

Watab Town Board Meeting Minutes – July 1, 2014

The regular monthly meeting of the Watab Town Board was called to order at 7:00 p.m. on Tuesday, July 1, 2014 by Chair Ed Kacures Jr. All board members were present: Treasurer Eileen Saldana, Clerk Pat Spence, Supervisor Craig Gondeck, Supervisor Lloyd Erdmann, and Supervisor Kacures. Audience members were Miles R. Seppelt, Scott Gallion, Erlene Gallion, Travis Arend, Patrick O'Brien, Kathy O'Brien, Tony Arend, John Olson, Ginger Jarnot, Don Jarnot, Paul Jacobs, and Bob Raveling.

Following the Pledge to the Flag, additions to the agenda were made: Old Business: Quiet Zones for Railroad Crossings; Payment of Bills after Old Business and New Business: Flooding. Motion was made by Supervisor Erdmann, seconded by Supervisor Gondeck, and passed to approve the agenda as amended. Motion was made by Supervisor Gondeck, seconded by Supervisor Erdmann, and passed to approve the meeting minutes of June 3, 17, and 24 meetings. Treasurer's Report was given by Eileen Saldana with a cash balance of \$169,748.26. Motion was made by Supervisor Gondeck, seconded by Supervisor Erdmann, and passed to accept her report.

Citizen's Input:

1. Miles Seppelt introduced himself as a candidate for Benton County Commissioner in District 2 and asked the board members what they see as key issues relating to the county. Supervisor Kacures asked what he was going to do about the many low economic ratings for the county compared to others in the state. Miles said that it is an issue of leadership. He distributed a handout that showed Benton's lack of tax base; Benton County has gone lower: from 15th from the bottom in 2002 to 5th from the bottom in tax capacity. Benton County ranks 6th highest in the state for the property tax rate. He feels there are no concrete plans by current leaders to replace the lost tax base or to build it. Supervisor Gondeck said that he has two areas of concern: the need for a full-time economic developer and county transportation needs exceeding funding. Miles explained how the economic development position was cut 75% before he was hired; he believes the county needs a full-time person and needs to support that position. Because the tax base is so low and the tax rate so high, we really need to go to work and try to become the best in MN rather than being at the bottom. Miles added that he was a successful economic development director for cities for 16 years and could use his expertise as a county commissioner. He added that there hasn't been enough preventive maintenance on the county roads due to lack of funding. Clerk Spence asked about the possibility of getting more grants into the county. Miles responded that Benton County is in the bottom five counties in getting grants; we need to go after them. When he worked for Hutchinson, he said that he was responsible for writing grants and was successful with it; Benton County needs to apply for more grants.
2. Scott Gallion spoke about his disappointment with work on 66th Street, especially that it does not have a consistent width, and that it was widened too much along his mother's property. He reported that the variance is from 29 feet to 20 feet. He showed poster boards with his diagrams of the road width along each property. He said some of the problem has been cleaned up today by the contractor. His complaint is that he wonders

why the road can't be narrowed on the west end and be made the same width for the entire length. Supervisor Gondeck explained that John Thompson went out today and narrowed the width on the west end of the road. Scott said that thirty years ago when it was graded, dirt washed down his mom's driveway and yard. Recycled concrete was put down to help with dust control; he asked if the township would put down calcium chloride. The board responded that this would be property owners' responsibility. Scott also asked what would be done to restore his mother's yard where the contractor pulled it back six feet. Supervisor Kacures said that the board needs to go and look at it, and if they need to get the contractor to go back out there and fix it they will do so. Scott said it was an established yard, and he wants the road straightened with black dirt and grass seeding along the side. Supervisor Kacures reminded him that there is a fifty foot easement for the road. Supervisor Gondeck will contact the contractor. Neighbors (Penny Rassier and Don Schiller) gave Scott letters addressed to the town board that are placed on file; the letters are in support of Mrs. Gallion's request.

Old Business:

