

Silver Creek Township  
Monthly Board Meeting Minutes  
November 04, 2021

### **Silver Creek Township**

Silver Creek Board of Supervisors met on Thursday November 04, 2021 at the Silver Creek Town Hall located at 3827 134<sup>th</sup> Street NW, Monticello, Minnesota 55362, Wright County, and State of Minnesota. The meeting was tape recorded for transcribing purposes only. Motion by Supervisor Ludenia to reconvene the meeting, second by Supervisor Ness. Chairperson Forsman called the Supervisor meeting to order at 8:45 pm. There were 32 people in the audience at the start of the meeting and 2 on Zoom.

#### Board Members Present

Sandy Forsman, Chair	Chris Klein, Supervisor
Dan Ness, Supervisor	Mike Ludenia, Supervisor
Barry Heikkinen, Supervisor	Nancy Betzler, Clerk

Board Members Absent: None

**OPEN FORUM:** Moved from old business: items in right of way. Many residents were present to discuss why letters were sent out to tell property owners to remove items such as rocks and bricks that have been used to decorate around mailboxes, driveways and culverts. Many of the items have been in place for many years and why it is a problem now. They had been asked to remove them before winter freeze up and they feel that is not enough time to remove the items. Board members explained that the Township has an ordinance saying that such items cannot be in the right of way, because of safety concerns. The Township right of way is 66 feet, 33 ft. from the center of the road. Minnesota Association of Townships has advised us that if we know there are items in the right of way they need to be removed because of the liability that it can cause. Removing the items reduces the liability for everyone. The Board felt that we could not tell just a few people that items must be removed but should follow the ordinance and ask that all items be removed. A question was asked if they could get a waiver that they would be responsible if there was any issues. They would also like to get something that would say no legal action will be taken until a later date.

Motion made by Supervisor Klein that the Board will continue any action for removing items in the right of way and will not hold residents liable for any damage to Town equipment until June 15, 2022. Second by Supervisor Ludenia, amended to change continue to delay. Motion carried 5-0.

Motion by Supervisor Klein that we spend money and get advice of our Attorney for these examples. Second by Supervisor Ludenia, amended to and to discuss a waiver. Motion carried 5-0.

**APPROVAL OF THE AGENDA:** Supervisor Klein would like to amend the agenda because of the late hour. Take Jim Kloster and move to item a, continue C in old business and b and c in new business. Motion to approve with changes by Supervisor Ness, second by Supervisor Heikkinen. Motion carried 5-0.

#### **Approval of the Consent Agenda Item:**

Regular Meeting Minutes: 10-19-2021 and List of Claims to include check #17169-17173 in the amount of \$4,999.47. Motion to approve by Supervisor Heikkinen, second by Supervisor Ludenia. Carried 5-0.

Affidavit of Official Interest in Claims: Motion to approve by Supervisor Ludenia, second by Supervisor Ness. Carried 4-0-1 abstained, Chris Klein interested party.

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**Old Business:**

Items in right-of-way: Discussed in open forum.

Vacate 97<sup>th</sup> St NW: They still want to go ahead and will be sending a check. Will continue until we receive the check.

Budget 2022: Continued

Culvert issue on 155<sup>th</sup> St: Culvert still not in. Driveway permit not requested, was put in but does need the culvert installed. He was sent a letter telling him that he needed to get the culvert installed. What action should be done? Will send a certified letter reminding him of the issue and asking him to respond by Dec 15<sup>th</sup>.

**New Business:**

Jim Kloster: access to Duffield Ave. He was present to discuss his lots. In 1984 West Side Acres was put in but the Township did not require the developer to extend the road to his property. He wants the Town to give an agreement to allow him to build a driveway on the right of way, so he is able to get to his lot. The Town could vacate the road to his parcel. Mr. Kloster will have the surveyor create a legal description. Will check with our Attorney on vacating that part of the road.

Certified Letter Accident on Gowan: We have not heard anything further about this.

**MISC:**

**Adjournment:** Motion to adjourn by Supervisor Heikkinen, second by Supervisor Ness. Carried. Adjourned at 10:10pm.

Respectfully Submitted

Silver Creek Township Clerk  
Nancy Betzler  
November 04<sup>th</sup>, 2021 Minutes  
Approved by Board of Supervisors  
November 16<sup>th</sup>, 2021

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