

## Minutes of Public Hearing December 1, 2009

A Public Hearing was called to order at 7:00 p.m. on Tuesday, December 1, 2009 by Chair Ed Kacures Jr. All board members were present including Supervisors Lloyd Erdmann and Craig Gondeck, Treasurer Eileen Saldana, and Clerk Pat Spence. Audience members present included Maureen Graber, Marlen & Marcy Johnson, Paul Jacobs, Delroy Rothstein, Allen Saldana, Brian Erdmann, Kevin Reiter, and Paul Schwinghammer. The Chair welcomed everyone and stated that the purpose of the meeting was Ordinance No. 5: MS4 Stormwater. He covered the rules for the hearing. He asked Maureen Graber to come forward and speak about the ordinance. It meets requirements of the MPCA Clean Water Act. Maureen has gone to great pains to make sure we are doing more what is required. It is basically the same document that was discussed last month. She referred to the question that was asked last month about building a home in a development: "Do you have to get a new MS4 plan or are you subject to the development's MS4 plan?" Maureen said that the owner must transfer the title for the lot and it is covered under section 3, part 2 adopting construction permits by reference. The bonding requirement is removed for Paul Schwinghammer, but we still need a contract with him to make the ordinance enforceable. The Chair called for anyone wishing to speak in favor of the ordinance. After three calls, no one spoke. He then asked for anyone to speak in opposition to the ordinance. Brian Erdmann said he had not had time to study it. Brian Erdmann, 10100 Sucker Creek Rd, Rice, spoke, but said that he was not speaking in opposition. He asked Maureen if Watab's ordinance is the same as the state's ordinance. She answered that we are basically adopting the state code. Paul Schwinghammer explained that would help us stay in sync with what the state is doing. Brian asked if we could be less restrictive than the state. As a contractor, he is tired of all the state requirements. Paul said that it really comes from the federal government. They are initiating more and more requirements. Allen Saldana came forward to speak, Saldana Excavating, 905 95<sup>th</sup> St. NW, Rice. He explained that he doesn't have anything to do with the permitting, but the builder needs to do so. He said that Sherburne Co. has adopted this very well. The builder is held responsible. He thinks a lot of people, builders here, are going to be unaware of what is happening. We will have to make the builders aware of the permit process. Supervisor Erdmann asked if any of these were new rules. Maureen said that our attorney said we would have to issue a permit at the township level. So, we are asking for a copy of the storm water runoff plan to make it enforceable, which is a requirement of the state. This only applies to lots of one acre or more. Paul Schwinghammer talked about what Sherburne County does. The township needs a contract with Paul as a certified inspector to do the inspections. Maureen explained that we want to meet the spirit of the law. Paul added that education of the public is important part of the process. The chair made the final call for people wanting to speak in opposition. Supervisor Gondeck made a request for everyone to applaud Maureen Graber and Paul Schwinghammer for their work on the ordinance. It was a long, time-consuming process. He asked Paul if it is enforceable as written, and Paul said that it is. The Chair asked for a motion to adopt the ordinance. The motion was made by Supervisor Gondeck, seconded by Supervisor Erdmann, and passed to adopt Ordinance 5. The public hearing was closed by Chair Kacures.

The regular monthly meeting of the Watab Town Board was called to order at 7:30pm by Chair Ed Kacures. Following the Pledge to the Flag, Supervisor Gondeck asked people to go [www.caringbridge.com](http://www.caringbridge.com) for updates on Harvey Meinert's health. He is in Rochester getting a stem cell transplant and does a lot for our township. The agenda was approved with two additions: Resolution 2009-9 and a request from Annie Felix for task force appointment.

Minutes of November 3, 10<sup>th</sup>, and Fifth Ave Construction Meetings on the 2, 16<sup>th</sup> & 19<sup>th</sup>, 23<sup>rd</sup> plus the punch list were approved on a motion by Supervisor Gondeck, second by Supervisor Kacures with the following changes: change word to "requested." Also under "Communications": Ed discussed with Bob Kozel, not Craig. Motion passed.

Treasurer's Report was given by Treasurer Eileen Saldana. She received a check for \$9,645.69 for SCORE grant at the meeting for Watab Clean Up Day. Instead of paying the original \$7500, the county agreed to pay more because our costs were higher this year due to increased participation. The rest will be paid out of the cable tv franchise fee, so it won't cost the taxpayers extra money. Current investments were also reported by the Treasurer. Motion was made by Supervisor Erdmann, seconded by Supervisor Gondeck, and passed approving the report.

Clerk Pat Spence gave a report on the loan for the road projects. The only change to the printed report is removing J & J Outdoor Contracting payment of retainage because all paperwork has not been submitted. A motion was made by Supervisor Gondeck, seconded by Supervisor Erdmann, and passed to transfer the loan money to checking to pay these road construction bills from the loan funds.

Citizen's Remarks:

1. Kevin Reuter asked about the payment schedule for the Fifth Avenue work. They are paid as approved by the Engineer and the Board.
2. Delroy Rothstein commented on how well the board handled themselves at the November 10<sup>th</sup> special meeting on Fifth Avenue. He thanked them for their work.

