

**Marysville Township**  
**MONTHLY BOARD MEETING**  
**Monday July 27th, 2020**

**Meeting:** The meeting was called to order by Vice Chair Joe Hickman at 7:00 PM. Members present Joe Hickman Vice-Chair, Jane Hurley Supervisor, Debbie Uecker Clerk-Treasurer, Marty Randal Deputy Clerk-Treasurer, Ron Boehlke Road Maintenance Bob Casey Road Maintenance, Mike Couri Marysville Township Attorney and 29 residents. Chair Augie Riebel was absent.

**Pledge of Allegiance:** Recited.

**Meeting Minutes:** A motion to accept the June 29th, 2020 Meeting Minutes was made by Joe Hickman, 2nd by Jane Hurley and carried 2-0.

**Treasurers Report:** The beginning balance for July 2020 is \$211,464.32, receipts of \$1,615.30, expenses of \$19,105.70 and ending balance of \$193,973.92. A motion to accept the Treasurers' report was made by Jane Hurley, 2<sup>nd</sup> by Joe Hickman and carried 2-0.

**Old Business:**

1) Paul Otto was present on behalf of his client; Mike Erpelding & is looking for a new PUD on Parcel 211-000-012400 & 211-000-013100. Discussions were made on the soil borings report.

Town Attorney Mike Couri recommends the Town Board to look at a Township Road Engineer. The developer will reimburse the Township to hire a Township Road Engineer.

Couri stated that the applicant will need a developer agreement that Couri & County Attorney's office will help create that will state the applicant will pay for a Township Road Engineer if the plat is approved and before the road is built. The Township will require a warranty by the developer with a letter of credit from a FDIC Bank for 2 years after acceptance date; The Township Road Engineer would inform the Town Board when the road project is complete.

Paul Otto said his client would be in favor.

Mike Couri stated the Township Road Engineer would help the Township set the standards for the road. The Town Board would have a development agreement with the help of Wright County that has the Township Standards built into the agreement. Even with a signed Developer agreement the Town Board still has not officially accepted the road and would still allow an "out" by the Township.

A motion was made by Joe Hickman, 2<sup>nd</sup> by Jane Hurley to send a letter to Wright County Planning and Zoning stating the following: The Township will maintain the proposed road provided if the Developer pays for the Township Road Engineer, the road is built to our standards, The Township receives a letter of Credit from a FDIC bank, the Township has warranty on the road for 2 years after the last home is fully constructed and the Developer agreement will have a condition that the Township will not take over the road until all building of homes is 100% complete and carried 2-0.

A motion was made by Joe Hickman, 2<sup>nd</sup> by Jane Hurley to accept the road if the following conditions are met: The Township will agree to maintain the road as a 9-ton road if the road is built to our road standards as developed by our Township Road Engineer and carried 2-0.

A motion was made by Joe Hickman, 2<sup>nd</sup> by Jane Hurley to agree to the road based on the following conditions: Provided that the new proposed road is built to Township Standards, as developed, and approved by a Township Road Engineer.

Developer pays for costs of construction and cost of Township Road Engineer.

Township will not maintain the road until all the homes are constructed 100%.

Agree to all details in the developer agreement and carried 2-0.

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2) Jeff Balke and Attorney John Peterson were present to discuss a Cartway on PID 211-000-293301 (4998 Ferman Ave SW). Ferman Ave SW currently ends 4 feet into Balke's property and Balke would need 300 feet for each lot as Balke is also requesting to have 4 additional lots and Sawatzke would have 2 additional lots.

Township Attorney Mike Couri commented on the cartway, his recommendation is to NOT accept the cartway. The problem is if the Township accepted the cartway, then the Township would need to maintain the cartway. If we accepted it, then the cartway is the Township problem. There is no case law stating the Township must accept the cartway. Ferman Ave is a very narrow road and addressed concerns if we put more traffic on the road. Couri stated the applicant will need to see the feasibility cost of building up Ferman Ave to a 9 ton road North to South, The applicant would be responsible to pay a Township Road Engineer to develop it and the cost to fix the road, to determine how much road right away is needed and top soil for road right away.

Neighbors have concerns about safety and increased traffic.

Peterson stated that his clients will gather the costs and see if it is feasible for his client.

