

**Minutes of Watab Town Board Meeting
November 13, 2012**

The regular monthly meeting of the Watab Town Board was called to order at 7:00 p.m. by Chairman Ed Kacures Jr. Other board members present were Supervisors Lloyd Erdmann and Craig Gondeck, Treasurer Eileen Saldana, and Clerk Pat Spence. Audience members present were David Schwinghammer, Marty and Caitlin Reker, Allen Voigt, Mitch Fiedler, Jim and Laurie Madoll, Dave Walkowiak, Allen Saldana, Paul Jacobs, Jim Halliday, and Kevin Reiter.

Following the Pledge to the Flag, the following announcements were made by Supervisor Gondeck: sympathy to the Tom Saldana and Mike Reedy families; thank you to all the veterans who served our country; spread the word that used furniture is needed for Community Outreach of the Prisoner Re-Entry Program, and you can let Joe Gibbons or Craig Gondeck know if you have used furniture that you don't need; and thank you for the quick response of Rice First Responders to the duck hunters capsized on Little Rock Lake. Approval of the meeting agenda was given with a motion by Supervisor Gondeck and second by Supervisor Erdmann with the addition to consider a letter to Benton County Commissioners requesting a Watab resident serve on the Planning Commission. Motion passed. Approval of the October meeting minutes as written was given through motion by Supervisor Erdmann and second by Supervisor Gondeck. Treasurer's Report was given by Eileen Saldana with a total of \$180,975.93 in checking accounts at Bremer and Falcon National Banks; report was approved through a motion by Supervisor Erdmann and second by Supervisor Kacures. Motion was made by Supervisor Gondeck, seconded by Supervisor Kacures, and passed to approve payment of claims number 4997 through 5030 and Electronic Transfers for PERA and IRS totaling \$12,462.55 and to withdraw the funds from the appropriate accounts.

Old Business included:

1. Final Plat approval for River Bend Estates: Marty Reker was present to have the mylars signed for this plat, which had been approved over a year ago. Motion was made by Supervisor Gondeck, seconded by Supervisor Erdmann and passed for the Board Chair and Clerk to sign the documents. Supervisor Gondeck thanked Marty for all the development work he has done in Watab Township.
2. Indigo Road Street Improvements: Residents of Lake View Addition were invited to the meeting to receive information that was recently uncovered by the board regarding the public right of way adjacent to the plat. There is a 20-foot easement that extends along the southerly side of lots 1 to 15 and along the southerly and easterly sides of lots 24 to 42. Some property owners have their fences on this public easement, which is owned by the township. There is also a 66-foot right of way along parcel 12.0022602, which is now under new ownership. Supervisor Erdmann recommends grading, graveling and creating a slight indentation on the sides of the road extension for Indigo Road past this parcel. A resident recommended marking the end of the road with some type of barricade to indicate that it is not a through street. Supervisor Gondeck made a motion to have Lloyd's Contracting, Inc. gravel and shape the road and mark the end of the road; motion was seconded by Supervisor Kacures and passed. Clerk Spence suggested a sign to be placed at the southerly intersection showing that it is not a through street.

3. MS4 Tretter Excavating Issue: David Schwinghammer, MS4 inspector, reported on the problem on a Fifth Avenue property. On September 11, he was called to the location at the request of Supervisor Gondeck. Tretter Excavating thought they could dump there because it was close to the County Road 33 project. However, the dumping requires a MS4 permit if it disturbs more than one acre. David reported that Scott Lucas from MPCA, Mark McNamara, and Supervisors Kacures and Gondeck also came to the site. Scott Lucas asked Cory Tretter to provide documentation for the size of the affected area, and he will be back this week to measure the affected site using GPS. Both David and Scott do not believe that Cory Tretter included the road disturbance in his measurements. David recommends that the town board wait for a MPCA decision. He said that education and awareness about MS4 permitting is important for people doing work in Watab. Knife River has backed away from any responsibility on this issue saying that they have no control over their sub-contractor. Also, David said he has spoken with Knife River about removing the silt fencing on Fifth Avenue and they will do so in the spring. The Clerk should send a bill to Tretter Excavating for the \$300 permit fee if the area impacted is more than one acre. Also, the gravel piles have not been stabilized as Tretter was instructed by the MPCA. MPCA will also be inspecting this during their visit. Supervisor Gondeck asked about repercussions for our next MS4 state permit if we don't follow up with this issue. Clerk Spence expressed appreciation to David Schwinghammer, Red Barn Ridge, for his thorough reporting through the process.
4. Burton Place Berm Issue: Supervisor Gondeck reported that the Clerk found the right of way documents for the road indicating a 32 foot township road right of way, and so the berm is on township property. Supervisor Gondeck was given authority to contact the property owner to remove the berm from the township road right of way. Currently the water has run into two neighbors' garages, and it will also potentially wash out the township road edge.
5. Rice Fire Contract: Rice Mayor Mitch Fiedler and Councilman Allen Voigt were present. They presented a contract with minor language changes and no cost differences from the one they had presented in August. Supervisor Kacures said that the township had made a contract proposal to Rice last December, and it was discussed at the Rice City Council meeting in February. In August, the town board met with Mitch and Allen about the contract that we proposed here at the Town Hall. The township requested the same costs as the contract Watab has with the City of Sauk Rapids. Mitch told the town board that he would be back to us by the end of August, but we only received this proposal last week. Supervisor Erdmann asked if this contract is the same as those signed by Langola and Graham townships. Mitch said that it was the same. Supervisor Kacures noted that it is not the same as the other townships' contracts, which have a base amount of 2.38% of Net Tax Capacity and the proposed Watab contract asks for 2.6%. He added that for the past 12 years the formula did not charge us for medical calls; now we would be charged for all calls. Supervisor Gondeck added that the contract language he requested for the ability to use the Revenue Recapture Act has not been added to the contract. He also asked questions about how much Rice levies for fire protection and if there is a conflict of interest for Allen Voigt as a fire fighter to be negotiating a contract for the city. Councilman Voigt explained that he abstains from decisions on the fire department at the city council meetings. Clerk Spence presented a handout breaking down costs for fire protection for the past two years under the current contract and what costs would have been to the township with the proposed contract. In 2010 the town's actual cost for fire protection from Rice was

