



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

Date: **Monday, April 18, 2022**
Time: **7:30 p.m. Regular Board Meeting**
Place: **Brockway Town Hall**

1. **Call to Order:**

- On this 18th day of April 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. Motion was made by Fiedler to accept the phase II plan of Majestic River Estates as discussed in the Planning Commission meeting earlier, seconded by Douvier, approved. A motion was made by Fiedler to have an agreement made between the Developer and Township Ordinance #230, not the County, seconded Douvier, approved.
- B. Resident Goodew came forward with his plat plans that needed to be signed, Chairman Fiedler and Clerk Stang did so.

3. **Clerk's Report:**

- A. Motion was made by Fiedler to approve the March 21, 2022, meeting minutes, seconded Douvier, approved

4. **Treasurer's Report:**

- A. Motion was made by Fiedler to approve March report on accounts, seconded Pogatchnik, approved.
- B. Approval of Claims No: 22588 – 22607, Motion made by Fiedler, seconded by Pogatchnik, approved.

5. **Public Input:**

- A. Residents from 411th Street wanted to address issues with the road. They wanted to know if it was on the schedule for redoing it, it was paved in 1988 and is in tough shape. Fiedler stated we did the road review and only found pot holes that needed to be filled. Tree trimming has been done as well in previous years.
- B. Resident Melissa Pogatchnik also brought up some issues on her property on Ulster Road and 52nd Av. She is asking since this is a private road that the Township take down the sign for 52nd Av. Fiedler asked how many people live down the road. M. Pogatchnik stated everybody has access from Ulster or the River Road. There is nobody who lives on that road. Fiedler stated the county has a rule if there are more than three people on the road they require a street sign on it. They would then post it as a private road and talk with the owner. Douvier thought more checking should be done before removing the sign.

6. **Old Business:**

- A. **Roads:** Fiedler stated when the road review was done, we marked roads that needed to be done, shouldering, culvert issues, Fiedler stated when we went on 411th we didn't think that was on our list. On our list to pave was Brockway Hollow. Pogatchnik states since 411th is a 30-mph zone figured it would hold up for another year. If it were a 55 mph, we would absolutely be doing it. One of the residents stated there are lot of patches and there is a spring that comes out of the road, and it gets broken up all the time. He states they have been fixing potholes there for years. The resident feels the hill needs to be engineered better. There are no ditches on the road at all. Pogatchnik stated that road does not have a cul-de-sac on it and that is something we wanted to look into before paving to make that a cul-de-sac that meets road standards. Tholls Acres for a design. Fiedler stated that we would find the design and take a look at it and thanked them for coming. Douvier stated this would be more than paving it would be Engineering as well. **Cemetery** will be looked at to straighten the headstones that are leaning and give us a price.
- B. **Signs:** Jon Anderson will be looking at the road signs in the township in April/May and have a quote to us by our May meeting. Pogatchnik wanted us to get some new signage on 105th to get safety cones to put around the sink hole. He would like to see us order some traffic cones to have on hand. Road Closed ahead sign, dip, pop up signs. Douvier feels we should get cones at least 12 36" Dileanter posts. Pogatchnik will make a list and get to the clerk to order.
- C. **MS4:** Fiedler got a hold of Nick at MPCA and is looking for training on this schedule for the next night after the meeting, Pogatchnik stated Tuesdays are tough for him. Fiedler will check into either Thursday or Friday for this training. What are our responsibilities on ponds? Fred stated they will be working on the MS4 report and have it for the Board at the next meeting.

