

**TOWN OF BROCKWAY
COUNTY OF STEARNS
STATE OF MINNESOTA**

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David Friedrich, Chairman
Daniel Stang, Supervisor
Duane Douvier, Supervisor
Debra Determan, Town Clerk
Patricia Weber, Town Deputy Clerk
Mary Wallenstein, Treasurer

Meeting Minutes

On this 5th day of July, 2011, the regular monthly meeting was called to order at 7:30 p.m. All members were present with the exception of Town Clerk Deb Determan. Zoning Administrator Bridget Chard was also in attendance.

A motion to approve the Agenda, as amended, was made by Supervisor Douvier and it was seconded by Supervisor Stang; all in favor, motion carried.

A motion to approve the June 7, 2011, regular monthly meeting minutes was made by Supervisor Stang and it was seconded by Supervisor Douvier; all in favor, motion carried.

A motion to approve the June 29, 2011, Weed Inspection Report/Scenic View Drive Minutes was made by Supervisor Douvier and it was seconded by Chairman Friedrich; all in favor, motion carried.

A motion to approve claim Nos. 3197 (June), 3198 – 3233, with Claim No. 3222 being voided, was made by Supervisor Douvier and it was seconded by Supervisor Stang; all in favor, motion carried.

It was noted that 70% of the June Settlement was received. The Budget was also reviewed.

Treasurer Wallenstein reported that she went to the Bank to request a Letter of Collateral and she received a blank form along with report. It appears that the Bank does not understand the purpose of the Letter of Collateral.

The lock box was next on the agenda. After discussion, Supervisor Stang will donate a lock box for the Township so that checks received by the township are kept in one place.

The Opole Wastewater Permit was discussed next. The check was signed and it will be forwarded to Environmental Services for the Wastewater Permit.

Treasurer Wallenstein reported that at the short course training it was noted that the Deputy Clerk and Deputy Treasurer Position cannot be one and the same person. Zoning Administrator Chard will contact the Minnesota Association of Townships for further information.

Next on the agenda was the unpaid service charges. A motion to set up a hearing during the August meeting at 7:45 p.m. for a party of the Opole system for unpaid service charges was made by Supervisor Stang and it was seconded by Chairman Friedrich; all in favor, motion carried.

The revision to the Mulberry Meadows agreement was discussed next. The Transfer Agreement was amended and handed out with regard to the escrow amount and the holding of the two lots and how it would be transferred back (if necessary) and how it would be held up to that time. The Attorney recommended that they be held until the County and MPCA have moved forward.

The Letter of Credit for Scenicview Drive and road review was next on the agenda. The Letter of Credit is due to expire in a month. A discussion followed with regard to the water flow, culvert, standing water, etc. It was suggested that maybe someone from the County also go out to look at it. Jon Perry has offered to obtain a contractor, site the elevations and see what can be done. He is totally against involving Environmental Services. The Letter of Credit is to expire on its own in August. Jon Perry stated that he will not renew it. Jon Perry doesn't claim that there isn't a problem. Jon Perry will deal with Road Boss Pat Smoley on this issue.

Next on the agenda was the Road Report. Pat Smoley met with Knife River on the site but they did not provide a quote. He also met with Mike Omann from Harddrives and Tri-City Paving. In addition, Pat Smoley noted that since the road inspection, another section of road -- 105th between 440th and 450th was broken up.

The quotes for the bituminous work were reviewed next. The quote from Tri-City Paving was \$80,300.00 and the quote from Harddrives was \$79,465.13. A motion to accept the quotes and request applicable bonding and insurance forms was made by Supervisor Stang; seconded by Chairman Friedrich; all in favor, motion carried. Discussion then followed regarding the lengths of roads. While the footage was different, the totals of both equaled 2,060 feet. Neither bid included the new section of road that is now broken up as referred to in the first paragraph above. A motion to accept the quote from Harddrives was made by Supervisor Douvier; seconded by Chairman Friedrich; all in favor, motion carried. Zoning Administrator Chard will discuss with Chairman Friedrich what needs to be done to finalize it. Further discussion with regard to the quotes followed. It was determined that Zoning Administrator Chard would contact parties and let them know whose bid was

accepted. A Performance bond is above and beyond the amount of the quote. Both a performance and payment bond is needed from Hardrives.

