

Minutes of December 5, 2017 WatabTown Board Meeting

The regular monthly meeting of the Watab Township Board was called to order at 7:00 p.m. by Chairman Craig Gondeck. Other board members present were Treasurer Maureen Graber, Clerk Pat Spence, Supervisor Lloyd Erdmann, and Supervisor Todd Waytashek. Audience members were: Jeff Gunderson, Edward Kacures Jr., Wayne Johnson, Michelle Johnson, Jason Krueger, John Olson, Ralph Berger, David & Elaine Watts, illegible name, Derrick Nelson, Tyler Nelson, Becca Brzezinski, Pat Virnig, Darren Brutger, Deb Poirier, John Schram, Paul Wannigman, Sandra Saldana, Allen Saldana, Jerry Kostreba, Ray Thompson, T. Knappek, Tom Kubat, Dayle Tenney, David Johnson, DJ Janski, Jessica Storkamp, Steve Wollak, Mary Aschenbrenner, Gary Aschenbrenner, Dorothy Nelson, Jerome Nelson, John Johnstone, John Waseka, Delroy Rothstein, Jeff Wollak, Julie Johnson, John Thompson, Lisa Wannigman, Kevin Reiter, David Schueller, Dick Raveling, Jerome Walker, and Caleb Voigt.

Following the Pledge to the Flag, the following items were added to the agenda: Citizen's Issues – Resolution of Support for LRLA and Drawdown; Payment of Claims – Withhold \$350 to City of Rice for rescue of puppy on Little Rock Lake – no name given of owner and hold check for assessor until proof of completed work is presented to board; New Business – replacement of flag & repair of hanger; approval of SCORE grant reimbursement requests to Benton County, and letterhead design. Motion was made by Supervisor Gondeck and seconded by Supervisor Waytashek to approve the agenda with those additions. Approval of Minutes of November 7th, 14th, 14th, and 21st meetings was given through a motion by Supervisor Gondeck, second by Supervisor Waytashek, and passed. Motion was made by Supervisor Waytashek, second by Supervisor Gondeck and passed to accept the Treasurer's Report. She added that she has all the needed signatures to open the Savings Account at Falcon Bank to achieve higher interest earnings on funds that are being held for the 2018 road projects. Motion was made by Supervisor Erdmann, second by Supervisor Waytashek and passed to pay claims #6565-6591 and electronic transfers to MN Dept. of Revenue, IRS, and PERA totaling \$48,820.09.

Citizen's Input:

1. Dave Watts, Sharon Place: A property owner near his home placed rocks in the right of way. It is a safety issue. Supervisor Gondeck will notify the owner that they must be removed. He requested that the township take steps to limit for-sale signs in the township and noted that a realtor had placed signs on his property. He requested that Sharon Place be resurfaced in spring 2018. The board said they would review it during the road tour.
2. Darren Brutger, Plaziak Road reported that neighbors have large amounts of garbage and junk cars piling up. Supervisor Gondeck will notify the Department of Development. He stated that he would like to purchase the property and clean it up. Supervisor Gondeck will coordinate this with the property owner.
3. Wayne Johnson, 45th St. NE, Sauk Rapids asked if the Fifth Avenue Extension item on the agenda would be open for discussion. Chair Gondeck replied, "Yes."

Old Business:

- A. Township Contribution to Benton Economic Partnership: Clerk Spence reported that the township received a request for a donation of \$2,500; Supervisor Gondeck commented that

Rice is only contributing 50 cents per resident and would like the BEP Board to address why townships are asked for a larger contribution. Supervisor Erdmann stated that this is Watab's only route to get economic development. Motion was made by Supervisor Gondeck, second by Supervisor Erdmann, and passed to donate \$2,500 to BEP for 2018 membership.

