



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

1. **Call to Order:**

- On this 21st day of March 2022, the Regular Monthly Meeting was called to order at 7:30 pm. With all Board members present.
- The Pledge of Allegiance was recited.
- A motion was made by Fiedler to approve the agenda with additions as stated, seconded by Douvier, all in favor approved.

2. **Land Use Requests:**

- A. At the Planning Commission meeting the Majestic River Estates plat & plan were approved. Fiedler made a motion to approve the Majestic River Estate Plan, seconded Pogatchnik, approved.

3. **Clerk's Report:**

- A. Motion was made by Fiedler to approve the February 22, 2022, meeting minutes, seconded Douvier, approved
- B. Reorganizational meeting will be set for 7:00 pm on the 18th of April.

4. **Treasurer's Report:**

- A. Motion was made by Fiedler to approve February report on accounts, seconded Douvier, approved.
- B. Approval of Claims No: 22568-22587, Motion made by Fiedler, seconded Douvier, approved.

5. **Public Input:**

- A. **Deputy Laura** from the Stearns Sheriff's office presented us with stats from activity in our township. November 92 calls, December 61 calls and January 70 calls. Traffic stops were the most, DWI, hazards, false alarms, deer permits, etc.
- B. **Michael Williams**, County Administrator for Stearns County gave a report on bringing Broadband to rural areas in Stearns County. The County is asking that Townships and Cities put some of their ARPA monies towards this project. The County has put 16M of their ARPA monies to encourage Broadband providers to provide service to the underserved areas. Williams believes the first Phase will be starting in a month. Brockway Township currently is in Phase II. Brockway's portion to contribute would be \$166,000 or whatever we can but not until an agreement is in place for Phase II. Williams would like to know that we would be setting the monies aside and then the agreements could be approved.

6. **Old Business:**

- A. **Roads** Douvier asked if we were going to put out bids for crack sealing. The concern is the time of the year that it is completed. We need to include an end date on the bid sheets. Bids should go out sooner in like February with an end date of July 1. Douvier stated we are only doing newly paved roads, so we don't need a road tour. Douvier would like us to give them mileage and put it out in the next day or two and have the quotes by our April meeting for approval. Fiedler also stated that Bertram does potholes, we have used Hanson in the past, but we could try Bertram as well.
Fiedler addressed the issue of putting the weight restriction back on Walleye Road, Pogatchnik states we need to put it back on. John Smoley will get it back up.
- B. **Signs** Pogatchnik called Jon at ID Solutions and doing a replacement of signs, Jon would like to do an inventory as that way he will know what needs replacing. Do we use Bogart/Pederson or ID Solutions, LeSauk likes working with ID Solutions and is also half price of Bogart/Pederson. Pogatchnik made a motion

to have ID Sign Solutions do an updated sign inventory of the township for the amount in the proposal, seconded Douvier, approved. Clerk Stang will notify ID Signs Solutions to do an inventory.

- C. **MS4/Nicholas Nistler** Tabled
- D. **99-year lease** PC Oleson stated he spoke with the landowner, and he had some concerns about the language like the municipal tort claims law, also about subleasing the parking lot to someone else as he would like some approval authority over whoever you sublease it to. Oleson believes what he read it does give him that authority. Also, that if the sight is discontinued as a landing for six months or more than the whole lease can expire. Bob Ruppe suggested increasing that time so your covered and you don't lose the expiration. Oleson asked if the Board was okay with six months? Pogatchnik asked if we could get a year rather than three, but they will agree to six months if they can't get a year. Oleson stated he did not respond to the starting of the new lease whether on the current date or back to the original date in 2007. The Board said the date was not a deal breaker whatever the landowner was comfortable with. Oleson will continue to work with him on it, have Ruppe call him and explain the tort law. Pogatchnik felt we should let him talk with Ruppe, as he is doing us a favor on the lease. Douvier asked why there is a sublease in there? It was in the original agreement from the Sportsman's Club.
- E. **Ordinance #4 & #5** PC Sandal informed it is the land use amendment concerning community septic. These will then be recorded.
- F. **Life Insurance** Treasurer Goodew informed the Board that they have \$5000/person Life Insurance through MAT.
- G. **Town Line Road 75th Av / 30th Ave** Fiedler stated at the last meeting a decision was made that the Township was not participating in the road improvements that Sen. Howe is presenting for monies. The next night Fiedler & Pogatchnik were at a meeting and Jodi Teich the Engineer on the project was there and explained better what was needed from the Township. She stated Sen Howe is going in and requesting 7.5M for the whole project. All Supervisors agreed and the Joint Power Agreement was signed and given to the County. All expenses in this project were going to be included in the grant by Sen. Howe.
- H. **Drainage Utility & Easement Vacate** PC Sandal stated information was given to Gilleland on the process he needs to go through to vacate the Williams easement. They know the steps, Sam Deleo is working with them so far, no contact from them since early March. PC Oleson stated the next step would be a petition presented to the Board for vacation of the easement.
- I. **Hometown Planning contract** PC Oleson stated it was presented last month and is present to answer questions. Two years ago, there was a flat fee and those hours had built up over time. Last year it was switched to an hourly contract with the understanding that we would use up those hours first. So, by October 2021 the hours had been used up and now going off per hour. So, for 2022 they would be going to an hourly rate which is a 3% above last year's rate. So, it will be \$98/hour for 2022. PC Oleson said we could go back to that other approach 10/month or hourly. Motion made by Fielder to approve the contract at an hourly rate of \$98/hour for 2022, seconded Douvier, approved.
- J. **Ordinance #8 Road Standards & Access & Ordinance 2** Fiedler brought up the ordinances on cartways. They talk about roads and cartways, but it doesn't specify enough detail in the cartway regarding us maintaining it or not maintaining it. If we don't maintain it, we have no authority over anything that happens on the cartway or along the cartway. Pogatchnik stated he still disagrees with we don't have authorization on a cartway if we don't who does. As the maintainer of the cartway we can make them maintain it. If it is not maintained, we can instruct them to care for it. Fiedler stated no we can get involved if we choose to it is not mandated by statute. If they have an issue and we don't want to get involved, they take it to court. Pogatchnik stated the resident is allowed to put culverts in per the Judge and the resident can come to the Board and ask for a cost share agreement between the two landowners. Pogatchnik stated he has not seen the language that says we can choose not to say you can maintain it or you don't have to maintain it. Fiedler stated we have had four attorneys tell us we have no authority on a cartway if we don't

