



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

June 19, 2023

Approved

Date: **Monday June 19, 2023**
Time: **7:30 p.m. Regular Board Meeting**
Place: **Brockway Town Hall**

1. **Call to Order:**

- On the 19th of June 2023, the Regular Meeting was called to order at 7:30 with all board members present. The Pledge of Allegiance was recited. Fiedler stated the meeting was being held on a Holiday as there was not enough time to make residents aware of the change.
- Motion made by Fiedler to approve the agenda with additions, seconded Douvier, approved.

2. **Land Use Requests:**

A. Fiedler made a motion to approve the Legatt subdivision from 80 acres to four 20-acre parcels as discussed at the planning commission, seconded Douvier. Pogatchnik abstained at this time.

3. **Clerk's Report:**

A. Motion made by Pogatchnik to approve the May 15, 2023, minutes with one correction changing Opatz bid to \$400 less, seconded Fielder, approved.

4. **Treasurer's Report:**

- A. Motion made by Fiedler to approve the May report on accounts, seconded Pogatchnik, noting the discrepancies of \$50.75, approved.
- B. Motion made by Fiedler to approve claims #22844 to 22865, seconded Douvier, approved.

5. **Public Input:**

A. Victor Legatt stated he submitted a bill for 380th, did that get paid? Clerk was unsure what happened with it but will get it resolved.

6. **Old Business:**

- A. **Roads:** Pogatchnik feels 85th which has been talked about in the past needing work and if we put it on road review there is a failed culvert on it. To get that fixed this year and then get it paved next year. We have replaced a lot of culverts over the years thanks to FEMA funds, but to get 85th's culvert fixed and then next year during road review decide to pave it. Pogatchnik would like to do a road check this year to see what roads possibly need work done. Scott Volkens was present from St. Wendel Township and discussion was made on 380th Street. He has gotten some estimates and gave those to the Board to review. It was suggested that Volkens come earlier in the year with suggestions. Mike Nielsen asked if we wanted an update on 411th. Survey crew has been out the utilities located no plan is needed from Nielsen at this time. Board is going ahead with paving 411th and putting a swale around Theisen's property. Douvier asked Nielsen about the boring results, hoping to get a report from him regarding that. Knife River is looking at the end of June, first part of July to begin paving our roads.
- B. **Cul-de-sac radius:** Fiedler stated we have discussed this for a while. Douvier suggested 96', Pogatchnik wondered if we needed anything for a shoulder on it or just 96' of paved surface. Douvier stated us the 120 for ROW. PC Oleson verified 120 and 96. Douvier stated look at the 120 and use that same distance on the 96. PC Oleson/Sandal will take care of making the changes.
- C. **County Enforcement of ordinances:** Clerk explained that is where the Township could put their ordinances into the County for enforcement. Just need to know which ordinances you would like enforced and then the Township would need their own attorney to take these matters to court. Fiedler stated that wouldn't be any different than what we already do. The advantage he sees is when a Deputy goes out and makes contact people will listen. On the flip side when people know they can call the County SO that their neighbor is doing something. Douvier asked if a Deputy goes out and doesn't see our ordinance there is nothing he can do. Clerk stated yes, we would need to decide which ones we want them to enforce. Pogatchnik does not see where it would benefit the township. Douvier would decide against it as well. At this time no ordinances will be submitted for prosecution.
- D. **Ordinance for emergency response services:** Fiedler stated that some townships charge for emergency calls, so if someone who doesn't live in the township is traveling through and they need emergency help, they would be charged for that service. Do the residents now get charged? Pogatchnik thought they did on fire calls. Victor Legatt stated you don't, you pay it on your insurance. No Board member wanted to pursue this any further.

