

June 6, 2017 Minutes of Watab Town Board Meeting

The regular monthly meeting of the Watab Town Board was called to order at 7:00 p.m. at the Watab Town Hall by Chair Craig Gondeck. Other board members present were: Treasurer Maureen Graber, Clerk Pat Spence, Supervisors Lloyd Erdmann and Todd Waytashek. Audience members were: Jason Krueger, Nick Anderson, Jon Bogart, John Olson, Craig Hanson, Ray Thompson, and Anna Saldana. Following the pledge to the flag, a motion was made by Supervisor Gondeck, second by Supervisor Waytashek, and passed to approve the agenda with the addition of introduction of new township engineer, need for new posting place, Sucker Creek Bridge repairs, and frontage road update.

The minutes of May 2, 9, and 15 were approved through a motion by Supervisor Erdmann, second by Supervisor Gondeck, and passed. The Treasurer's report was accepted which ties out to the Falcon and Bremer checking account balances totaling \$538,027.79. She noted that the board will need to do the quarterly budget review at the July board meeting and asked for authority to contact Todd Hagen of Ehlers to come to a future board meeting to discuss township indebtedness. Motion was made by Supervisor Erdmann, second by Supervisor Waytashek, and passed to consult with him. Motion was made by Supervisor Gondeck, second by Supervisor Erdmann, and passed to accept the Treasurer's Report. Motion was made by Supervisor Gondeck, second by Supervisor Waytashek, and passed to pay claims #6389 through 6415 and three electronic transfers totaling \$61,036.96 and to withdraw the funds from the appropriate accounts. Supervisor Gondeck asked to have Tina VonEschen present an annual report with charts to the board at the July meeting. Supervisor Erdmann said that she gave that report at the Board of Equalization in April; the Clerk affirmed his statement and said that a written report is not part of the contract. According to the County Assessor, they have met and outlined a work plan; all deadlines have been met, and he feels she is doing a good job.

Citizens' Input: Ed Kacures Jr. noted that on Plaziak Road the burned-out trees are still not cut down, which was supposed to be done a year ago. Supervisor Gondeck said that Fred Segler is voluntarily removing them, and he can only take so much on his property at one time. Ed suggested tipping the rest of them down so they don't block the road. Supervisor Gondeck will take care of it this month.

Schedule for the 95th Railroad Crossing Report: Supervisor Erdmann has been in contact with the BNSF Road master, and the railroad has tentatively scheduled the first week of August for replacing and widening the crossing planks and re-alignment of the tracks; there will be minor tarring near the tracks. Clerk Spence said that the Hankes were personally served today at their home in Minneapolis, so the public hearing will occur on August 1st as scheduled to determine damages for a permanent easement on their property totaling .18 acre. Supervisor Erdmann made a motion to offer \$1,000 damages to the Hankes, which is \$100 more than what the county assessor values it (\$5,000 per acre for excess land along a road). The motion was seconded by Supervisor Waytashek and passed. Clerk Spence will notify Mike Couri of the board's action. The reconstruction project between US10 and Plaziak Road on 95th St NW will be done in summer 2018.

Jon Bogart introduced Nick Anderson, who will be our new engineer. He was welcomed. Jon recommends the township have a Capital Improvement Plan for our roads that includes a planning process, how much money the township should be spending each year, and a proposed schedule for improvements. A plan is a guideline, a living document for five-year intervals. You don't need to follow

