

LeSauk Township Regular Township Meeting – Sartell Community Center – Liberty Rm
July 23, 2024

The regular township meeting of the LeSauk Township Board of Supervisors was called to order by Chairman Dan Heim at 6:00 p.m. at the Sartell Community Center – Liberty Room.

PRESENT: Supervisors Dan Heim, Jeff Westerlund and Paul Wagner, Deputy Clerk Mary Barron-Traut, Treasurer Josh Bentley and 5 interested parties.

SUPV HEIM MOTIONED TO APPROVE THE AGENDA **ADDING MS4 TO OLD BUSINESS**, SECOND BY SUPV WAGNER, MOTION CARRIED 3-0.

OPEN FORUM:

David and Judy Traut, 26 19th Ave. No., Sartell – Parcel Split – The Trauts appeared before the board to inquire about the procedures for splitting their 88.9 acre parcel. They would like to build a home on the new split while complying with the U1 Ordinance so that the parcels remain within the township. Mr. Traut stated that he had met with Sartell Project Supervisor Kari Haakonson who advised that a wetland delineation be completed. Mr. Traut contacted SEH who completed the wetland delineation, and he shared the results with the board; he also stated that he had contacted the Army Corps of Engineers along with Stearns County and neither had any issues.

Supv Heim informed the Trauts that they would need to survey the parcel to get new parcel IDs and submit an application for a minor subdivision to the board. After those are completed, a meeting with the Joint Planning Board would be needed; they are held on the 4th Tuesday of each month.

Thomas Property Clean-Up - Shirley and Ted Thomas appeared before the board to discuss the clean-up of their property. Supv Heim confirmed with the Thomas's that they had received a letter from Tim Oswald of Stearns County Environmental Services mandating the clean-up of the property because of its proximity to shoreland. Supv Heim informed the Thomas's to continue working on the clean-up since the county is now involved.

BUSINESS FROM THE FLOOR:

Public Hearing Cannabis Moratorium Ordinance – Supv Heim read the notice and opened the public hearing. There were no township residents in attendance to discuss it.

SUPV HEIM MOTIONED TO CLOSE THE PUBLIC HEARING, SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0.

Cannabis Moratorium Ordinance – Discussion was held as to what the cannabis ordinance means, we can't deny it but we can control what would be allowed and where it would be allowed.

SUPV WESTERLUND MOTIONED TO APPROVE THE CANNABIS MORATORIUM ORDINANCE, SECOND BY SUPV WAGNER, MOTION CARRIED 3-0.

MINUTES:

SUPV WESTERLUND MOTIONED TO APPROVE AS AMENDED THE MINUTES OF THE JULY 9, 2024 REGULAR TOWNSHIP MEETING, SECOND BY SUPV WAGNER, MOTION CARRIED 3-0.

THE MINUTES OF THE JULY 15, 2024 SPECIAL TOWNSHIP MEETING WERE TABLED UNTIL THE AUGUST 6th REGULAR TOWNSHIP MEETING.

ATTORNEY REPORT:

Solar Garden/Farms – Supv Heim asked Atty Gilchrist about drafting language. Supv Heim informed him that it would only be allowed with CUP and A20 parcel designations within the Xcel corridor in the north part of the township.

Township Code Violations – Supv Heim asked Atty Gilchrist to whittle down the violations to the ones that the township can actually write tickets on and can be prosecuted.

Udermann Road Work Invoice – Atty Gilchrist advised Supv Heim that a letter had been sent to the Udermann family regarding their invoice for work completed on 17th Street No. In the letter, Atty Gilchrist informed them that because it is a township road, the township board is the road authority, and that no person can plow without the express permission of the board. The legal implications of performing any unauthorized maintenance of the road were made clear in the letter. Additionally, Atty Gilchrist stated that no payment would be made on the invoice. In the future, any concerns about the quality of the road must be directed to the town board as they are the road authority.

17th St. No. Plowing – Supv Heim emailed Atty Gilchrist about charging for the plowing the minimum maintenance road. Atty Gilchrist advised that since it's the town's road, the town is obligated to maintain it; however, the owner could sign an assessment agreement where he agrees to pay for the plowing. Atty Gilchrist has not written one before for snow plowing but stated it could be argued that it constitutes an improvement and could be assessed against the benefitting property. Atty Gilchrist advised that there could be some risks for the town if this is pursued.

Fire Contract w/City of Sartell – Atty Gilchrist reviewed the fire contract and made some edits focusing on the text and not the numbers. Supv Heim suggested this be moved to Old Business.

