



Meeting Minutes
March 20, 2023
Approved

Date: Monday, March 20, 2023
Time: 7:30 pm Regular Board Meeting
Place: Brockway Town Hall

1. Call to Order:

- A. On the 20th of March 2023, the Regular Meeting was called to order at 7:30 pm with all board members present. The pledge of Allegiance was recited.
- B. Motion made by Fiedler to approve the agenda, seconded Douvier, approved.

2. Land Use Requests:

- A. Skwira split.
- B. Majestic River Estates, Plat 2
Fiedler made a motion to approve all land use requests, seconded Douvier, approved.

3. Clerk's Report:

- a. Motion made by Pogatchnik to table the February 21, 2023, minutes until further verbiage is addressed, seconded Fiedler, approved.
- b. Motion made by Fiedler to approve the February 21, 2023 Board of Audit minutes, seconded Douvier, approved.

4. Treasurer's Report:

- a. Motion made by Fiedler to approve the February report on accounts, seconded Pogatchnik, approved
- b. Motion made by Fiedler to approve claim #22785-22803, seconded Douvier, approved.

5. Public Input:

- a. Deputy Laura McLaughlin was present and gave us call numbers from December; 55 calls, 18 traffic, welfare, vehicle in ditch, and other random ones; January; 53 calls, 14 traffic, 1 dead body, 911 abandoned call, animal, & personal assists; February 57 calls; 9 traffic, welfare, UAV training, snowmobile crash & 6 medicals. Deputy McLaughlin also stated that the Township does not have any ordinances in the E-cite system. Clerk Stang will check into this for the next meeting.

6. Old Business:

- a. **Roads:** A resident on Pine Point reported their mailbox was taken out, Burski was notified.
- b. **411th Street:** Mike Nielsen stated he hasn't done much, waiting for the snow to melt so he can do surveys.
Once the basics are done then a design can be created. Mike asked about a generic contract that was sent last May, he would like to get this signed it essentially allows his insurance to cover him when he is working on a project then the Township would not be liable. Contract was printed off and signed. Fiedler asked if the contract had fees in there, Mike stated no it was just a general contract that says he is working for the Township and his insurance would cover any incidents that happen in our township. Pogatchnik wanted to verify that Brandon Theisen was okay with everything if a sale were to occur. Brandon gave the thumbs up.
- c. **Cul-de-sac radius:** Pogatchnik stated we have an ordinance for 120' but reducing it to 96'. Pogatchnik also stated that from our previous meeting Pat Smoley felt we should leave it at 120. Fiedler asked if everyone agreed to do 96? If we have an ordinance that says 120 and we look at 411th we are breaking our ordinance on the first project. Pogatchnik feels the ordinance should say "all new developments should be 120" if we are going to keep it. And any existing developments as close to 120 as possible. Fiedler stated changing it to 96 would be an easy fix, Pogatchnik stated no we would just leave it at 120



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for new developments. Fiedler asked Douvier if he was okay with that, and he agreed with Pogatchnik's plan. Fiedler asked PC Sandler to look into drafting up the verbiage for the ordinance. Sandler asked how it should read. Pogatchnik stated any new development 120', existing developments put in what is appropriate for the development. Douvier asked if you wanted to have a minimum. Pogatchnik didn't think you could, if you go down Ulster and put in a minimum 75' he doesn't feel you could fit one in there. Fiedler felt we were going to reduce it to 96 and not 120. Mike Nielsen stated he thought the 120' was just over kill. Mike stated cul-de-sacs are made for safety not convenience. Mike stated 96 is a statewide recommended code. Pogatchnik feels we should table this until after the road review.

- d. **Smart's Ferry:** Fiedler stated we talked about Smart's Ferry last month, now tonight and again in April because Craig Sexton is not present. Fiedler stated after the last meeting issues were presented to the board, research is being done to answer all the questions. Fiedler proceeded to go over some of the questions with an answer, he does not want a lengthy discussion, but wants to address the issues at this time. (See list of questions & answers). After going over the 25 questions Fiedler asked if there were other issues he asked for them to be addressed tonight. Resident Legatt stated that this plan shows it is on Sexton's land. Fiedler stated the Engineering drafted that up, it has been postponed from the Planning Commission at this time. Legatt says the plan does not fit with the County or Township Ordinances; Fiedler stated that is why the Board is checking into the issues. We have two options; we can go to the landowner Mr. Sexton and say, "will you allow us to do this" and if we get permission, we can do it. The other option is we can take it by eminent domain. Legatt states it is a dedicated easement, Sexton doesn't own it nor does Brockway. Fiedler stated Sexton owns the land. Fiedler stated if it is a ROW or easement we can't put the patio there. Discussion was made on the markers in 1977, who owns the property, how many parking spaces there are, whether there should be an outhouse, who enforces the issues at the boat landing. Pogatchnik wanted some clarification on the land that Ehlen lives on was to be sold for an event center, new restaurant and the amount of people would have been huge. Pogatchnik asked Ehlen if he has ever sold food out of his food truck at the boat landing? Ehlen stated he has. Pogatchnik stated that would just attract more people. Ehlen stated if you were building a million dollar house and they are building a house no we don't want the people down there. Pogatchnik asked, It's about a million-dollar house. Ehlen stated "Your damn right it is". Fiedler wanted to hear from anyone else that has any issues in regards to the boat landing. Fiedler stated this conversation will continue at our April 17th meeting. He's hoping to have more answers to the questions. Fiedler plans on sending out the questions to the residents involved with the answers he receives. Fiedler addressed Mr. Ehlen requesting an application to out in off of the township road to the north. Ehlen said there is an easement there, the county requested they put that road in and share it. Pogatchnik explained to Mr. Ehlen that if he wants access to his property from the south he would need to submit an application for a driveway. Ehlen wanted to know if the warehouse and trailer house have put in for a driveway permit. Fiedler stated we would research that. Noelte will be giving the board a copy of the driveway from 57th.