A motion was made by Joe Hickman, 2<sup>nd</sup> by Jane Hurley to have Balke/Sawatzke pay for a Township Road Engineer to look at Ferman Ave all the way from the County Road to the end of Ferman Ave in Balke property and carried 2-0.

3) Andrew Hirsch is putting together a proposal for Wright County Soil & Water and the DNR on 15<sup>th</sup> Street to lower the Township culvert. 2016 Hirsch applied for permit to clean out ditches and trees, 2017 ran into water & could not cut the hay, 2018 was ok, 2019 applied to drain the water with Wright County Soil & Water. Hirsch stated 936 is the elevation height of the Township Culvert under the road.

Township Attorney Mike Couri said that the Township would have to be careful not create a water issue downstream for another property owner. Andrew stated that once the water leaves the culvert it is tiled all the way to the Crow River. A motion was made by Joe Hickman, 2<sup>nd</sup> by Jane Hurley to allow Andrew Hirsch to apply with Wright County Soil & Water for a permit to lower the Township culvert by 12" IF Wright County Soil & Water and DNR approve the culvert elevation change with all costs to be paid by Andrew Hirsch and Marysville Township will use Jake's Excavating if Wright County Soil & Water and the DNR approves the culvert to be lowered and carried 2-0.

4) 35<sup>th</sup> Street and Erik Ave was surveyed to find the road right away. The Township asked the road right away be staked to determine the ROW. Attorney Mike Couri stated that the Township ROW is where we "throw the snow". Couri stated the only true way to find the Township ROW is to wait for a 4" or 5" snow fall, then plow the road with the landowner and Township present video-taping the plowing, where the snow falls that is what determines the Township Road right away. When Townships in the 1980's filed their respective Township road descriptions the Supreme Court overruled that those descriptions were invalid as property owners were not compensated for the land. If we go back to Township maintenance records and can show the Township maintained the ROW for 6 years then we can use that. Road Maintenance employees have confirmed that he has graded the 700 feet in question for more than 10 years. MN Statue 160.05 states that if the Township maintains a road for any 6 years it is then a Township road. A culvert near Larson's needs to be fixed and replaced. A motion was made by Jane Hurley, 2<sup>nd</sup> by Joe Hickman to table this until October to allow farmer to harvest the crop and carried 2-0. Bob Casey & Ron Boehlke will build up the road with gravel.

#### **New Business:**

1) Dale Walchecki & Jennifer Viring were present with contractor Jorden Hirsch and is looking for a variance of 40 feet to build a shed on 1259 Flanders Ave, Waverly. A motion was made by Jane Hurley, 2<sup>nd</sup> by Joe Hickman to approve the variance and carried 2-0.

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2) Nancy Drumsta was present to discuss a plan on how to stop the gravel road erosion and the gravel from washing into her property. Bob Casey & Ron Boehlke would like to put 1 to 2 loads of con bit on the side of the road to stop the road erosion. A motion was made by Joe Hickman, 2<sup>nd</sup> by Jane Hurley to dig out the erosion area and replace it with con bit and fix the road right away and carried 2-0.

3) Supervisor Joe Hickman has been talking with the City of Montrose about fixing Clementa Ave and will be attending the City of Montrose meeting to see if the City will help pay for placing some con bit on the road.

**Business from the Floor:**

1) Deb Uecker will be attending the MAT district 7 Meeting.

**Upcoming Events:**

1. August 11<sup>th</sup>, 2020 Primary Election 7am – 8pm Town Hall
2. August 31<sup>st</sup>, 2020 Monthly Meeting 7pm, Town Hall

A motion to approve payroll/claims check numbers 11641-11657, EFT 07-2020, EFT 07-2020-1, totaling \$19,105.70 was made by Joe Hickman, 2<sup>nd</sup> by Jane Hurley and carried 2-0.

There being no other business to be brought before the Town Board, the monthly meeting was adjourned by Joe Hickman at 9:52 p.m.

Prepared by: \_\_\_\_\_ Date \_\_\_\_\_  
Debbie Uecker, Clerk/Treasurer

Board Signature: \_\_\_\_\_ Date \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice – Chairman

\_\_\_\_\_  
Supervisor

Date Filed: \_\_\_\_\_