maintain it. Pogatchnik stated if we don't have authority on a cartway who does? It is not the County, State or Federal. Fiedler stated it's between the landowner and resident who got the cartway. Pogatchnik feels the governing body (Township) has authority over the cartway because the landowners can't agree. Fiedler stated our only responsibility is to establish it and we are done unless residents from the township, petition for us to take it over. Douvier stated the wording changed or the clarification, you're interpreting it one way so if we clarify it there is less to interpret. Resident Legatt stated to the Board that Ken Bayles came to the board and asked them to change the language, so the Board does not have authority over the cartway. Fiedler stated we were asked to change it to be specific, concrete and more definitive. Motion made by Fiedler to change Ordinance #8 and #2 based on the information the Board received ahead of time, seconded Douvier, approved. Conrad Legatt inquired if this needed a public hearing, Fiedler stated no. PC Oleson was asked, and he stated not for a non-zoning ordinance. PC Sandal will update the ordinance with the language provided.

- K. **Smarts Ferry Landing:** Fiedler has finally gotten a landscaper to respond back with a proposal for the use of the Park & Rec money. \$34,220; install versa lock blocks 2 x 4' along the north \$23,800, clean up rip rap down by the shore at \$1500, install cobblestone pavers 12 x 12 \$4320, install wall behind patio, haul in and spread black dirt, etc. \$2800. Douvier asked if we had to decide tonight? Fiedler stated he would like a decision as he doesn't think he will get any other responses. Pogatchnik asked about the versa lock wall its going against Ehlen's property, does it make sense to contact Ehlen and see if he wants to split the cost of a nice fence? Fiedler stated he was out with Ehlen last fall, and he stated he was going to put up some type of high wall. Pogatchnik questioned the \$23,00 to put 75'. Pogatchnik stated he would not have a problem accepting this proposal but would want to take out the 75' wall for \$23,000. Park fund monies are \$17,800. Fiedler stated we agreed that we were going to do all this. Fiedler stated he is okay with getting another proposal and he will do that.
- L. **Holdingford Fire Contract:** Fiedler stated he sent it back to Holdingford, they redid it, sent it back, we had issues with it, Holding Township did they wanted to go with a 7-year contract. They are taking it back to the City Council and relook at it again. Pogatchnik asked what benefit they get out of a long contract. Tabled

7. **New Business:**

- A. **Resolution for Redistricting** Stearns County is requesting a Resolution for polling place for Brockway Township because of the Redistricting that was done this year. Resolution signed and sent to the County.
- B. **Lawn Service:** We received a proposal from Huls Lawn Service for mowing of the Town Hall & Opole Septic for the summer of 2022. Motion made by Pogatchnik to accept the Huls Lawn Service mowing contract for 2022, seconded Douvier, approved.
- C. **Plat & Renewal Process:** Stearns County sent out to discuss Brockway's process on platting. PC Sandal was also forwarded the email. PC Sandal stated we already have a process for approving plats and will contact Stearns County regarding this process.

8. **Mail / Miscellaneous:**

Board of Appeal and Equalization **April 8 @ 9:00 am.**
Road Review April 8 set to happen after the Board of Appeal & Equalization.
St. Cloud Fireworks Donation letter, no donation made.

9. **Public Input:**

Victor Legatt stated he talked with Heidi from Environmental Services, and she had mentioned when we realigned the 385th Street, the old easement was vacated, but you also vacated the dedicated at Deer Hill. Victor

asked if Clerk Stang was able to get ahold of her, but she was not. There was nothing on the vacation paper that said Deer Hill. Victor asked why that was vacated. PC Sandal will investigate that with Heidi. Another Resident wanted some clarification on the Election Judges. He stated that Clerk Stang said she didn't need them in Brockway Township as Judges. His understanding is that those were going to go on a pile. Clerk Stang informed him that at the Clerk's meeting with the County where we will receive other Judge applications, they will address how to handle all the applicants. The resident thought they said they would find a place for them to serve. His question was how the county knows Brockway doesn't need him. Clerk Stang stated the County is informed ahead of time as to who are the Election Judges for the Primary and General Elections.

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

Clerk, Margaret Stang

Chair, George Fiedler

Approved: 3

Amendments: 0

Move to Adjourn/Recess: _9:05_ time.

Next Regular Meeting Date: Monday, April 18, 2022