- A. Dry Hydrant System: no quotes were presented. Supervisor Gondeck was asked to try to find interested contractors and the board gave an extension of time to submit quotes.
- B. Town Road
 1. 66th Street: Clerk Spence reported on a packet of information sent to her from Mrs. Gallion which contained paperwork filed in District Court in 2010 by Sam Calvert on behalf of the O'Rileys against all the property owners on 66th Street. The purpose of the law suit was to obtain a recorded fifty-foot easement to the property they were purchasing. Since the paperwork from Mrs. Gallion did not contain the disposition of the case, Clerk Spence phoned Sam Calvert's office and learned that they had been successful with a court ruling to give them their easement. It was recorded at Benton County in the fall of 2011. Now, she further explained that Ginger Jarnot has phoned her threatening litigation against the township if the township doesn't extend 66th Street improvements on their easement to the forty acres they own at the end of 66th Street. Clerk Spence provided a map of the property owners along the road and a list of the township road certification report, which shows that the 66th Street is ¼ mile in length from the road right of way off Highway 10. Supervisor Erdmann stated that he doesn't believe 66th Street is a township road and doesn't know how it was added to the list. Ginger Jarnot said that the O'Rileys got a quiet title since their driveway went across Jack Frost property and to their easement. She phoned Sam Calvert and reviewed his records, and their easement is from their line to Highway 10. She wants proof that 66th Street is a township road, and she wants to know why it hasn't been consistently maintained. She also stated that they need a physical road to come to their property and wants the township to build it. Don and Ginger asked who would be responsible if there's a fire or accident at their property, and the fire trucks can't get in. Supervisor Gondeck said that a state statute was passed last year that whoever owns the property has the obligation to keep the road open. Since it isn't a township road, it would be the Jarnot's responsibility to keep their private road open. Supervisor Gondeck added that legally the township can't use public money on private roads. Clerk Spence provided information for the

- Jarnots and suggested that they improve their section of the road to a 22-foot width and then petition the town board to take it over as a township road. Supervisor Erdmann re-iterated the process. Supervisor Erdmann requested that Clerk Spence bring a copy of the town board's resolution establishing 66 feet right of way for town roads to the August meeting.
2. Oak Hill Estates: Supervisor Gondeck spoke about water that is running off the road during heavy rains and spring thaw and going into the township road ditch. The beehive cover was repaired. There has been no further response from Craig Hanson about the plugged drain. Clerk Spence will make copies of Supervisor Gondeck's photos for the township files.
 3. Drainage on Sucker Creek Road and Little Rock Road: the homeowners don't want water coming onto their property. Supervisor Gondeck suggested making the ditch a consistent depth as it is by Eric Johnson's house. He suggested Supervisor Erdmann create a design and then hire a contractor to do the work. Supervisor Erdmann agreed to do so for the August meeting.
 4. Frost Heave on West Lake Road: Supervisor Erdmann was asked to design a replacement for that section and get quotes for the work. This is a safety issue.
 5. Crack Filling: Supervisor Gondeck met with new STS crew supervisor yesterday, and the crew will start work next Tuesday in the township parking lot. They will also crack fill Hemlock Road, 15th Avenue NW, Fifth Ave., and the town hall parking lot.
 6. West Lake Court Improvements: tabled until next month.
 7. Pre-design of future railroad crossings: Clerk Spence said that Jon Bogart will be prepared to give a report at the August meeting.
 8. Quiet zones: Clerk Spence stated that Jon Bogart requested that the board give her pre-approval to sign the Notice of Establishment to make both crossings quiet zones; motion was made by Supervisor Gondeck, seconded by Supervisor Erdmann, and passed giving her that authority. The Federal Transportation Inspector from Chicago should be arriving in approximately one week.
- C. There will be an open house at MNDOT on July 10th from 4:30 to 6:30 p.m. at their St. Cloud offices regarding resurfacing of Highway 10 and 15. Scott Gallion asked what MNDOT is going to do about slowing down the traffic through the township after the overpass goes in at Rice. The board briefly reviewed the history of town board action on this issue, and that MNDOT will be studying the situation once the overpass is completed.
- D. Supervisor Gondeck reported that he has been inspecting the active construction sites in the township: Dale Kremer is doing a good job at his lot in Lake Andrew; there is one issue on another property in Lake Andrew where the rock entrance hasn't been established and dirt is going into the septic system; Pirate's Cove is doing a great job.
- E. The replacement unit for the air conditioner was installed for \$1,630. It has a ten-year warranty.
- F. Town hall maintenance is in progress: Supervisor Erdmann pulled weeds; Clerk Spence trimmed the shrubs; Supervisor Gondeck said that he will turn the stained landscape rocks. Board members are volunteering their time. Maureen Graber is taking care of the flower beds as a volunteer Master Gardener, which is greatly appreciated.

- G. More graffiti is appearing on the railroad signal stations; the board needs to bring this to the attention of the railroad authorities when they are here.
- H. Future Fire/Emergency Services in Watab: Supervisor Kacures reviewed that the Sauk Rapids City Administrator had outlined three options for the township to proceed with requesting their fire department to serve the entire township: ask Mayor for permission to present at the city council meeting; fill out a form of application; or get up during open forum. He recommends taking a couple of months as a cooling off period. The issue was tabled. He added that if the township decides to continue with the City of Rice's services next year, the board should propose to residents not having First Response calls. This should be placed on next month's agenda.

