Fiedler has drafted simple township rules. Pogatchnik stated if we start making more rules, ten years will go by, and an issue comes up and you're not following the rules now you're not doing things right. More rules the more policies, more things in writing the more complicated it gets. Pogatchnik feels there were only a few times where a resident has gotten a little bit louder than they needed to. Pogatchnik doesn't feel that we need to put on paper rules and a good chairperson will keep control of the meeting. Douvier agreed with Pogatchnik as far as speaking time over the public you have control over that. Each circumstance is different. Fiedler stated he brought it up because MAT suggested townships have some sort of rules set.
- d. **Nuisance (Tyler Schwartz):** Fiedler stated we need to deal with this issue, there is a process we need to follow and move ahead with a public hearing to remove all the junk cars and debris from the property. Fiedler will start working on this process.
- e. **Edward Peternell:** Peternell stated that 9th Avenue NW has been deeded off his property, 24' x 9" wide to the county. If St. Stephen lets him out, he won't be coming with a road, the road doesn't belong to the farm. Fiedler asked if it wasn't a city of St. Stephen Road? Peternell stated the township didn't want to take the farm from the city because of taking the road over. He again stated the road doesn't come with the farm. Peternell would like the township to think about it and talk over. Katie & Loren Traut are the new owners. Fiedler asked if he had gone to the city, he stated he had not. Fiedler stated if St. Stephen is okay with you going into Brockway Township, we are okay with that, but we don't want a road. Peternell stated the county owns the road and the city if paying to maintain. It was in a land swap for CR 5 to go thru straight west out of St. Stephen.

Fiedler stated we would research the road on who owns that road, but suggested he go to St. Stephen. Peternell stated he will be going there with the planning commission.

- F. **Manhole cover issue:** Fiedler stated the township got a call from a resident in Mulberry Meadows stating that there was a manhole cover in the middle of the road that was making noise when they drove over it. Fiedler went out to look at it, ran it through the MAT and that manhole is part of the septic system in that neighborhood. The attorney's opinion was that it was not a township issue on that road. The property owners there have an association, and they manage the septic system so that would be their responsibility. Douvier states there is really no issue with it as the snowplow will not hook it.
- G. **Polar storage lot in Opole:** Fiedler stated we received an email from Abby Gardner, a resident in Opole concerned about the lot Polar is going to use to store items. It is zoned industrial, and they have been working with the county and it is a permitted use in that area. Polar was going to put up a chain link fence with webbing, and vegetation Fiedler stated from a township perspective there is nothing we can do, but as residents a letter could be sent about your concerns. Shawn Frieler from Polar is willing to meet with them about their concerns. Gardner asked if there was anything in an ordinance about the time of night or day, they would not be able to use it. Gardner stated they were over there at 6:30 am and they were very loud. Gardner stated residents are finally putting a lot of pride into their residences and are worried that these people will leave and then it will not look as nice. Angie Berg stated the property has been industrial since 2000. Fiedler stated we have a nuisance ordinance, and we can check into it and see if that would help. Pogatchnik stated even if we were to change an ordinance, they would say they were grandfathered in. Discussion was had on whether it was always industrial or residential. Berg thought the best would be to talk with the business and see if they can be a good neighbor. Fiedler will look at the township ordinance and see how it could apply. Douvier asked if we could set operating hours on them. Berg stated the hours of operation are not regulated by the county or the township, but lighting might be something to be enforced. Berg stated the county is happy to meet with them and Polar, but it is up to Polar to follow through.
- H. **Signs Curve on 421st & 95th Av:** Fiedler got a call from someone who lives on that corner, she is concerned about the curve and people going off and into the ditch. Fiedler stated a guard rail is expensive, it impedes snow plowing, but could the large chevrons be put up? Douvier & Pogatchnik stated this had already been decided to do. John from ID Signs will get these put up.