The Clerk was asked to prepare Resolution 2009-10 to transfer the assessment of \$460 for the lot owned by Steven Sommers to real estate taxes. Also, the board asked about the snow plowing contract payment. A motion was made by Supervisor Gondeck, seconded by Supervisor Kacures to pay the bills and withdraw the funds from the appropriate accounts.

Jon Bogart reported on the Fifth Avenue Road Project: The project is put to bed for winter. The road absorbed too much water during the month of October, so it will cure over the winter and go through the freeze-thaw cycle. The punch list items will be verified as complete by Jon tomorrow. Supervisor Kacures asked about a couple of the punch list items. One is moving a power pole that will interfere with snow plowing this winter. Jon will contact Xcel Energy. The board commented on the good job on the fencing. Water is still sitting in some of the ditches. Jon explained that they should be all right next summer after planting is completed. Supervisor Kacures asked him about the engineering bill. He has held to what he estimated. It took him about twice the amount of time that he anticipated and he absorbed the additional cost. Supervisor Kacures explained that he would like to have a meeting with all the contractors on the road projects to critique what happened. Jon asked to be emailed dates that would work for next week. There will be a meeting at 7pm on Monday evening to discuss this. There has not been an agreement to pay any additional money to the contractor for blacktopping next spring instead of this fall. Brian Erdmann encouraged the board to continue to not give them any additional money. Kevin Reuter asked if the road is bus certified. It has been. Supervisor Kacures met with Clerk Spence to write a letter to Lake Andrew residents. He read it to the audience. It will be signed by all board members and mailed as soon as possible.

Consideration of addendum to snow plowing contract: we are plowing roads that we haven't officially accepted. Road distance originally certified was 38 miles and went to 43 miles because of this. This mileage doesn't include Marty Reker's development. Kevin Reuter thought it would be fair to Jason to pass the addendum; the cost per mile was the only fair way to make an adjustment. Supervisor Erdmann said it is the way to make a correction because the road certification was incorrect. Paul asked that if we have additional miles would we want to rebid it. The board said that they wouldn't want to go through that process at this time. Supervisor Erdmann said that Doug Boser spent a lot of time figuring this out, and he feels it is a fair adjustment. He made a motion to approve the addendum to the snow plowing contract. Supervisor Gondeck agreed because he said we were the first local government unit to do this, and he knew it would need to be reviewed after one year. Supervisor Gondeck seconded the motion because he feels that Jason went beyond what was expected and was very responsive. Motion passed. The addendum was signed by the Board Chair and Jason Chapman.

Supervisor Gondeck appeared before the county commissioners requesting additional SCORE grant funds for Clean Up Day. Check was given to the treasurer. He asked for permission to apply for \$20,000 for the SCORE grant next year. Greg Bruestle said that Langola Township will chip in \$500 for this past year. The Clerk was asked to prepare a request letter. Next year we will not accept any hazardous materials. Over 300 people participated this year.

Marty Reker and Oak Hill Estates have signed the Memorandums of Understanding on Snow Plowing. The board approved Resolution 2009-9 on a motion by Supervisor Gondeck and second by Supervisor Erdmann. Motion passed.

Payment from Jason Chapman for mailbox posts was received tonight. Supervisor Erdmann made a motion to nominate Diane Wojtanowicz to the Little Rock Watershed Committee if she is willing to serve; motion was seconded by Supervisor Gondeck and passed. Supervisor Gondeck will talk to her. Clerk Spence gave an update on the dates and process for the annual election. Filings open on December 29<sup>th</sup> for two positions: one three-year term for Supervisor currently held by Craig Gondeck and one two-year term for Clerk currently held by Pat Spence.

Communications: Firearms dinner—Supervisor Erdmann and his wife will represent the board at the dinner on December 2<sup>nd</sup>. The request from the Tri-County Humane Society was tabled until the annual meeting. Supervisor Gondeck abstained from the discussion. At the January meeting, the board will discuss the penalty on the Pirates Cove property. Supervisor Gondeck made a motion to approve the request by the Cove to Benton County to move docks in the plan; motion was seconded by Supervisor Kacures and passed. The Clerk was asked to check on vandalism coverage for the town hall and to change the building value to \$400,000. Supervisor Kacures reported that the first aid kit we ordered is on back order and will not be available. He will check on getting it from another company. Supervisor Erdmann had a letter from the State on voting which he gave to the Clerk.

Supervisor Reports: Supervisor Gondeck will have a meeting here tomorrow morning at 7am with the Benton County Economic Development Board and a Venture Capitalist. There will also be a meeting with the Technical College next week. He bought markers for our culverts and is marking them. He has resolved the complaints received. Allen Saldana filled the potholes; the board thanked Allen for a good job and quick response. STS Crew did tree trimming and ditch clean up. Supervisor Erdmann commented on the people putting delineator posts on the edge of the black top. This is dangerous and in violation of the road right of way ordinance. There is a meeting next Tuesday at 5pm at the courthouse in Foley on flood plain assessments. All supervisors are asked to attend.

If you see trees chopped up in the road right of way, help yourself. Supervisors should contact the homeowners if they see this. Keep a list of who you contacted. If they don't remove it the township will.

A motion to adjourn was made by Supervisor Gondeck, seconded by Supervisor Kacures, and passed. The meeting adjourned at 9:35pm.

Respectfully submitted by Pat Spence, Clerk