BUILDING INSPECTOR REPORT: No report.

TREASURER'S REPORT:

Claim Voucher/Invoices - Treasurer Bentley presented the invoices and checks for payment to the board which totaled \$7322.31. The checks included Kennedy & Graven legal services of \$729.78; the St. Cloud APO 2nd half assessment of \$925.00; Bertram Asphalt Co. of Paynesville for the 4th load of spray patching of \$5500.00; along with the usual monthly payments.

Treasurer Bentley reported that the township has \$630,271.66 in cash in the bank and \$400,000 invested in CDs.

SUPV HEIM MOTIONED TO PAY ALL VOUCHERS IN THE AMOUNT \$7322.31 (CHECK #14286 THRU #14290), SECOND BY SUPV WAGNER, MOTION CARRIED 3-0.

SUPERVISORS REPORTS

Jeff Westerlund –

Debris on 30th St. – Supv Westerlund reported he received a call about garbage along the road into Via Riviera. He picked up large amounts of plastics, a smashed TV, and other garbage.

Dan Heim –

Wayne Paquin – 7230 322nd St., St. Joseph – Mr. Paquin contacted Supv Heim about why the street was not being completed. Sup Heim informed him of the vote from St. Cloud city council. Mr. Paquin also asked who would be responsible for the clean-up of a tree that had fallen on 322nd. Supv Westerlund stated that he had not seen the fallen tree on his road report route, so it is assumed by the board that someone cleaned it up.

Dave Blommel – Supv Heim was contacted by Mr. Blommel. They discussed the MS4 requirements for training.

Doug from Astech will be taking the MS4 classes and then will be training his workers.

Doug Novak O.A. letter – Supv Heim checked to see if there was a difference in the letter that he had received from the city of Sartell and the letter received by the township. Supv Heim stated that there was no difference.

Blow Patching of Township Roads – Supv Heim discussed the blow patching that is continuing on Riviera Road. As of today, 3202–3306 Riviera Road needs to be completed along with 30th St. and the township's portion of 35th St. The board had previously approved seven loads, and those have been used. Supv Heim will call to see how many loads it will take to complete Riviera Rd and 30th St.

SUPV WESTERLUND MOTIONED TO HAVE BERTRAM ASPHALT FINISH RIVIERA ROAD AND 30TH ST. WITH THE MAXIMUM OF 3 LOADS WITH ANY EXTRA GOING TO 35TH, SECOND BY SUPV WAGNER, MOTION CARRIED 3-0.

Paul Wagner – No report.

Clerk Report – No report.

OLD BUSINESS:

Town Hall – Supv Heim received a copy of a Letter of Intent to fill out, with the areas highlighted that needed to be filled out regarding the purchase of the property at 311 4th Ave. So. to Ben Copperthite. Supv Heim completed the form with the town's agreed purchase price of \$350,000 with earnest money of \$10,000 with a 30-day final acceptance for due diligence. Supv Heim sent the completed Letter of Intent to Atty Gilchrist who indicated all looked fine. Supv Heim emailed Stearns County assessor Scott Hemmesch about property taxes; the deadline would be July 1st of each year to qualify as tax exempt for the next year. Supv Heim sent the completed paperwork to Mr. Copperthite on the 11th, and on July 17th, Supv Heim received the redline from the sellers who had just tweaked a few items. The seller had accepted the township's offer of \$350,000 for purchase of the building and site. Inspection of the property would need to be completed within 30 days of acceptance.

As to the funding of the property purchase, Supv Heim consulted Atty Gilchrist about options. Because the township adopted an Urban Town resolution, a vote is not needed from the electorate; however, the ability to borrow money is limited. The township can only borrow from the USDA directly or indirectly any amount not to exceed \$450,000; however, the requirements are restrictive. Also, the township cannot take out bank loans. Supv Heim consulted Atty Gilchrist about other alternatives, who suggested a Certificate of Indebtedness, which is a general obligation bond.

Atty Gilchrist stated that Kennedy & Graven have several employees who could draw up the paperwork. Supv Heim was asked to research interest rates at banks (Bremer, US Bank, Falcon, and Bank Vista). After much investigation, it was suggested that the township use a public loan company such as Ehler's Public Financing. Supv Heim was informed that the company would do all of the legwork for a cost.

Supv Wagner asked whether the township could just pay the \$350,000 for the property because the cash is available. Treasurer Bentley strongly advised against it because funds might be needed for the Townline road project or other unforeseen expenses.