6. **New Business:**

- A. **Solar: Ron Branstner:** Spoke on land use and solar farms. Fiedler added that the residents who came before us in September to the Stearns board, Ron called Fiedler after that meeting asking what our position was about solar, and I stated we go by County policy. Ron represents "American Policy" it's a very conservative right leaning organization. Ron went on to state different topics on solar and where it is headed. Solar is not mandatory; you could use nuclear energy. Solar only uses private property, not state or government land. Once the solar companies get into a conservation agreement or lease, they now can lock out that land for 25-35 years. Solar is a voluntary program, and it is up to the Townships to say no. He does not believe the county should have a say over the township with a comp plan. Stearns county is one of the worst as far as having control over township land. Townships have more authority than counties. Fiedler asked what his

recommendation is to townships. Look at the comprehensive plan that his group has put together for townships.

- B. **Angie Berg – Zoning:** Fiedler stated he invited Angie Berg to come and speak on zoning and might talk a little on solar. Berg advised when she looks at Brockway one thing that could be changed is the minimum lot size. Is Brockway going to be the next St. Wendel Township as far as growth and development and the answer is yes. School districts drive the size from 5-10 acre lots. St. Wendel is a lot looser on their future plans. They usually rezone from A40 to R10. St. Wendel's minimum lot size is 10 acres, which is a choice. She is leaving a plan map from 2020 which is where they looked at the county and townships and came up with future growth areas. What they didn't do was come out to every township and say where do you see your growth or don't want to see growth. Berg stated that is something the county can work with the township on or with Fred and come up with a future land use plan for Brockway Township. That would be the map that drives development when residents come in front of you with zoning or platting. Berg is not suggesting they do it but is just giving the board things to think about. Berg feels within the next 5-10 years you will start seeing a lot more requests for residential development in your township. Fiedler added if you want to maintain the character of Brockway with a minimum lot size of possibly 10 acres. It doesn't restrict someone from plating a housing development and road. PC Sandal stated he could help if you wanted to pursue any planning in the future. Pogatchnik asked what her concern is or if she has any with Brockway the way it is. Berg stated she didn't come out just to say you should change your 2.5-acre lot size, it's been like that for 15-20 years. Fiedler stated it hasn't been that long maybe 5-6 years. Berg wanted to clarify what the lot size was for; rural character, keeping homes right on roads then 2.5 might work for you. If it's strictly for sewer purposes, you don't need 2.5 acres. Fiedler stated he also asked Berg to talk about solar and where the county is on this topic. Berg stated the County board has approved 30 solar farms throughout Stearns they range from 1 acre to 5 acres. State legislature capped the number of solar acres that can go into production every year. Berg will send out this information that she has in a spreadsheet. Stearns county was the first in the state to make solar standards. Fiedler asked if there are some townships that don't allow solar at all, Berg stated yes.
- C. **Schiller Bldg Proposal:** Fiedler received a phone call from Mike Schiller lives on Ulster Road and he wants to add onto his garage. His current garage is in the ROW, he's building in back out of the ROW and before going to the county for a permit and he might have to go to the board of adjustment because of the closeness to the river. He wants to know if the township has any concern with this. Fiedler feels if he goes to the county he will have to get a variance. Fiedler stated he would like to go back to him and from a Township perspective you're not in the ROW we don't see a problem. Sandal stated what he is proposing to do is not going to impact the ROW. Board did not have a problem with it as he will have to meet all the county requirements.
- D. **Snow bids:** Clerk presented the bids; Burski, Ferche & Tri County Excavating were all sent proposals. One bid came back from Burski. Motion made by Pogatchnik to accept Burski's bid for snow plowing, seconded Douvier, approved.
- E. **Clerk & Treasurer trng:** Motion made by Fiedler to accept training for Clerk & Treasurer, seconded Pogatchnik, approved.

F. **Pole near mailbox:** 2116 40th Street on the north side. Resident put a pole by his mailbox, not attached just the pole close to the road. Fiedler will send a letter asking him to take the pole out as it goes against the township ordinance.

7. **Mail / Miscellaneous:**

Stearns County Notice of public hearing for cannabis.

MN Solar on building grant

Benton County regulating cannabis.

8. **Public Input:**

Fiedler spoke on voter suppression and voter delusion, four different types of languages need to be available to voting residents.

By June 1 2026 Townships must have their email .gov and the website must be .gov as well.

Move to Adjourn/Recess: 8:51 time. Next Regular Meeting Date: Monday November 18, 2024