Zoning Administrator Chard reported that she received an e-mail from Orrie Walsh with regard to potholes and painting center lines on 40th Avenue. Road Boss Pat Smoley stated that he drives that road five days a week and there are a couple small potholes which can be hand patched. Road Boss Smoley also stated there is an issue of trees growing toward the center of the road on the LeSauk portion. Zoning Administrator Chard will let her know that the road boss is aware of the potholes and they will be taken care of, the township does not do stripping, and the overgrowth is an issue and that it is LeSauk Township problem. Zoning Administrator Chard will also send a letter to LeSauk Township.

Road Boss Smoley reported that the seal crack work was completed.

Supervisor Stang also noted that there are two homes in Mulberry Meadows which do not have 911 signs. Supervisor Stang also indicated that the numbers have been ordered and are located in the back room. Supervisor Douvier also indicated that there was a 911 number in the Don Anderson plat that does not have a 911 sign.

Planning and Zoning was next on the agenda. Zoning Administrator Chard indicated that the planning commission has reviewed the mining language. She noted that Larry Christman was not in attendance at the last meeting and Commissioner Jacobson had indicated that he had contacted various mining operators. An e-mail was received from Larry Christman and Zoning Administrator Chard responded to it. A copy of the e-mail interaction was handed out to the Supervisors. Supervisor Douvier requested a copy of the mining pit owners that were contacted.

The Memorandum of Understanding with the county along with the Zoning Map was discussed next. Zoning Administrator Chard reviewed the changes with the town board. She noted that Exhibit A is the administration part and is attached thereto.

The status of the Stormwater Ordinance was next on the agenda. Zoning Administrator Chard and Deputy Clerk Weber met with Joyce C. from the MPCA with regard to the MS4 permit. We are awaiting her response with regard to deferral to Stearns County and have not heard back from her not knowing whether she is being impacted by the State of Minnesota shutdown.

Next on the agenda was new business.

Supervisor Stang has been in contact with Van's Flags and needs to get a measurement for replacement.

A work meeting to discuss roads/budget and the five year road plan was tabled until the September meeting.

Supervisor Douvier indicated that he was approached by a resident with regard to the cemetery on County Road 17 by the Tom Schlichting farm. There are a few people who want the township to take over maintenance of it. Bridget Chard also printed off the Minnesota statute regarding cemeteries. Tom Czech stated that the state statute said it needs only to handle noxious weeds and he doesn't even know that it is a public cemetery. He also stated that it has only been maintained the last 5-7 years. Supervisor Stang suggested that we send a letter to this party and direct them to the Stearns County Historical Society and that the township has no duty to take it over as it is not a public cemetery.

There was no public input.

The Septic Tank needs to be pumped. Zoning Administrator Chard will schedule this to be done.

Zoning Administrator Chard reported that she received a phone call with regard to the primitive dwelling home on 95th and wanted to know the situation. The resident also wanted to know who permitted it. She was informed that the County permitted it. Zoning Administrator Chard informed the County of the complaint. A gentleman in attendance at the meeting indicated that he lives a mile away from this location and has noticed that they are cleaning up the site.

Zoning Administrator Chard indicated that Commissioner Jacobson received a public hearing for the Wesley Perry hearing. The EAW is completed and is now online for comments.

The mail was reviewed.

There being no further business, a motion to adjourn this meeting was made by Supervisor Stang and it was seconded by Supervisor Douvier; all in favor, motion carried.

Debra Determan, Clerk

(Approved at August 2 regular monthly meeting)
David Friedrich, Chairman