it lockstep. The cost would be about \$5,000. The board tabled further discussion until the August meeting. Jon Bogart also showed some preliminary plans developed for 85th Street after the citizens' input in May showing a thirty-foot tarred surface for the new section of road. He has drawn a space on the north side of that blacktop for a walking path and suggested that it doesn't make sense to have a walking path if it doesn't connect to something in the development. The estimate for the design Jon presented is \$171,103.00. The Clerk will check how the estimate fits with the budgeted amount. Jon said that MNDOT won't allow any storm water runoff into their ditches, so he will need to work on the drainage plan. Craig Hanson said that he would consider any future connections for the walking paths in the development, but that the residents are clear that they don't want it behind their homes. He is willing to give up land on the south side of the road if the township needs it. Supervisor Erdmann asked Jon how much the road would move north; it would be slightly less than six feet and within the right of way. Maureen Graber asked if there would be room for a storm water pond. Jon Bogart said that he tries to avoid having them due to ongoing maintenance. Jon will study this further. Supervisor Waytashek said that since the township already has the right of way, there is no need to go to the landowners or move to the south. Pat Spence said that she hoped that the supervisors would carefully consider the input from the residents and the impact on them. The board decided to take a month to review the plans, discuss the preliminary plan at the next meeting, put the design on the township website, and decide when to have another meeting with the residents of Golf Haven and Oak Hill Estates for their revisions. Jon will look at the slope easements on the south side. Supervisor Erdmann addressed the runoff into the township ditch which causes erosion. With the road improvements, the development can no longer have storm water pond runoff into the township ditch. Craig Hanson said that he would bring it to the attention of all the owners. Chair Gondeck congratulated Jon Bogart on his retirement and called him forward to present a plaque in appreciation for his great service to Watab as our engineer. A group photo was taken.

There have been numerous complaints during the past month regarding the potholes on Indian Road and 85th Street. Supervisor Gondeck said that Saldana Excavating has been working on the repair of potholes, and he will check on Indian Road tomorrow. Snow plow damage has been repaired by Marson's; Supervisor Gondeck will let them know that they should submit an invoice for the retainage. Supervisor Erdmann reported that the road blading is complete. Supervisor Waytashek asked the board why there was a long delay in getting potholes filled; Supervisor Erdmann said that it was due to a wet spring.

The annual MS4 and TMDL report has been submitted to MPCA. Clerk Spence thanked Supervisor Erdmann and Wayne Cymbaluk for their assistance with the TMDL portion.

Chair Gondeck reported on the speed study by MNDOT on County Road 13 between Sucker Creek Road and Highway 10. During peak times people were traveling 65 to 70mph. The engineer that studied the traffic is going to recommend the speed limit be lowered to 45 mph from Sucker Creek Road to Highway 10. He is coordinating his work with Chris Byrd, County Engineer.

Clerk Spence explained to the board that after asking to set up a meeting with the County Attorney regarding setting up a Joint Powers agreement so that the township could collect two-thirds of the fines, he responded by email that to do so he would charge the township for prosecution. After considerable discussion, Supervisor Erdmann made a motion to try to continue to work with the County Attorney and negotiate for between fifty and one-hundred per cent of the fines to cover the prosecution fees. Supervisor Waytashek seconded the motion. All agreed that the township would not

accept being charged for prosecution of cases. The motion passed with Supervisors Erdmann and Waytashek in favor and Supervisor Gondeck opposed. The Clerk is to report at the next meeting.

Supervisor Gondeck gave a brief report on what he learned about Foley's garbage hauling process. They have one hauler who is licensed for seven years and are very pleased with the service. Only the licensed hauler can pick up the garbage and recycling. Supervisor Erdmann said that the merits are only one day of the week when garbage cans are out for snowplowing, less traffic, and less heavy truck damage to the roads. Supervisor Gondeck said that there are four haulers going by his house every week. Residents in Foley had a forty per cent reduction on their garbage cost. Craig Hanson said that his cost is \$15 per month for garbage and recycling in Sauk Rapids. Garbage pickup is weekly and recycling every other week. Supervisor Erdmann said that Sucker Creek has eight trucks a week; we could get that down to two. Craig Hanson said that the Oak Hill Estates residents are going to band together and use one hauler. Supervisor Erdmann said that the residents of the Cove Development use the same hauler. Jason Krueger asked why the board hadn't discussed his email regarding opposition to having one hauler and asked if it would be compulsory if the township went ahead with this. Ray Thompson asked if commercial dumpsters would be included. Supervisor Erdmann said that one option would be to divide the township into two sections and recommended talking to a couple of the major garbage haulers in the township to see how they would feel about it. Jason said that he has followed this issue carefully in other communities. The City of Rice and Langola Township both decided not to go with a single hauler system. Supervisor Gondeck said that he would talk to the garbage haulers, Sauk Rapids, and Royalton and bring more information to the next meeting.