Discussion ensued about parking needed for the facility. Clerk Plante thought that a dozen spots would work. Supv Heim had checked into going out into the impervious but discovered it extended into a drainage pond, so that wouldn't be possible.

SUPV WAGNER MOVED TO ALLOW SUPV HEIM TO ACT ON BEHALF OF THE TOWNSHIP TO CONTACT EHLER'S PUBLIC FINANCING ABOUT PREPARING A \$250,000 5-YEAR CERTIFICATE OF INDEBTEDNESS BOND WITH NO PREPAYMENT PENALTY OPTION AND TO GIVE SUPV HEIM THE AUTHORITY TO SIGN THE PURCHASE AGREEMENT, SECOND BY SUPV WESTERLUND, MOTION CARRIED 3-0.

- **Possible lease of additional space in new Town Hall** – Supv Heim had consulted with Ben Copperthite regarding leasing the basement, who informed that there was potential for a \$6–9/sq ft/year lease; one level is 2048 sq. ft. The renter would pay for half of the insurance, taxes, and maintenance costs.
- **Inspection of new Town Hall** – Supv Heim asked the board whether an inspection of the property would be needed. Supv Wagner suggested that since the township has a relationship with David Barsody that he be asked to do the inspection. Also, there was a question as to whether a phase 1 environmental study be completed; the board decided against doing one.
- **PAT Public Accuracy Testing** – Clerk Plante indicated that she had difficulties reaching Pastor Scott or someone at Faith Journey Church in order to set up a time for the PAT test in preparation for the Aug. 13 Primary Election. The test must be completed by Saturday, Aug. 10.

Zander Property Clean-Up – After receiving an email from Atty Bob Alsop, Supv Heim asked him to set up a summary judgement meeting. Atty Alsop emailed Supv Heim an attachment of Notice of Motion and Motion for Summary Judgment that was served on the Gloria Zander today July 23rd. The hearing is scheduled for August 30th.

Thomas Property Clean-Up - Atty Gilchrist forwarded an email to Supv Heim from Tim Oswald of Stearns County Environmental Services. Confirmation was being sought that the township had done their due diligence in and exhausted their enforcement capabilities with cleaning up the Thomas property. If so, Stearns County would move forward with issuing a nuisance violation, and a letter would be sent. Supv Heim confirmed that the township had exhausted all avenues, and the township would like the county to pursue action on the clean-up of the property now and in the future.

Sullivan Yard Clean-up – Supv Westerlund will address this within the July Road Report.

Website Redesign – No further information has been received.

Solar Farm/Garden Presentation – Supv Heim has asked Atty Gilchrist to draft an ordinance allowing solar farms/gardens in the township.

Park Fund Distribution – The park fund distribution was discussed briefly. It was the consensus to have Clerk Plante place this item on the annual meeting agenda to bring to the township residents for their input whether to donate the money to the inclusive playground restroom plan or other area park projects.

Fire Protection Contract – This will remain on the agenda until a date has been set up to meet and discuss with Sartell City Council and Fire Chief Peter Kedrowski.

MS4 Permits – Clerk Plante received a list from Stearns County Deputy Craig Pogatschnik regarding deputies, who have been trained on Illicit Discharge Procedures. Sartell Fire Chief Peter Kedrowski sent Clerk Plante the name of police and fire fighters trained on Illicit Discharge Procedures; however, the training was outdated as it took place in February 2021.

- Clerk Plante stated she was trying to contact Rory Mrozik of Monarch Meadows about a SWPPP.
- Also, Supv Heim connected with Anthony Meemken to secure permission to inspect the pipe where the Kutzman addition drains out. Supv Heim will schedule a time to meet for the inspection.

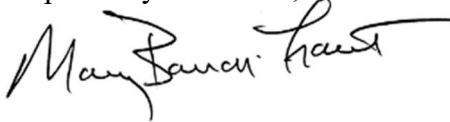
ROAD REPORT –

Supv Westerlund presented his road report and stated that the township roads are in great shape with the exception of 322nd.

There are weeds along the bridge, guard rail at the bridge, and guard rail on 40th Street No. by Majestic, and it was noted that Clerk Plante should contact Chuck Ertl to clear them. It was previously noted that blow patching is needed on 30th St. No. along with the area of #3202–3306 Riviera Road. Supv Westerlund had used 8 bags of cold patch on 321st (Foley) St.

There being no further business, SUPV WESTERLUND MOTIONED TO ADJOURN, SECOND BY SUPV WAGNER, MOTION CARRIED 3-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mary Barron-Traut". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mary Barron-Traut,
LeSauk Township Deputy Clerk