- B. Update on Grace Apartments: The Benton County Planning Commission will meet on December 14th at 7:00 p.m. to consider a conditional use permit to bring in fill to raise the home on Lot 4 of Rose Anna Beach Road. Floor elevations need to be one foot or more above the flood plain. There will be an area 15 ft. surrounding the home and garage that will be at or above the flood plain. Supervisors Gondeck and Waytashek will attend. Clerk Spence reported that Mike Nwachkwu has agreed to remove the roof extensions on the garage, and the building permits are complete.
- C. Next steps for the 85th Street and 95th St. projects: The board affirmed that there is no need for a drainage easement from the DNR. The township engineers will work with Lee Hanson for a drainage easement in Oak Hill Estates for the 85th Street improvements, as drainage cannot enter the MNDOT right-of-way. Engineers are preparing bid documents with hopes that bidding can occur during February. Mark Saldana said that he purchased Phillip Saldana's property on 95th Street; on Beacon mapping it appears that the property line extends to the south side of 95th Street. Clerk Spence said that she would meet with him to review the plat, and that lot lines on Beacon are not exact. She explained the Permanent Easement that was granted by Phillip Saldana to make the road improvements.
- D. Mailbox in right of way on Ferry Point Place: Supervisor Gondeck will speak with the property owner during December to have it removed and will also provide them with a written agreement that they will continue to pay for the street lighting that they installed in the township right-of-way.
- E. Update on MNDOT mapping – Supervisor Erdmann gave a report on the November 21st meeting with board work to update the map from the mid 1980's. A copy is on file at the town hall.
- F. Update on Fifth Avenue NE Extension: Clerk Spence explained the grant application process for a MNDOT Grant application to fund the extension of Fifth Avenue from County Road 4 northbound to connect to 85th Street in Oak Hill Estates. This would provide a second access to over 100 homes in Golf Haven and Oak Hill Estates and would open 165 acres of commercial property for development.
 - Wayne Johnson 2078 45th St. NE, Sauk Rapids said that the road was abandoned; it is not recorded on his deed. It has 8 and 9 inch oak trees growing on it, and the township doesn't have the right to go through our land.
 - John Schram, 401 Fifth Avenue asked who would move the fence lines. Supervisor Erdmann answered that if it becomes a project, the fence the township would move the fence to the right of way line. John said that he rents the land to another party who has cattle on it, so it is a concern. On his abstract it shows it is an abandoned road. He moved there in 1956 and no one ever maintained it. It wasn't graded in the 70's.
 - Michelle Johnson, 2078 45th St NE, Sauk Rapids thanked the Clerk for giving her copies of the deeds that show award and release of damages for the road. She stated that the owner of the property did not receive money for the easement. She added that she read township minutes and found that they said the board was directed by Mr. Hanson to go

to Benton County; that Betty at the County Recorder's Office said that anyone can record a road; wondered why the township isn't following the guidelines on roads from MAT; and requested copies of 25 years of road tour records. Clerk Spence said that she would be charged \$25 per hour and copying charges to get this. She changed her mind and requested the last two years. Finally, she said that the township should have looked at everyone's title before recording the road. Clerk Spence asked her why they are opposed to the project. Michelle stated that they are opposed, because it is their property.

- Dave Johnson, 761 75th St NE, Sauk Rapids said he is opposed to the road. The dedicated road should be along the highway. When two cars meet on 5th Avenue there is a safety issue. He is totally opposed and will fight legally.
- Duane Popp, 5th Ave NE, said the township needs an attorney's formal opinion.
- Ray Thompson, 95th St. NW, Rice said that these people are objecting because they don't want the road; the township shouldn't spend any money on the road. Clerk Spence said any amount not covered by the grant will not come from township funds but rather from the owner of Oak Hill Estates.
- Julie Johnson, 78th St NE, Sauk Rapids, said that she lives ¼ mile from the Hanson Development. Her concern was safety; she requested that the township board approach the county to widen 75th Street. There have been several accidents because of the hilly nature of the road. Supervisor Gondeck said that he will talk to the county board.
- Del Rothstein, 5th Ave NE, Sauk Rapids said that this extension has been talked about for many years and questioned why the board doesn't know if it is a township road. That question needs to be answered. I don't think extending the road is fair, because the people who benefit will be the people who live in the developments; no one else will benefit because we will have much more traffic on the current township road where I live. I understand there is a new landowner to the east who doesn't want the road to go there.
- Gary Aschenbrenner, 5th Ave NE, Sauk Rapids said that he is concerned about the increased construction traffic that would occur on 5th Avenue potentially damaging it. He favors having the second exit from Oak Hill Estates go to the east rather than south. He doesn't want increased traffic on his road.
- Wayne Johnson questioned the width of 5th Avenue being adequate to support all the increased traffic that would result from this proposed extension and that there will likely be a court battle.
- Ray Thompson said that 5th Avenue isn't a main thoroughfare like 95th St NW.
- A St. Joseph resident asked about the width of the easement for 5th Avenue. Supervisor Erdmann responded that it is 33 feet on each side of the section line.
- John Schram said that the existing culvert is small, because it was put in the 1920's when people drove Model T's. He added that the road isn't noted on his abstract.
- Duane Popp added that the board should have a legal opinion by the next town board meeting.
- Michelle Johnson said that if the road is built and there are 400 cars on it, the township will have to rebuild current 5th Avenue. Supervisor Erdmann said that he doesn't believe there would be a great impact. Michelle asked about reasons not to have a frontage road

rather than extending 5th Avenue. Clerk Spence explained that the town board had researched that, had meetings with MNDOT and the owner of Oak Hill Golf Course. The township would need to pay for the relocation of a green and tee box and purchase a lot and home. It is not financially feasible. Supervisor Gondeck added that Claudia Dumont says there are no funds available for frontage roads in Watab. Michelle asked if the town board has done any public safety studies, and she requested a copy of the grant application. She asked how much their property taxes would increase because of the extension; board response was there wouldn't be an impact. Supervisor Waytashek explained that MNDOT doesn't want any increase in traffic on Highway 10 and won't allow any new roads entering it.