- D. **99-year lease:** Ben communicated with Privatsky after the last meeting and some revisions were done. Privatsky's got back to Ben today and are mostly agreeable to the language except for Section 7 on Subleasing. Board agreed that the one sentence could be taken out.
- E. **Drainage Utility & Easement Vacate:** Fred stated no more information has come from Gilleland's as we stated they had to go through a whole set of procedures for this vacation to happen. Take off the agenda.
- F. **Opole manhole:** Thul's put in a bid for this replacement, Pogatchnik asked if we asked anyone else for proposal, he was informed Fiedler's contacted others, but Thul's were the only ones who came back with a proposal. Pogatchnik asked if we should go with the optional epoxy coating. Douvier asked if we used Epoxy on the other tanks, Pogatchnik felt we had. Epoxy will give the life of the manhole a little longer. Fiedler asked if we had the money, Treasurer Goodew said yes in ARPA, but they have \$8,000 in their own account so they would be cleaned out. Pogatchnik asked instead of all ARPA, do 50/50. Pogatchnik made a motion to have Thul reline the manholes as stated in the bid for a total of \$8250, seconded Fiedler, approved. Resident Warzecha asked if this was still on a Federal Grant, Fiedler stated no. Cindy from Fiedler's will be contacted to set up a time and date for this replacement.
- G. **Broadband:** Fiedler stated the County put together a resolution for every township that wanted broadband. He questioned Mike Williams from the County as to when Brockway would be done. He stated it would be done through Albany in 2024. Fiedler is still going back to Mike in regard to Benton Communications coming in. If going with this, we would have to set aside half of our ARPA monies to help get Broadband out to Brockway Township.
- H. **385th Street vacation:** Fred brought this up in regards the process of this vacation from our last meeting. Ben checked with the County, and they stated they had no concerns in regard to the process. They felt we followed everything that they were looking for. Victor brought up about Deer Hill and the easement. Fiedler stated we did what was required and had it recorded at the county. Conrad Legatt stated there is some language that is different when platting. Fred stated Ben looked into Victor saying there was some type of mistake on how it was vacated, Heidi stated she had no issues with the vacation of Deer Hill. Pogatchnik asked Dennis that he had to dedicate a public easement on that plot. The public easement on Deer Hill went outside of our Easement currently that we now have recorded why we didn't leave that on. Dennis Legatt stated there is a permanent easement or cartway there now so what does that have to do with upgrading the alignment on 385th Street. Douvier stated it changes the ROW, Pogatchnik stated the ROW is down the middle of the road right now, but there was more there with Deer Hill. The Public Dedication of Deer Hill was wider than ours, Terry Pogatchnik thought Victor wanted the wider easement to stay on but when we did 385th we vacated and reinstated we just took everything and went from the center of the road. Pogatchnik feels there is nothing that needs to be changed for the usage of the road, but thinks Victor said there was a bigger chunk of land set aside for public use and it's a little bit bigger than the easement and would keep more of Dennis' land in an easement.
- I. **Township plat process:** Stearns County would like to see some type of formal process from the township for viewing plats, so when people come in and apply for plats, they know to bring the information to the township. Fred had a resolution that the County formulated that other townships have adopted. It basically says the Town Board will review the preliminary plat at the PC meeting and get plat information to them at least a week ahead of time. Fred believes it is pretty simple and just providing it for the Boards review and believes the County would like to see a Resolution. Fiedler asked if we had an ordinance that said the same type of language and Fred stated we do have a Land Use application process that we follow, and he has sent that to the County as well. Fiedler would like to touch base with the person from the County in regard to why we need this Resolution. Fiedler was given the name of Ryan Hennen from the County and he will contact to see why?
- J. **Land Use & Zoning:** Fred stated we had been working with Ben to make changes on the restrictions back and January and then last month it was talked about. Fred received correspondence from Environmental Services saying the way the ordinance reads is more restrictive than the counties regulations and wanted to know does the township want to enforce septic regulations if there is a need for that or is the county going to do it. The county indicated they are not going to do it. Pogatchnik asked what part of our ordinance is more restrictive? The county believes this is more restrictive than what is in the County Ordinance. Ben checked with Brandon Montgomery from the MPCA so there are three options: Work with Stearns County to have them enforce the rules; Adopt the regulations and implement the higher standards and if an enforcement issue comes up you would have to hire someone to enforce it; Just delete the section entirely and it falls back to the county. Fiedler stated when Ben did this, he used the County standards. Fiedler asked if we have the same requirements as they do how do they enforce it? Pogatchnik asked again what makes us more restrictive than the county? We want to be in line with the County, but we don't want to be more restrictive. Pogatchnik feels there is some language in there that is not our intention. Fiedler advised to ask Ben to go back with the County and if he needs one of us there Fiedler is happy to go there and discuss it. The Board thought that is what they had put into the ordinance. Fiedler stated he thought they had agreed that the standards would be the same as the county.
- K. **Website updates:** Fred reviewed the township website with regard to zoning and offered some suggestions. Some clean up should be done with the latest ordinances. Clerk Stang has worked on a few of the items. Fiedler would like to see all the ordinances on the website.
- L. **ARPA Monies:** Treasurer Goodew put together information on how we have spent money so far and where else? Fiedler is hoping we get the grant from the State for Town Line Road. Signs the board feels it benefits everyone to use ARPA. Broadband we have decided to use half of it on Broadband. Town hall touchless soap and towel dispensers Board agreed to get it done. Back door replacement out of ARPA. New TV out of ARPA. Opole Septic doing 50/50, new drain field and flow meter, 10,000 to 15,000 should cover it. Computers, heater fan for Opole Septic are ARPA

- M. **Smarts Ferry:** Fiedler met with Rocks & Roses he put together a proposal, talked with the county and the County advised you can't put a retaining wall in, so his proposal is not even with the other bid.
- N. **Schwartz property:** Fiedler sent a letter back in 2020 about junk cars and they said they would do it; nothing has been cleaned up so another letter will be sent out to them.
- O. **Holdingford Fire:** No word back from them yet we gave comments to them. Will have to wait until the city council sits down and talks about it.

7. **New Business:**

- A. **Seal coating quotes:** Five quotes were received. Douvier & Pogatchnik looked them over and stated Simply Surfacing was \$2000 lower than the others. We would provide our Tax-Exempt number to purchase the oil. Motion made by Pogatchnik to accept Simply Surfacing crack sealing as their bid states minus the sales tax, seconded by Douvier, approved. Fiedler signed the bid from Simply Surfacing and this will be sent back to them along with the Tax-Exempt paperwork to do the work this year.
- B. **Bridge Inspection:** Paperwork was given from the County about three bridges inspected. One bridge had the signs wrong, so, these will be changed by our maintenance person.
- C. **105th dip in road/culvert:** Two bids were proposed from Burski for a 36" or 48" culvert. 36" is in there now, Douvier feels it should be bigger as the way the water pools around. Fiedler made a motion to accept the 48" steel culvert proposal to fix the culvert on 105th, seconded by Pogatchnik, approved.
- D. **Demographics of Brockway:** 2,907 households in Brockway
- E. **Township Legal Seminar 6-22-22:** Just and FYI at Albertville City Hall.
- F. **MAT Town Law 5-25-22:** \$65, in Otsego. Fiedler made a motion if any Board members want to attend, they can, seconded Douvier, approved.

8. **Mail / Miscellaneous:**

Five Points Holdings (Steve Legatt) Thursday April 21 @ 7:00 pm @ County Service Center

9. **Public Input:**

Treasurer Goodew asked if the Board would pay for Clerk/Treasurer Training, Board approved.

Fiedler moved to adjourn, seconded Douvier, approved.

No corrections.

Margaret Stang, Clerk

George Fiedler, Chair

Move to Adjourn/Recess: 9:19 time. Next Regular Meeting Date: Monday, May 16, 2022