The board took a short recess to review the bills, since some routine invoices had been received during the day of the meeting. Motion was made by Supervisor Gondeck, seconded by Supervisor Erdmann, and passed to pay all claims #5456 through 5484 and the electronic transfers for IRS and MN Department of Revenue totaling \$57,331.71, and to hold the contractor check for 66th Street for research on the change order, since Supervisor Gondeck could not remember if he authorized it; motion passed.

New Business:

- A. Snow Plowing Contract: Tabled until next month for Supervisor Erdmann to have time to review it. Supervisor Kacures had a call from Darlene Albright about getting her mailbox replaced. Supervisor Gondeck said that in the future the township should put a deadline on mailbox replacement. He will take care of it. Clerk Spence and Supervisor Gondeck reported on the information from the MAT Conference that it is illegal for the township to plow snow in private developments. The board requested that Clerk Spence send a letter to the owners giving them this information. They should also be invited to next month's meeting for further discussion. The board will need to adjust mileage on the county road certification.
- B. Report on MAT Short Course Training: Clerk Spence reported that she attended the Clerk's training for election administration in addition to the morning session. New information was received on contracts, local ordinances for ATV's, signs needed if the township imposes weight restrictions, the process to alter, extinguish or alter roads, new legislation on township use of social media, and the need for emergency meetings to be posted in the three most public places in the township. The board felt that the town hall, Pine's Edge Grocery, and Twin Pines would be the three most public places. Supervisor Gondeck added that the speaker talked about the importance of documenting all issues that citizens bring a complaint, even if it isn't a township issue; keep a paper trail.
- C. Report on MS4 forms: Clerk Spence reviewed all the new MS4 operating procedures and forms she developed during the past month. Motion was made by Supervisor Gondeck, seconded by Supervisor Erdmann, and passed to approve of all those presented: (1) Questionnaire on Need for a Land Disturbance Permit; (2) Land Disturbance Permit Application; (3) Standard Operating Procedures for Minimum Control Measure 4: Site Plan Reviews; (4) Example Residential SWPPP Plan; (5) Residential Construction Requirements for Erosion and Sediment Control; (6) Frequently Asked Questions: Land Disturbance Permits; (7) Land Disturbance Permit Review

Checklist; (8) Inspector's Log; and (9) Land Disturbance Permit Termination and Transfer Forms.

- D. Budget Review for the quarter was presented by Clerk Spence; the board authorized the transfer of savings from Edward Jones to the township checking account.
- E. Flood damage: nothing was reported to Benton County.
- F. Communications: (1) Open House invitation from MNDOT; (2) invitation to "Take a Day Off" on August 2nd at Stearns Co. Mississippi River Park; (3) an email from a property owner in Rockwood Estates regarding a shed issue; (4) invitation to Drainage 101 workshop; (5) letter to Supervisor Kacures informing the township of the sealing of DNR observation well #05003 within the right of way of Ferry Point Place; (6) applications for zoning permits in Watab Township; (7) updated certification from Wayne Cymbaluk; (8) notice of Wellhead Protection Plan from City of Sauk Rapids; (9) email from Jim McDermott on Benton County flooding damage; (10) proposed dues for CMWEA for 2015 to be \$581; and (11) draft of permit renewal for Lake Andrew Waste Water Treatment Facility from MPCA.
- G. Board members report: Supervisor Gondeck reported that he has installed all the signs and has been marking culverts. The development group was shocked with the news of Quebecor closing. The development group urges people to use the new plane service to Chicago so that it won't be discontinued; it is usually more economical than flying out of Minneapolis/St. Paul terminal and there is free parking in St. Cloud. The development group has hired a company to look into air service to North Dakota.
- H. Monthly supervisors' work plan: Supervisor Gondeck will coordinate the STS crew with crack filling, Supervisor Erdmann will complete design work on his three projects, and Supervisor Gondeck will attend a July 10th workshop on behalf of the township on transportation issues.
- I. Paul Jacobs asked Supervisor Erdmann about private citizen's donations for the County Road 79 crossing; Supervisor Erdmann responded that there will be contributions when it is finished.
- J. Supervisor Kacures extended his appreciation to the Eagle Scout candidates who attended the meeting and his well wishes as they move forward on their journey toward Eagle.

A motion was made by Supervisor Gondeck, seconded by Supervisor Erdmann, and passed to adjourn the meeting at 9:50 p.m.

Respectfully submitted by Clerk Pat Spence