7. **New Business:**

- a. **Opole Wetland:** Treasurer Goodew stated at the Annual Meeting a resident asked about the Opole wetland money replacement. Every year we get money and she stated she didn't know what it was for. Douvier stated it was to replace the ponds for the sewage. Goodew called the county and asked what it was and it is for the taxes that are lost because of the tax exempt status on the property and you can spend it like taxes. Douvier stated it is to replace the ponds but he was not sure where it comes from so when they fail we have to replace them.
- b. **ARPA:** A new reporting period on these funds needs to be sent at the end of April. Goodew wasn't sure if we should use it for the road signs. Fiedler asked how much we had in the account, over \$100,000. \$166,000 is



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to go to broadband. Pogatchnik asked if it would be for record keeping and submitting to the paper work that we have to for those funds? Put 411th in our paperwork all ARPA funds this year get it gone and only have to report once and spend what's left of the half and then save the second half for the broadband. Goodew stated she is fine with not reporting anything this time as we have until December 2024 to use the money. Then next April she can report it was all put towards roads. Legatt asked if some of that money was pledged for the Town Line road, but the legislature is going to get it all with no township contributions.

- c. **Muehlbauer split:** Fiedler received an email from Muehlbauer in regards to a road that goes through the land and splits it. 5 acres, one side 2.3 and the other 2.7. She would like a response from the board. Could they split that land, she would get the 2.3 and he would get the 2.7. The Township has a 2.5 acre minimum. Fiedler felt if you split it there would not be a building authorization on the property to the north. Pogatchnik asked if that is an R5 area. Fiedler said one piece would be in her name and one in his. Pogatchnik stated you can't look at it that way if they sell you don't know what they intend to do with it once split. PC Sandal stated if it doesn't meet the minimum they would have to go to a public hearing to get a variance from the township. PC Sandal was asked to check with the county and through the township. Fiedler stated he would reach out to her and see if she wanted to come to one of our meetings and tell us the reason.
- d. **Public Hearing:** Fiedler stated this was brought up at the annual meeting of when a public hearing is needed. MN statute 462.357 talks about Notice of Public hearing for the zoning ordinance you need a public hearing and also in statute 368.01. So if it is not a zoning ordinance we do not have to have a public hearing. We take discretion on this and if it is an ordinance that will have a big impact on residents we will probably have a public hearing on it. Copies of the statutes were given to Victor Legatt. Fiedler stated our Land Use Ordinance #5 was amended January 18 2022 and there was a public hearing on it.
- e. **Annual Meeting:** Fiedler addressed Legatt's concern of what can be done at an annual meeting. Legatt made some motions and Fiedler stated they were invalid. From the MAT book they put out an article in their magazine about the annual meeting and what can be done. General discussion of items of concern, they can voice their opinion but such input is only advisory to the board. Motions cannot be made to force the board to do things. Only thing voted on at the annual meeting is the levies.
- f. **Nuisance complaint:** Fiedler received a nuisance complaint from a resident and the person lives at 3844 CR 1, just north of 383rd Street. The property is 400 yards back and has old cars, trucks and other trailers. The resident who called said myself and other people who live here are sick of driving by and seeing this. The owner always claims he is going to clean it up and never does. Board members will go take a look and at the next meeting make a decision on what to do.

8. **Mail/Miscellaneous:**

- a. Pogatchnik had an email from a resident asking for clarification on: Could we have full disclosure transparency as Watab Township, receipts and disbursements do not tell us what money is on hand in all these accounts. Also, can we have everyone's salary? Watab must have it in their newsletter, it shows everything that this shows, it doesn't show the disbursements out or the receipts in for the year. And then it asked on there to put in the newsletter all the salaries of the township employees. Pogatchnik stated he had no problem with adding that to the newsletter. Putting more information of the treasurer's report in it, if you're really that interested show up to the annual meeting or any meeting and request to see it. Treasurer Goodew stated both the Clerk and her put our books out at the Annual meeting for residents to view. Pogatchnik said they are sitting at home and want more sent to them. If it's all here all available at any meeting or annual meeting the emailer was not at the annual meeting. Fiedler stated we could put it on our website. Every month we can put it on the website.

Meeting adjourned at 9:06 p.m. by Fiedler, seconded Douvier, approved.