



**TOWN OF BROCKWAY
COUNTY OF STEARNS
STATE OF MINNESOTA**
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MEETING MINUTES

February 21, 2023

Approved

Date: **Tuesday February 21, 2023**
Time: **7:30 p.m. Regular Board Meeting**
Place: **Brockway Town Hall**

1. Call to Order:

- On the 21st of February 2023, the Regular Meeting was called to order at 7:30 pm with all board members present. The Pledge of Allegiance was recited.
- Motion made by Fiedler to approve the agenda, seconded Douvier, approved.

2. Land Use Requests:

- A. Fiedler/Leahy Lot line Adjustment
 - B. Fiedler/Maciej Administrative Subdivision
 - C. DLP/Traut Administrative Subdivision
- Fiedler made a motion to approve all land use requests, seconded Douvier, approved.

3. Clerk's Report:

- A. Motion made by Pogatchnik to approve January 17, 2023, Meeting Minutes, seconded Douvier, approved.

4. Treasurer's Report:

- A. Motion made by Fiedler to approve January report on accounts, seconded Douvier, approved.
- B. Motion made by Fiedler to approve Claims No: 22771 to 22784, seconded Douvier, approved.

5. Public Input:

- A. Pat Smoley stated he drove the Township and found 28 cul-de-sacs all different sizes.

6. Old Business:

- A. **Roads:** None
- B. **Signs:** Jon Anderson will get out in April to start this process.
- C. **Investments:** \$300,000 was put into a 15 Month CD
- D. Board of Equalization moved to April 21, 2023 @ 9:00 am
- E. **411th Street:** T. Pogatchnik met with Mike Nielson and Brandon Theisen about the approaches in Brandon's yard. Standard in a municipality usually covers up to two approaches, right now there are four. Pogatchnik suggested to Brandon that the Township take care of two of the approaches and he takes care of other two if that's acceptable. Brandon said that would be acceptable. They also discussed the landowner being able to do the work on his two approaches. Pogatchnik stated if we need to do an escrow account the amount of \$10,000 would take care of two of the approaches. Mike Nielsen stated that the work that the land owner does would need to be inspected to make sure it was up to standards. Nielsen will investigate the cost but figures the \$10,000 should cover it. Mike Nielsen will do some more engineering on this issue and get some figures at the next meeting.

Smarts Ferry: Fiedler stated that we had a project for improvements at Smart's Ferry Landing, those improvements were addressed at the County Planning commission meeting on January 6 and some residents showed up that were opposed to this project. It has now been put on the County agenda for March 23. Planning commission wants us to have a survey to show where the patio area, picnic table and where the wall was going to be along the landing. Fiedler asked the residents who came to the County meeting to come tonight. Craig Sexton started by saying a party patio was going to be in the road ROW. Sexton does not believe the Township owns the landing. Sexton states that this lot line has changed for so many years that he doesn't even know where the lot lines are. Sexton was concerned that a rock wall was being built on his property. Fiedler's understanding from the survey is that the Township owns land on both sides of the boat landing. Steve Ehlen contests that it is a right of way 66'. Sexton stated that there is nowhere that he has seen that Brockway Township owns that landing. Ehlen has a survey from Sam Deleo that says ROW, he states the township owns none of that land there is an easement to get to the boat landing. Fiedler further explained about the public hearing on whether or not to vacate the boat landing. Township residents came in and said they use the boat landing and want to keep it. There was a list of improvements that they wanted; one was a picnic table, patio, retaining wall and a garbage container. Fiedler stated the fact that there is a park half a mile away has no bearing on this boat landing. Sexton asked how many people can be in the party area at once? He feels if you put a 12 x 12 cement patio and a picnic table next to the boat landing there will be problems. Sexton is the landowner on the north and south side and he is the one who cleans up the area. Is it handicapped accessible, how do they get on the patio, will there be lights? Pogatchnik stressed that if there