The board discussed the citizen complaint about a yard in Riverview Loop that has had junk and construction equipment in the road right of way. Supervisor Gondeck said that he has checked, and there is currently nothing in the road right of way. Supervisor Waytashek said he has been driving by daily; a bobcat was parked there one day but is no gone, and the property has been cleaned up in the last few weeks. Clerk Spence that the homeowner should contact the Benton County Department of Development if there are future issues. Screening could be required for business or industrial use in a residential neighborhood.

Supervisor Gondeck said that the sprinkler system has been activated. The Clerk and Treasurer asked about cleaning of the cabinets, kitchen equipment, and offices and recommended twice-per-month cleaning since the hall is rented so often and to include the above items. Supervisor Gondeck made a motion to have a new contract with Wacosa for cleaning twice each month; second by made by Supervisor Waytashek and passed.

The town board received two citizen complaints about farming in the township road right of way. This issue was covered at a recent Legal Seminar, and the attorney said it is a crime to farm in the right of way, because it limits sight lines and destroys the vegetation that is there to prevent erosion. This is governed by a Minnesota State Statute. The ditches on township roads are for township use. Supervisor Gondeck said that he reviewed the areas in the complaint, and they aren't near an intersection. Ray Thompson asked about the law that governs right of way and asked for a copy; the Clerk will get it for him. The board said that they are not going to make farmers plow up what they have planted this year but asked the Clerk to send the farmers a letter making them aware of the state statute and township ordinance stating that in the future it would be enforced. Motion was made by Supervisor Gondeck, second by Supervisor Waytashek, and passed to take the above action.

Clerk Spence spoke about the citizen complaint of a car being parked in the street on Circle Pines all last fall and since May 1st. Supervisor Gondeck asked the Clerk if this is the only car parked on the road in the township. He was instructed by the board to talk to the homeowners the following day due to township liability in an accident for allowing this to occur.

Supervisor Gondeck said that he would give a report on weed control in July. There was board discussion about the recent issue of the "Township Insider," which featured township supervisor's role as weed inspectors. Palmer Amaranth has become resistant to herbicides and has been confirmed for the first time in Minnesota in 2016 in southwestern Minnesota. All township supervisors are required by state statute to examine the township land to make sure the Minnesota Noxious Weed Law is being complied with and see that the control or removal of the noxious weeds is carried out. Treasurer Graber said that the township magazine stated that someone spraying township road ditches must have a commercial applicator license. Clerk Spence said that there is more Poison Ivy this year, and it is on the list of noxious weeds that must be treated if it's along a township road. Ed Kacures said that there is a lot of Poison Ivy across from his home, and he added that the stop sign at the north end of Plaziak Road is being taken over by vines. Motion was made by Supervisor Erdmann, seconded by Supervisor Waytashek asking the Clerk and Treasurer to get quotes for commercial spraying of noxious weeds in township ditches; motion passed.

