

Watab Town Board Meeting Minutes January 5, 2010

The regular monthly meeting of the Watab Town Board was called to order at 7pm Tuesday, January 5, 2010 by Chair Ed Kacures. Other board members present were Supervisor Lloyd Erdmann, Supervisor Craig Gondeck, Treasurer Eileen Saldana, and Clerk Pat Spence. Audience members present were: Jon Bogart, Brian Erdmann, Paul Schwinghammer, Maureen Graber, Paul Jacobs, Bob Raveling, and Brad McIntosh. An announcement was made by Craig Gondeck congratulating Guy & Pat Spence for their recent wedding anniversary.

Following the Pledge to the Flag, approval of the agenda was made by Supervisor Gondeck and seconded by Supervisor Erdmann with the addition of the annual contract with Wacosa for cleaning the town hall. An addition to December 1st minutes was that the letter went to Lake Andrew and Fifth Avenue residents. Public Hearing minutes add "No more than what is required"—the Clerk will email corrected minutes to Maureen Graber and the website. In the Critique Meeting minutes for December 7th by Supervisor Kacures add Gary & Janice Buermann's names to the list of attendees. Motion was made by Supervisor Gondeck, seconded by Supervisor Kacures and passed to approve the minutes of these three meetings with the above changes.

Treasurer's Report was given by Eileen Saldana. Supervisor Gondeck asked about the Benton County report amounts for the recent tax settlement. There was an increase in the gravel tax collection. Motion was made by Gondeck, seconded by Kacures to approve the Treasurer's Report. Motion passed.

Brad McIntosh asked if it is possible to see what the Supervisors are doing and that he would like to see the board time sheets done on the computer and posted on the website. Paul Schwinghammer said that he has attended about 10 of the past 12 monthly meetings; he would hate to see us spend more money documenting what is done. He knows by attending meetings that the board is doing their job and would hate to see money spent on them publishing their time. The Chair asked Brad what else he would like. Brad said that people want to know what the board is making each month. The Chair said that for the last few months, the board has spent considerable time on the Fifth Avenue project. Time sheets are public documents and can currently be reviewed at the town hall during the monthly meetings or upon request at other times.

Approval of the regular monthly bills and authorization to pay from the appropriate funds was made by Supervisor Gondeck, second by Supervisor Erdmann, and passed. Clerk Spence asked the board about reimbursement to Cove Development Company for the portion of their tax assessment penalty. Supervisor Kacures moved, Supervisor Gondeck seconded, and motion was approved to send \$2,139.21 to them. Approval of payment was also made for bills for the road projects: \$4,593.29 retainage for Jason Chapman on Roseanna Beach Road; Knife River for Fifth Avenue in the amount of \$36,558.47; and the engineering bill for Jon Bogart for \$33,764.50. Motion passed. No change orders were included for the extra sand. The change order with this billing from Knife River is for the trees, rock by culverts, rock berms, woven wire fence difference by Haus', and posts for the sign: total was \$4831.25. Motion was made by Supervisor Gondeck, seconded by Supervisor Erdmann, and passed for the change order. Chair Kacures signed the documents.

New Business:

1. Road Projects: The board asked Jon Bogart about negotiations with Cory Tretter on his requests. Jon is not ready to make any recommendations at this time. Brian Erdmann said he should be paid at unit price. Jon said that this is the first time the contractor has asked for an increase in the unit price. Jon said that the documentation from Cory Tretter does not match his requested dollar amount. There was considerable board discussion. Jon will forward all the information with his recommendation to the board. Supervisor Gondeck has had three conversations with the MAT attorney about bidding the asphalt. We can go out and ask for quotes if the engineer's estimate is less than \$100,000. It cannot be done through a change order. You can accept the quote that is most desirable for the quality of the road. Jon will work on the estimate and bring it to the board. Supervisor Gondeck asked the Clerk to read Chuck Wocken's letter regarding the cost of \$522 for repairs of his car damages and to include it