- E. **Culvert 57th Av:** Fiedler stated there is a driveway that goes off 57th Av, which is off 411th Street. Fiedler received a call from one of the neighbors who lives in the area this spring the water got backed up. There use to be a culvert at 57th, but when they put I the driveway for Ehlen & Noelting property half of the culvert got covered up. Fiedler informed Noelting that a culvert would need to be put in there and done by July 1st but at this point it is still not done. Joe Lahr was the contractor on this project. Pogatchnik asked on July 2nd what are we going to do? Fiedler stated we can act and get a culvert put in and charged back to the homeowners that use that driveway. Pogatchnik would like to see a letter going out on July 2nd giving them one last chance if not completed by this date, then we would hire a contractor to put it in. Pogatchnik felt if it isn't done on the 2nd, give them a second date of the 15th and if not done we will have it done at their expense. Pogatchnik made a motion that if the improvements are not done on July 2nd, we wait until July 15th to hire a contractor to do the work and bill to the residents responsible, seconded Douvier, approved.
- F. **Signs:** Pogatchnik stated John has called in all the locates, he has parked his truck at Pogatchnik's residence and plans on installing signs on 6-20-2023.
- G. **Trailer:** Midsota Trailer Sales in Avon, wanted the check at the time of pickup. The check is ready now, so Douvier agreed to go pick up the Aluma 63 x 10 trailer.
- H. **Tax Calculation training:** Presented to Board if anyone was interested on June 27, 2023. No Board member was able to attend.
- I. **380th Culvert:** Douvier stated it has been replaced, and photos are on file. Douvier reiterated that if we are going to do roads, we need to replace the culverts a year ahead of time.
- J. **Mailboxes:** Fiedler stated we talked about having a standard for mailboxes, which we already have, presently in Ordinance #8. A copy of this was sent to Burski, who does our snow plowing, as well.
- K. **Smart's Ferry:** Fiedler stated a dumpster and porta potty are at the Ferry property. They come on a weekly basis to clean and pick up. Fiedler stated the Ehlen's are using the driveway on Walleye Road for their garbage pickup, right where boaters will be backing in to launch their boats. Ehlen's have been informed in a letter on September 22, that the Board decided to deny them the use of a driveway off Walleye Road some type of action needs to be taken at this time. Ehlen's have had their camper out there for a good year or better, the County has been notified of this and they say it will take a while to get compliance on this. Pogatchnik stated that road is no different than any other township road. You have garbage receptacles in the ROW interfering with access to vehicles that gives us a reason to deny a driveway there. Pogatchnik stated we need reasons; garbage receptacles, parking, we have Ruppi send him a letter saying, "this driveway needs to be abandoned" and you come in where the September letter said you had to, or we will act. Fiedler doesn't feel we need to go through the attorney, that ROW is our road he's got a rock fence there if we put rocks in that driveway or posts with a cable across. Pogatchnik asked if we could put that in our ROW? Pogatchnik asked if it would be cleaner for us to have Ruppi send a letter saying, "It must be abandoned". If we put something physical there it's just going to be back and forth. Douvier agreed with Pogatchnik's suggestion and Fiedler will talk with Bob Ruppi.
- L. **38444 CR 1:** Fiedler got a call from a resident close to this address saying old cars, junk cars. Fiedler received another call from the same resident, and he stopped by and spoke with a Ryan, he said yeah, he was expecting this and needs to act. He's on workers disability he was informed that a letter will be coming giving him a deadline of September 1 to clean it up. Douvier said he didn't see any issue, but that was a couple of months when he drove by. After discussion Fiedler will be sending the letter.
- M. **39958 57th Avenue:** Fiedler got a call from a resident about a property on a private road is overrun by grass at least 3' tall. Douvier asked if we got that call when the house was for sale. The property is owned by Secretary of Housing in Oklahoma City, they explained these HUD houses if they are foreclosed, they go back to HUD. Fiedler will keep on this to see what can be done, he was also advised that these foreclosed homes they have hired people that go out and maintain the property.

7. **New Business:**

- A. **MN Senior Games:** Clerk stated they are having races going through the township August 3-4, 2023.
- B. **Mitigation plan:** Township was sent a Resolution for Mitigation Plan for the County. Fiedler signed and it was sent back to Kelly Walters with the County.
- C. **Town Line Road:** Douvier went to a meeting on the improvement of this road. Jodi Teich from the County is the Facilitator on this project. There is a bridge they were talking about replacing; however, the bridge met the standards so the townships decided to leave it. They talked about the value of property they would need to take for ROW and to build the new road, traffic count in May 2022 of 2800 vehicles/day. Townships decided on a 11' driveway and a 5' shoulder. Everything needs to get put together and then submitted to different agencies for approval. They are asking the townships to have a line item on our budget that is going to paving and it was unclear as St. Wendel has 2 miles, Brockway ¾ mile, LeSauk 2 miles and Sartell has a short section. It was not discussed on how to split that cost up. Agencies involved, DNR, Army Corp of Engineers, and MPCA. When they get farther along, they would like someone from the Township to go with when they talk to property owners and inform them that we are taking some of their yard. Every other township has long driveways, but we have six houses right next to the road. Douvier feels we should have a meeting with the people that are going to be involved ahead of time, instead of waiting. The project might not start until the fall of 2024 or spring of 2025. Douvier stated everything is in the early stages and all of this is just preliminary currently. Douvier also stated we could do winter tree clearing on our section.

8. **Mail / Miscellaneous:**

- 1. Fiedler picked up binders for everyone from the Legal Seminar

2. Central MN counsel on Aging meeting on Jun3 22, 2023
3. MN State Demographer 2022 Population estimate 2,940.

Move to Adjourn/Recess: __8:43_ time.

Next Regular Meeting Date: Monday, July 17, 2023