- John Johnstone, River Road, said that a road like this got shoved down their throats by Onamia. He went to court and got over \$30,000. He added that the board should speak up so that the constituents can hear. The people are thinking that they made a mistake in who they elected.
- Ray Thompson said that Lloyd Erdmann and Pat Spence are up for election; let's get new people on the board.

G. Update on sharing in State Criminal Fines: Clerk Spence said that the State has issued the OCR number to Watab Township and has notified County Attorney Miller, so about two-thirds of the state and county criminal fine amounts will begin coming to the township.

New Business:

- A. Lake Andrew Ice on Roadway: Supervisor Waytashek was in Lake Andrew Development in late November and reported that two houses had their sump pumps running onto the road creating ice. Supervisor Gondeck said that at recent MS4 training, they were told that no sump pumps should be emptying onto streets. Supervisor Erdmann thought that they could empty into the storm sewer and that it cannot be restricted. The item was tabled until Supervisor Gondeck can do further research. John Johnstone said that there are similar problems in Oak Hill Development.
- B. Township Assessing: Clerk Spence updated the board on concerns about how much assessment work is left to be done in the township. Brian Koester, County Assessor, told her that about 500 homes need to be viewed plus the new construction. She explained that the Assessor is trying to hire someone to assist her. Work needs to be completed by February 1st. Motion was made by Supervisor Erdmann, second by Supervisor Gondeck, and passed to hold the check for the Assessor and invite her to the next town board meeting to prove that work will be accomplished. Clerk Spence concluded by saying that the County Assessor offered to complete the needed work if enough notice is given to him.
- C. Discussion of Emergency Services Informational Meetings & Survey Results: Supervisor Erdmann made a motion to hold a committee meeting to review the surveys on January 8th at 6:30pm and decide on next steps, if any. Motion was seconded by Supervisor Waytashek and passed.
- Steve Wollak accused the board of being liars.
 - Sandy Saldana said that you can't know how the surveys were marked that were turned in by non-residents.
 - Caleb Voigt, City of Rice Fire Department, said that he and another fire fighter did attend that meeting and they did not turn in surveys. Supervisor Waytashek said that

more surveys were turned in that the number of tax payers present. He wants more ideas on ways the board can get accurate feedback. Clerk Spence said that she wasn't accusing the Rice firemen of turning in surveys. She witnessed DJ Janski and the woman with her turn them in, and they are not residents of the township and are closely related to a Rice Firefighter.

- DJ Janski spoke and said that she attended and filled out a survey on behalf of her mother who is a resident but is wheel-chair bound, and Maureen had handed her a survey. Jessica Storkamp, her niece, was here on behalf of her dad who is hearing-impaired. Maureen Graber said that she didn't want to hand out the surveys, because she doesn't know a lot of people in the township and the City of Rice. These surveys were meant to be a straw poll for the committee, and Sandy and Julie grabbed them to count them. If the wrong people filled out the surveys, it's because of me; and I apologize.
 - Steve Wollak, Sandy Saldana, and Jeff Wollak all said that the board said at the information meetings they would use the surveys to decide how to move forward.
 - John Olson said that he is an emergency services committee member who has been working on the committee since last May. The earliest we could bring it to a vote is March 2019. I think we might need to act more quickly. Our current contract with Rice is one more year; SR comes up in early 2018. It's not just the people in the room tonight that decide this. The options are staying with the contracts, going on our own, or a substation.
 - Caleb Voigt, Pine Road, Rice said that he feels sorry for the residents of Watab Township and the voters should get rid of the board.
 - Steve Wollak said that he could negotiate a lower price contract with the City of Rice. Clerk Spence said that she would give him copies of past presentations to the Watab residents on contract negotiations.
 - Elaine Watts, Sharon Place, expressed her hope that residents would be able to vote on the issue.
 - Paul Wippler, 15th Ave NE, thanked the board for their service, but told the audience that the township doesn't have the right people on it. The job isn't any fun. He then attacked Claudia Dumont as a career politician that doesn't know anything about the world. His advice was that the board not use MNDOT people to help us make decisions. "You are there to represent us, and you are not helping the people."
 - Ray Thompson said that he got his tax statement, and township taxes went up \$20. He added, "You are spending money like a bunch of drunken sailors." Supervisor Erdmann explained that Ray is in the Rice Fire District. Ray asked if the board knew that Maureen Graber wrote a letter to Ralph Berger, asked why the clerk wouldn't be the one writing letters, and questioned why someone from Mayhew Lake Township got a bill for a fire call. Maureen said that she does all the fire billing and would get Ray the information he requested. Clerk Spence explained that Watab has been billed in the past for fire calls outside the township and that both Rice and Watab officials can make a mistake.
- D. MN Dept. of Agriculture Water Report: 8.4% of wells in township have excessive levels of nitrates in their drinking water from agricultural practices.