is a problem with excessive drinking coming from the island, then please call the Sheriff's office. Pogatchnik knows what they are talking about with the ROW, but if there are drunks out there please turn them in. Mike Noelte addressed the fact that Brandon Theisen had a retaining wall in the ROW and now the board admitted that was illegal. Pogatchnik stated if that is ROW, and we don't own the land he will look at it and consider it. Fiedler stated we have road authority over the ROW and if we deem it necessary to put a retaining wall in the ROW we have the authority to do that. Victor Legatt was one who felt the boat landing should be kept open, I was not for closing Walleye Road we need access to the boat landing. But if you put a picnic table down there you are inviting trouble. More discussion was given about residents using the county park, if the township put in a decent dock there people would be able to launch their boats. Ehlen stated your calling the ROW a park, but it's a landing. Concern was addressed about families at the picnic table and people launching boats in a blind area. Fiedler stated he would check on the definition of a ROW and what can be done in a ROW. Sexton brought up that you would be building something in the flood plain 100' from the river and within 600' of a trout stream. He stated that the Township has gone against four rules: flood plain, 600', 100', ROW and your building a rock wall on my land. Sexton asked what is the purpose of the retaining wall? Fiedler stated it is to get more flat land where people can walk along. Sexton questioned how we can put up a retaining wall by the river. Fiedler stated he got an engineered plan and the County accepted it. Ehlen wanted to know if DNR got back to Fiedler and Ehlen would like the letter of them giving this permission. Pogatchnik made a motion to table the discussion on the patio improvements at Smart's Ferry, seconded Douvier, approved. Concerns addressed by the residents living by the boat landing: Patio in ROW, Township own boat landing, Where the lot lines are, Purpose of patio, How many people in the party area at one time, Handicapped accessible, How do they get on patio, Are there going to be lights, Garbage, Access to the 12 x 12 patio, outhouse (ADA compliant), Setbacks from Mississippi River to building this 100', Below flood plain, Purpose of Retaining wall, Railings, Who will monitor, cameras, Okay with DNR?

F. **Cul-de-sac radius:** Fiedler stated that discussion was made to change the criteria of the size of the cul-de-sac's in our township. Fiedler stated he was going to call bus companies; Trobecs had no opinion, Voights said at least 100'. Mike Nielsen recommended hard surface be a 96' diameter cul-de-sac. Victor Legatt stated the change must of happened a while ago, he searched the internet and could not find anything on appropriate size. Pogatchnik reiterated that with a straight truck 96' is to small. Is the cost difference to reduce it to 96 that saves a lot of cost for the next person? Pogatchnik asked Pat Smoley that we should not reduce it from 120 to 96? Pat says no, if it is a new construction then put the 120 in, there are 28 in the township and none of them are the same size. Victor Legatt stated on 57th if they are going to reconstruct it should go to 120', not 50' or 96'. Pogatchnik stated in a case like that you already have the homes built you can only do with what the lay of the land allows you to put in. Victor asked if on 411th at the end are we putting in a cul-de-sac? He stated he looked at that and there is no place to put one. Fiedler concluded that what Pat and Victor are saying is best case scenario in their opinion 120' is the best, Pogatchnik stated on any new build. Mike stated he has never built a cul-de-sac except for one time at 120'. The standard has always been 90' and that is in a suburban/residential area. I could be wrong, but the standard is 96'. Tabled

7. **New Business:**

- A. **Planning Commission contract:** Pogatchnik made a motion to approve Hometown Plannings contract for 2023, seconded Fiedler, approved.
- B. **MAT 2023 Legislative Meeting Agenda:** On the website and Fiedler noted one item on there was about noxious weeds to be the responsibility of the state and counties in township ROW.
- C. **MAT 2023 Spring short course:** No advanced registration for March 27 in Waite Park 9:00 am to 3:00 pm for Supervisors. Motion made by Fiedler to allow Township Officers attend, seconded Douvier, approved.
- D. **Terry Pogatchnik's computer:** Pogatchnik's computer was turned over to the Clerk to get it ready for the Deputy Clerk to use.

8. **Mail / Miscellaneous:**

St. Stephen Fire calls

Noxious weed meetings coming up.

Treasurer stated we did receive 230,000, but the amount we put in for was 237,000, so hopefully the next check will catch us up.

Treasurer informed that during Covid we did away with charging for Liquor License, but we have received a beer settlement from the county of \$85.

9. **Public Input:**

Pat Smoley stated over the summer when he would go down to the boat landing there never was any garbage. His son was down there once and found a suitcase and took that to Opatz. When he was down there cutting branches, he never saw any garbage. Pat worked there this fall and there never was any garbage whatsoever.

Pat Smoley asked if we wanted the 3 ton road sign put up again? Pogatchnik asked if there was a need for it? Victor stated they can't come in off of Walleye Road. Pogatchnik doesn't feel we should post it at this time, Douvier stated it was initially put up because of the new asphalt that was laid.

Motion made by Fiedler to adjourn, seconded Douvier, approved.

Move to Adjourn/Recess: 9:01 time. Next Regular Meeting Date: Monday, March 20, 2023