in the minutes. Clerk Spence read the letter as follows: "Dear Craig and Township Supervisors, I think all the comments I have heard about and what I have witnessed of the road construction project on Watab Township 5th Ave. N.E. during the Fall of 2009 the contractor was negligent in his timing for starting the project which led to conditions on the road that no resident should have had to put up with. I think the Supervisors understand that the project was compromised by decisions made by the contractor. I believe the Township should intercede with the contractor's insurance provider for all residents that have sustained damages due to the road conditions. The Supervisors themselves have commented on how mismanaged this project was. I think the Supervisors should weight in for those they represent. The residents did not make the decisions regarding the contract or project. If the Supervisors had in the contract that the road be passable throughout the project then that was definitely breach of contract and negligence. Attached is the denial of the insurance company of our claim for damages of \$522.00. We don't care if that is below the contractor's deductible; it is still due to the management of the project that caused the conditions in which the damage was sustained. I ask that this be read at the Township meeting of January 5, 2010 as part of the meeting record. Sincerely, Charles Wocken, 6712 – 5th Av. N.E., Sauk Rapids, MN 56379 393-2281." Also included was the letter from Cedarleaf, Cedarleaf & Cedarleaf, Inc., the insurance carrier for Marvin Tretter, stating that the claim was denied for payment because they believed that Marvin Tretter made every reasonable effort to secure the site and the deductible was in excess of the claim. The board discussed other residents' claims. Supervisor Gondeck said that we shouldn't do any other business with Knife River until these claims are settled. Jon Bogart suggested that the board withhold one and one half times the total amount of the claims that they know about. Chair Kacures made a motion for the Clerk to send a letter to Knife River with the total amount of the damages to be withheld following Jon Bogart's recommendation, motion was seconded by Supervisor Gondeck. Supervisor Gondeck had copies of all the claims, which were added to Charles Wocken's claim, and determination was made to withhold \$4,100, which would be one and one half times the total amount of claims for vehicle damage. The motion passed.

2. The Clerk reported that \$410,670 has been borrowed to date from Falcon National Bank for the road projects.
3. Supervisor Gondeck has secured Snow Plowing agreements Lake Andrew, Oak Hill, and Paradise developments as requested; he has given them to the Clerk and recommended that they be recorded at Benton County. Supervisor Erdmann still needs to get an agreement signed by Cove Development. Then the township will have agreements with all the developments.
4. Little Rock Watershed Committee Appointment: Supervisor Gondeck asked Diane Wojtanowicz to serve since they are requesting an appointment of someone who does irrigating in the township. She is thinking about it and Supervisor Gondeck asked that this be tabled until the Water Advisory Board has met, since he felt this may be duplication of what that board's work. The Clerk will talk will follow up with Diane. This item was tabled.
5. Clerk Spence reported on the town hall insurance policy changes that she made following the board's instructions at the previous meeting.

Old Business:

1. Snow Plowing: Supervisor Kacures brought up some of the issues he is concerned about. People who are pushing snow from their driveways to the town road right of ways need to be informed that it is a misdemeanor to do this, because it causes damage to the township road plows and ditches and also causes snow to be redeposited into other homeowner's driveways. Supervisors can stop and let homeowners know and then follow up with a letter. Supervisor Kacures made a motion for supervisors and Jason Chapman to forward violations to the Clerk and have her send a letter and copy of the ordinance to the homeowner; seconded by Supervisor Gondeck and passed.
2. Grant Requests: Supervisor Gondeck has been looking into some possible grant opportunities for the township. There was a recent mobile home fire, and the property owner cannot be located. We may

qualify for a grant to clean up the property through brown field clean up. He recommends that we apply for a Benton County SCORE Grant for \$17,000 to help fund Clean Up Day; he reported that he went to Langola Township and got \$500 from them to help defray costs for 2009 clean up day. Supervisor Gondeck also said that he is working with Jim McDermott to look into an emergency warning system for the township's remote areas through Homeland Security grants. Maureen Graber said she would not like a siren in her neighborhood. Supervisor Gondeck is looking into maintenance costs. Also, he said that East Central Energy has Operation Round Up Grants to pay for emergency equipment for local government units. There are also grants available for researching township planning and zoning. Supervisor Kacures read from the commissioner's meeting article in the Sauk Rapids Herald about the Benton County Supervisor's Meeting he attended where he requested and the commissioners agreed to pay additional money for the 2009 Watab Clean Up Day due to the large turnout with many people from outside the township. Firearms Safety, Inc. also contacted Supervisor Gondeck about their gratitude for using the town hall and they gave the township a grant to purchase two additional 8-foot tables for the town hall.