\$34,569.74; under the proposed contract language it would have been \$45,618.26. In 2011 it was \$37,290.28 and would have been \$47,997.82. This is a cost difference for the past two years of \$21,756.06. She asked Mayor Fiedler why more net tax capacity is needed from Watab, and he responded that it was to handle the extra work at the trailer court since they don't pay property taxes. Supervisor Gondeck asked why Mitch had changed his mind on giving Watab the same contract language that the township has with the City of Sauk Rapids. Mitch responded that Watab doesn't get medical call service from Sauk Rapids. Mayor Fiedler stated that if the township can't accept this contract, he recommends that we continue under the contract we currently have for until December 31st and that our current contract allows for a 30 to 60 day extension. Supervisor Kacures asked how the bill could be established for the second half payment of this year without the protocol being followed for the current contract. Mayor Fiedler stated that the township would be re-billed. Supervisor Kacures asked the mayor if this was the city's final proposal; the mayor stated that there would be no change in money, possibly only language. They would extend this current contract thirty days. Paul Jacobs asked if Rice would bill the parties served directly; Mitch said "no." Supervisor Kacures summarized the discussion and stated that the town board would discuss and let the City Clerk know Watab's decision.

6. Consideration of APO membership: Supervisor Gondeck reported on the meeting that he attended of the Area Planning Organization (APO). He discovered that some of our county commissioners who attend the meetings would have known that the APO would have paid for our quiet zone railroad crossing studies if the township was a member. Supervisor Gondeck stated that he does not recommend joining at this time since there are no MNDOT projects planned for our area. If we look at planning more quiet zones, we could join at that time. Supervisor Kacures said that Watab needs a voice there now so we are supporting the organization and not just using it to get money. Supervisor Erdmann made a motion to table a decision until next month for more thought and discussion.
7. Update on Tree Trimming in township: Supervisor Gondeck reported that all the trimming was completed for a larger area than estimated at the \$1,000 budget. The new company did a good job.
8. Sign Installation: Supervisor Gondeck thanked Supervisor Kacures for helping him. Allen Saldana reported a sign that is covered with tree branches in a deep curve.
9. 95th Street Ditch Project: Allen Saldana said that he has been struggling to get it done. If it doesn't freeze too hard, he'll still complete it this season.
10. Ditch Mowing: Chuck Ertl is out now mowing.

New Business:

1. Resolution 2012-11: Appreciation to Butch Bukowski by Watab Town Board was approved through a motion by Supervisor Erdmann and second by Supervisor Gondeck. Supervisor Gondeck will present it at a County Board meeting. He is a retiring county commissioner who has been very supportive of Watab Township issues.
2. Traci Balder's written annual report was accepted by the board and placed on file. The suggestion was made to include a summary of her report in the township newsletter.
3. Lakewood Shore Rd NW Speed Study: Supervisor Gondeck stated that the road seemed unsafe when he was out with the tree trimmers because of speeding cars and no road shoulders. He

would like to post six more speed signs for 30mph and place them throughout the area and ask the sheriff to enforce the speed limit. There has been good effort on Burton Place since the speed limit signs were installed. Board authorization was given for the installation. Supervisor Erdmann also asked that a No Outlet sign be installed at the north end of Indigo Road.

