

Silver Creek Township  
Monthly Board Meeting Minutes  
December 07, 2021

### **Silver Creek Township**

Silver Creek Board of Supervisors met on Tuesday December 07, 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. Chairperson Forsman called the Supervisor meeting to order at 7:10 pm. 27 people had signed in as attending the meeting and 10 were attending on Zoom at the start of the meeting.

#### 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:**

**APPROVAL OF THE AGENDA:** Motion to approve by Supervisor Ludenia, second by Supervisor Heikkinen with change to the 2 ds in old business to d & e. Motion carried 5-0.

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

Regular Meeting Minutes: 11-16-2021 and List of Claims to include check #17174-17213 in the amount of \$45,204.48. Motion to approve by Supervisor Ludenia, second by Supervisor Heikkinen. 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.

#### **Old Business:**

Items in right- of-way: Attorney was here to discuss this and Duffield Road. Mr. Ruppe said that it is public policy of the State of MN not to allow obstructions in the road right of way MN Statue 160.2715 makes it a criminal act to put obstructions in the right of way and it is part of the Townships ordinance. It is for the safety of the traveling public and it is also a liability issue for the Township. The Township is responsible for the road right of way and if someone hits the obstruction the Town and the property owner could be liable. Anything large in the ROW can cause liability if someone gets injured or it causes damage to the Town equipment. Large items are prohibited that impede the drainage of the water, such as trees, rocks, boulders, bushes. Some smaller items can be okay unless it is inhibiting the maintenance of the road or right of way. The Town should work with the property owner to get items that are an issue to get them removed. It can be done case by case as needed. If it could cause injury then you should get it taken care of. If the property owner will not take action the township can hire a contractor to do it and the cost can be put on their property taxes. An encroachment agreement can be done stating whatever the issue is and we can give temporary permission to leave it but it can be revoked at any time in case the township ever needs to use the right of way. The township is not responsible to replace or fix items that are in the right of way if it is damaged by township equipment. There is no such thing that items in the right of way are grandfathered in, that pertains to zoning issues. The maintenance department will go through the pictures that were taken and decide which issues must be corrected.

Board Meeting Minutes

12/07/2021- Page 2

Jim Kloster explained that the Westside Acres Duffield Ave. NW was not completed to his property; it is approximately 65 ft. short and wants to see what can be done. Mr. Ruppe said he can request a driveway permit to be able to access his property. The township could put conditions on it such as the need for a culvert or to avoid the power pole and cable pedestals that are there. The tree could be removed if it may cause damage. The township is only responsible to make roads safe and passible which would mean an emergency vehicles can get through. Mr. Kloster will get a driveway permit submitted.

Discussed an issue on Baker Ave where a neighbor has a shed in front of their house. The Attorney will check into it to see is there is something the Township can do and if it is a platted road. If it is in a plat and we have never maintained that part of the road it would be the property owner that would have to check into it.

Conflict of interest resolution: Supervisor Forsman read the resolution 2021-12-07 regarding Supervisor Klein working in the maintenance department. The vote to allow him to work was yes 2, Supervisors Ludenia and Forsman, no Supervisors Heikkinen and Ness. The vote to allow Supervisor Klein to continue working must be unanimous with the interested party abstaining so he will not be able to work in the maintenance department after December 31, 2021. Question was asked how this is good for the Township. Supervisor Heikkinen said he represents some residents that have concern about it. Supervisor Ness said he has been torn about it for a while and feels it makes some of the things we do as a board more difficult. Many residents expressed their concerns for and against approving the resolution. The people for the resolution to be approved did not feel it is a conflict of interest, there is no proof there has been a conflict of interest, that this a personality conflict between the Board member and that Supervisor Klein has done a great job and the people against, feel it is a conflict of interest, that it does not look right, one stated example was when you can vote to buy new equipment for your benefit to run, that we should have advertised the position originally and he should not be doing both jobs. The Attorney said it is not a conflict of interest if the resolution is passed unanimously with the interested party abstaining and the Supervisor working submits an affidavit of official interest in claim is filed. Later in the meeting while discussing the mining ordinance, conflict of interest was discussed if a Board member has a gravel pit the Attorney said that if there was a vote on a truck, even though Mr. Klein might be operating that truck and it might make his work life a little better, that is not a conflict of interest where he would tell Mr. Klein that he would have to abstain, Mr. Klein could decide to on his own but it is not a legal call he would make.

Supervisor Forsman made a motion to rescind the prior vote for the resolution, second by Supervisor Ludenia. After discussion no vote was taken.

The Chairperson continued the rest of the resolutions until the next meeting.

Supervisor Klein asked if you are using Township property at home is that allowed, chain saw or laptop. The Attorney said not without the Boards permission. If you are the tech person you could take a laptop home to download items for the Township.

Jim Kloster Gravel Committee extend time and Duffield Ave: Mr. Kloster was here to discuss the Gravel and Mining Extraction Committee ordinance they are working on. He explained what they have done and would like to extend the deadline 90 days. Wright Co has said they will take on the administration of our ordinance. The Township would deal with the permitting process. Mr. Ruppe said we still have time without extending the time. The committee and the Board should have a workshop to discuss it. Attorneys will need to review. We will have to set a public hearing and the Board will have to approve it before the deadline May 14, 2022. Supervisor Ness thanked the committee for their work.

Board Meeting Minutes  
12-07-2021 Page 3

Culvert on 155<sup>th</sup> St: The culvert has been installed.  
Budget 2022 General Fund: Continued

**New Business:**

WC Notice to Amend Ordinance Chapter 155 Zoning: They are going to change the zoning on Solar Farms. We approve the request because it is thorough and addresses the needs of our Township.

Wi-Fi issues: We have had issues with someone using our internet from outside of the building. Our computer man come and checked out all of the Township computers and it was not done on any of them. Should we stop giving out the password and let groups use their hotspots to get on line. All our passwords have been changed. We will talk about it later and decide if we want to change our policy on passwords. Supervisor Klein made a motion that computer equipment should stay in the Township in the appropriate place for its use and if you have to work come in and submit a bill, second by Supervisor Ludenia. Motion failed 2 yes, 3 no.

Resident's road questions on 95<sup>th</sup> and Bishop: Bishop was discussed earlier with Attorney. 95<sup>th</sup> St resident wants to know what the maintenance on the road would be if they get 2 lots on the property. It is a minimum maintenance road and in the winter we do barricade it now. We only maintain so far in on the road now. The end of the road where we do not maintain now cannot be maintained by the Township.

Clerk Report/Correspondence: Gave everyone a copy of the clerk ad to put in the paper and a list of the duties to put on the website. We did receive the second half of the taxes, for R&B we received \$353,401.38 and General fund \$67,337.16. We are having an issue with emails coming through TDS to Outlook. Will set up a Gmail account to use. Reviewed the help wanted ad. Motion by Supervisor Klein to publish ad in the Annandale, Maple Lake, Monticello, Clearwater, Buffalo and Monticello papers. Second by Supervisor Heikkinen. Motion carried 5-0.

**MISC:** Supervisor Ness had a resident talk to him about someone that has a vehicle sitting for a long time that is not licensed on his daughter's rental property. The Attorney said the property owner will need to take care of it.

**Adjournment:** Motion to adjourn by Supervisor Heikkinen, second by Supervisor Klein. Carried. Adjourned at 10:15pm.

Respectfully Submitted

Silver Creek Township Clerk  
Nancy Betzler  
December 07, 2021 Minutes  
Approved by Board of Supervisors  
January 04, 2022

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