3. MS4 Enforcement Contract with Paul Schwinghammer: Paul provided a breakdown of programs and pricing for enforcing the new ordinance. His goal was to have uniformity in the pricing. He is including his permit costs for Red Barn Ridge; the township could also build in a fee to help cover additional administrative costs. The proposal calls for a \$150 permit fee for development sites that require a MS4 permit, which are lots that will have more than an acre disturbed. This includes review of site plans and the SWPPP, an on-site BMP review, and random compliance inspections. If remediation is completed within 24 hours, there would be no additional charge. If compliance is delayed, re-inspection fees would be up to \$125. If a stop work order needs to be issued for multiple non-compliance the fee would be up to \$250. This also includes the final inspection of stabilization and documentation. Other MS4 activity by the township would be billed at the rate of \$75 per hour and in-field inspections time would be billed at the rate of \$95 per hour. Maureen Graber is still willing to do the administrative reporting. Reporting to the town board would continue through the current system of reporting. Maureen and Paul will create the permit. After a contract is approved with Paul, the board will need to determine a permit fee. Benton County will stamp land-use permits to contact Paul Schwinghammer if we provide the stamp. There was considerable discussion about whether or not the board would require permits for lots under 1 acre in a planned unit development. Supervisor Gondeck asked if the fees Paul is proposing are standard. He said the permit is usually \$500, so this is considerably less. The board will table this until next month on motion by Supervisor Gondeck and second by Supervisor Erdmann. Motion passed and Paul and Maureen were thanked for all their good work.
4. Supervisor Gondeck made a motion to continue the contract with Wacosa; seconded by Supervisor Erdmann; and passed and the contract was signed by Chair Kacures.
5. Correspondence: Zia Planning Systems offering planning and zoning services; Traci Balder reported that she has passed her form report for the CMAS designation and will soon receive the State Certificate, which will then be sent to the township; Robert & Dorraine Rahn sent a copy of a letter they sent to Joan Neyssen regarding their property tax; a Christmas card was received from Election Systems and Software. Supervisor Erdmann received two letters from advertisers. Supervisor Kacures covered his correspondence under snow plowing issues.
6. Annual election and meeting is March 9th. Clerk Spence asked Supervisors to submit agenda items to her.
7. Supervisor Gondeck offered to check with Benton Telecommunications Foundation about a grant from them to cover costs of the annual township newsletter.
8. The board set January 18th at 7pm as a budget and planning meeting. Bring articles for the newsletter. Paul asked for the newsletter to explain that the levies are set by the people and not the town board. Encourage the people to come. Clerk Spence will write this article.

9. Supervisor Reports: Supervisor Gondeck toured the St. Cloud Vocational Technical College with the Benton County Economic Development Board. They are now certified as a community college and are eager to serve non-traditional students. This could help township residents retrain after they have lost jobs. He also attended the Langola Township Board and County Commissioner meeting to ask for funds for Clean Up Day. Supervisor Gondeck reported on the changes with the City of Richmond Fire Department; it is no longer owned by the City of Richmond, but has moved to ownership by the Fire District. On January 15th, Supervisor Kacures said that the City of Rice should have their costs finalized for the fire department for the past year. The meeting of the Rice Fire Board to discuss this is scheduled for Wednesday, January 27th. He invited anyone to attend. Supervisor Gondeck said that this year the Watab History Day would be for the Kings' Inn Supper Club employees.

The meeting adjourned at 9:45pm.

Respectfully submitted by Pat Spence, Clerk