Supervisor Gondeck said that the City of Rice gave the township the same contract that they presented in November. There were no reasons given. Supervisor Waytashek said that he sees two options: (1) According to the emails that Mr. Janski sent to Tate Mills at the State Fire Marshall's Office, negotiations are still open. If that is still true, let's send our initial proposal back to them signed along with a copy of the email strings. Highlight that negotiations are still open. (2) Supervisor Erdmann, the Clerk, and Treasurer put a lot of thought into a letter that could go with the contract that Rice submitted to us, and I would be happy to sign it. Supervisor Erdmann said that negotiations are not still open, since the Clerk received the email on May 16th from the Rice City Clerk stating that the council had voted to send the original proposal to us and that it was unanimous. He added that there are forty years of bad history with Rice. He then made a motion to sign the contract and send the letter plus the email copies between the Fire Chief and State Fire Marshall's Office to each City Council member, the Fire Chief, Tate Mills, Langola and Graham Town Board Members, and our attorney. The motion was seconded by Supervisor Waytashek and passed. All board members signed the letter and the Chairman and Clerk signed the contract. The board then reviewed the letter drafted by the Clerk to send to the owner of Rockwood Estates with modifications suggested by Supervisor Waytashek. He made a motion to send the letter with the suggested changes; it was seconded by Supervisor Erdmann, and passed.

The next Emergency Services Committee meeting is scheduled for June 13th at 6:30 p.m. The Clerk reported on her conversation with attorney Mike Couri since the last committee meeting. A motion was made by Supervisor Gondeck, second by Supervisor Erdmann, and passed to approved Resolution 2017-12: Writing Off Unpaid Emergency Services Calls totaling \$1,757.41.

Motion was made by Supervisor Gondeck, second by Supervisor Waytashek, and passed to approve modifications to the Procedures for Site Plan Reviews prior to issuing a Land Disturbance Permit. This means that Supervisor Gondeck will meet the contractor on site prior to the permit issuance.

The board discussed the request from the City of Gilman for a donation for their park. The Clerk was asked to send a letter that the township can't do so without authorization of the voters.

The board discussed the agenda for the MAT Summer Course. The entire board will attend, and the Clerk will send in the registrations by the early deadline. Authorization was given for Supervisor Gondeck to attend Minnesota Erosion Control Association training on MS4 in Sartell on August 1st through a motion by Supervisor Erdmann, second by Supervisor Waytashek, and passed.

Board Members Reports: Supervisor Waytashek reported that the Sucker Creek Bridge resurfacing was done well, but that material needs to be added behind the boards so it stops washing out. He has received a quote from Level Ground Concrete Leveling for between \$1,200 to \$1,500 to do so. Supervisor Gondeck commended the board for the work on the bridge repairs. The bridge was redone in 1965. Supervisor Erdmann made the motion to hire Level Ground Concrete Leveling to put material behind the base of the bridge when the water level is lower; motion was seconded by Supervisor Waytashek and passed.

Supervisor Gondeck said that he attended both the Water Quality Meeting and the St. Cloud Greater Development Board meeting and that there are a lot of projects in Benton County. He reported that the posting board has been removed at Pines Edge Grocery and that he will find a different site. Supervisor Erdmann reported that a frontage road would be a long-term project.

Benton County is seeking input from the township regarding variance requests for Jim Wlaznak and Loren Popp planning commission. Motion was made by Supervisor Gondeck, second by Supervisor Waytashek, and passed to have the Clerk notify Benton County that the township is in support of both variances. The town board is invited to attend Benton County's Water Listening Session on Monday evening at 7:00 p.m. Clerk Spence reported the April 1, 2016 census of the township is 3,222 population and 1,209 households. The board then discussed the work plan for June; the Clerk offered to create a checklist of items as time allows.

Citizen's Input: Ray Thompson asked what BNSF is going to do in August at the railroad crossing. Supervisor Erdmann said that they will install new planks, blacktop by rails, and do a rail realignment. Ed Kacures said that there is another big pine tree that is dying on the town hall property. Supervisor Gondeck said that the DNR says it is a blight that is causing them to die. He also commented that the line was out the door at the high school in the evening about 5:30 when he went to vote on the referendum. There were only two roster lines. Clerk Spence was asked to contact the school district that in the next election, they need to have more roster judges.

The meeting adjourned at 9:45 p.m.

Respectfully submitted by Clerk Pat Spence