4. Supervisor Gondeck addressed having a Watab member on the planning commission. The board asked that the Clerk write a letter to the county board and Monty Headley making this request. The Clerk suggested that she also include a copy of the past resolution the Watab Board had passed requesting this action. Supervisor Gondeck said that this resolution was passed when Maureen Graber was not reappointed by Commissioner Wollak at the end of her first term.
5. Monthly Communications: Clerk Spence reported the following correspondence:
 - a. Copy of letter sent by Benton County Department of Development to Beth Ringwelski regarding an accessory structure without permits on West Lake Road NW;
 - b. E-mail from Jerry Briese at AgStar Financial Services regarding the grant program for emergency response;
 - c. Letter from Greg Rakotz, owner of Seal King, requesting township business;
 - d. Promotional materials from Minnesota Benefit Association about the 2013 Scholarship Program for families of Minnesota Public Employees;
 - e. Report on accounts at Collection Resources;
 - f. And copies of applications for zoning permits at Benton County.
6. Supervisor Kacures summarized an e-mail correspondence from Scott Hohmann about installing an outdoor wood boiler stove at his home on Lakewood Shore Rd NW and the board's response; there are no ordinances governing outdoor boilers except that a mechanical permit is required through the township building inspector.
7. Supervisor Reports:
 - a. Greater MN Development Report: Supervisor Gondeck attended at the invitation of President John Kraemer. John discussed the process of getting the German manufacturing company to locate here and the involvement of Nancy Hoffman at the Department of Development. Eventually the company plans to hire 500 people. Two other location announcements will be made by the end of the year. The organization is looking for new members. Supervisor Gondeck will attend the December meeting.
 - b. MAT Legislative Conference in St. Cloud: Supervisor Gondeck will attend the entire conference; Clerk Spence will attend the Friday sessions.
 - c. Supervisor Gondeck said that the township is contributing to the Little Rock Lake Association buffer strip program and showed pictures of summer projects. He reported that Scott Jarnot still hasn't installed the signs as requested at Lake Andrew development. There are also several street issues there. Allen Saldana reviewed the photos with the board members. The streets will not be taken over by the township until needed improvements are completed. Supervisor Gondeck will speak with Chris Byrd about the agreement for County Road 79 and get the agreement from the county attorney. He also reported a complaint on Indian Road across from Jay Saldana's property; the board will take care of it next spring. Finally, he is working on economic development assistance for a disabled vet to get funding for manufacturing deer stands.

8. The board then discussed the future fire contract with Rice and decided to ask for an extension so there could be negotiations with the new mayor. Disappointment was expressed that the Rice City Council did not negotiate any of the requested language or monetary suggestions from the town board, and that the proposed costs would require too large a tax levy increase for township residents. It was also noted that two thirds of the residents don't receive the first responders services, so it is unfair for them to pay for it. Clerk Spence offered to ask the Rice City Clerk for the second half of this year's bill with supporting documents. Supervisor Kacures summarized the City Council meetings he had attended. Other directions for research were given to various board members.
9. Election Report: Supervisor Kacures commended Pat and Eileen for the work they did on Tuesday's election and were asked to pass the compliments on to the rest of the judges. Clerk Spence said she would send letters of thanks on behalf of the board. She reported an 88% voter turnout with 1,666 voters. This should be included in the newsletter.
10. Supervisor Kacures said that very little state funds will be allocated through MNDOT to our region. This is of huge concern with the traffic on Highway 10 through Watab with very few frontage roads.
11. Citizen's Concerns: Paul Jacobs expressed his serious concern that the board has been "messing around" for a year and a half on the Rice Fire Contract and it ends on 12/31/12. He said the board has two options: pay Rice as requested or go with Sauk Rapids. Supervisor Gondeck stated that Sauk Rapids had told him they would cover our entire township at the same rate as the southern 2/3 sections. Clerk Spence was asked to call Ross Olson, the City Administrator, and ask if the city would formalize covering our township due to problems with costs proposed by Rice. The board told Paul that they would potentially talk to Rice after first of the year to negotiate a new contract when there is a new mayor in office and potentially schedule a public hearing in December. This will be a major topic on next month's agenda.
12. Bob Raveling addressed the outdoor boiler issue. He said that EPA says that if your smoke leaves your property it's a nuisance for someone else.
13. Board Chair Kacures summarized the board work assignments for the coming few weeks.
14. Motion was made by Supervisor Gondeck, seconded by Supervisor Erdmann, and passed to adjourn the meeting at 10:00 p.m.

Respectfully submitted by Clerk Pat Spence