- E. Motion was made by Supervisor Gondeck, second Waytashek, and passed to hire Sheryl Weitgenant as an employee to assist with opening and closing the town hall, cleaning between rentals, and project work in the office such as updating road records, filing of plats, etc.
- F. The board discussed the assignment of articles for the annual newsletter. Supervisor Waytashek will cover emergency services and his first-year experience; Supervisor Erdmann will write about the road projects; Supervisor Gondeck will cover Adopt a Highway, Clean Up Day, and MS4.
- G. Quarterly Review of the 2017 Budget: Motion was made by Supervisor Gondeck, second by Supervisor Erdmann, and passed to set January 9th at 9am for a Budget Planning Meeting and the 2017 Board of Audit.
- H. Clerk Spence read the Filing Notice for the 2018 Annual Election. The filing period begins on January 2nd and ends on January 16th at 5:00 p.m. Filing fee is \$2 and must be paid at the time of filing with the Township Clerk at the Clerk's Office. Positions that will be up for election are Clerk for a two-year term and Supervisor for a three-year term. This is the position currently held by Lloyd Erdmann. Absentee voting will be at the Clerk's Office of the town hall on Saturday, March 10 between 10am and noon. Sandy Saldana questioned if it is appropriate for the Clerk to be taking filing applications, since her position is on the ballot. Clerk Spence responded that it is the Clerk's responsibility.
- I. Motion was made by Supervisor Gondeck, second by Supervisor Erdmann, and passed to issue a resolution of support for the Little Rock Lake Association efforts to reduce algae in Little Rock Lake through the proposed drawdown.
- J. The board instructed the Treasurer to withhold payment of \$350 to the City of Rice for the call to rescue a puppy on Little Rock Lake.
- K. The outside flag at the town hall is worn and the pulley can't be adjusted. Supervisor Waytashek offered to take care of it.
- L. Clerk Spence reported that the grant requests for payment were prepared to go to Benton County Department of Development for reimbursement of 75% of the costs for Adopt a Highway and Clean Up Day. Total cost for Clean Up Day was \$14,342.39, and total cost for Adopt a Highway was \$2,099.36. Supervisor Gondeck will request a donation from the Langola Township Board to cover their share of the participants. Ray Thompson questioned why Watab would allow Langola residents to bring items.
- M. Motion was made by Supervisor Erdmann, second by Supervisor Waytashek, and passed to approve the design for the order of township stationery.
- N. Communications: Clerk Spence itemized the information received from the Department of Development and the Foley C.A.R.E. request for a donation.
- O. Supervisor Waytashek will contact Mike Couri on the 5th Avenue Extension for an update; he reported that a resident phoned him following the information meetings to offer another location for a fire hall. He encouraged Steve Wollak to come to the Emergency Services Committee meeting. He will get Jason Zwilling to assist with a lift to repair the pulley system on the flag pole and do the shoveling at the town hall.
- P. Communications: Foley CARE sent a request for a donation; the Clerk read the items received from Benton County Department of Development.
- Q. Board Member Reports: Supervisor Waytashek received a phone call from a resident offering another property to consider for a fire hall; he will replace the flag at the town hall and see if

Jason Zwilling will bring his lift to repair the pulley system; he also agreed to do the shoveling at the town hall for rentals. He will contact Mike Couri for an update on the reconstruction of Fifth Avenue.

Citizen's Issues:

- Jerry Kostreba inquired about whether he pays taxes on part of 105th Street in front of his home. Supervisor Erdmann explained that on platted roads, your property ends at the edge of the road, so you are not taxed for part of the road; on unplatted roads, the resident pays taxes on property to the center of the road.
- Ray Thompson brought attention to two holes in the blacktop on the 95th Street hill coming off Highway 10.
- John Johnstone recommended the township use a recorder at all the meetings to build trust.
- Michelle Johnson asked Supervisor Gondeck to explain the Marketable Title Act.
- Ray Thompson suggested the town board pay for a sound system with the Franchise Tax from Benton Telephone.
- John Johnstone said the town hall needs a public-address system. The town board shouldn't be turning their heads to the audience when they talk. He came up and laid \$300 in cash in front of Supervisor Gondeck to pay for the puppy rescue.

Chair Gondeck thanked everyone for their support during his 12-day hospitalization, especially for support of his family. He concluded by saying, "Even though we have our differences, I respect all of you."

Motion was made by Supervisor Gondeck, second by Supervisor Erdmann, and passed to adjourn.

Respectfully submitted by Clerk Pat Spence