

BELGRADE TOWNSHIP

Annual Meeting

March 9, 2021

August 10, 2021

**Date: March 9, 2021**

**Place: Nicollet County Human Services Office, North Mankato**

Present: Chair Cheryl Michels, Vice-Chair Andy Goettlicher, Supervisor Gerri Krueger, Supervisor Mary Milbrath, and Supervisor Craig Smith along with Clerk Lori Cullen, Treasurer Ashley Hanley, Employee Harlan Olson, and several Belgrade Township residents.

Smith/Olson move/second to elect Edward Olson as moderator for the annual meeting, approved.

Olson/Joan Untiedt move/second to approve the minutes from 2020 annual meeting, approved.

Fire Report – Craig Smith

- Budget was \$94,900 for the fire department. They had 123 calls, 16 of which were for fire and the remainder were medical needs.
- Donated funds paid for a side-by-side Gator unit at a cost of \$50,000. It was purchased to assist hunters falling out of tree stands. Delivery is expected by mid-summer. The township's share for fire department expenses is approximately 30%.
- Fire department would like to purchase two new trucks (water truck and pumper truck) for a cost around \$800,000 with the township share being \$260,000. The current vehicles are 38 and 34 years old. It is becoming difficult to find parts for repairs. Smith suggested we set aside \$25,000 per year to prepare for the coming expense. Untiedt/Krueger move/second to approve the proposal to set aside \$25,000 per year for the upcoming expense for the fire department, approved.

Road Report – Mary Milbrath

- Xcel Energy used township roads for the Huntley-Wilmarth project. They will reimburse for the cost to fix the roads.
- Olson has done a good job keeping up with the necessary repairs to the roads. Roads are on a 3-year gravel rotation.
- Kern's Estates culvert needs replacement, and the county has agreed to replace it. The township will be responsible for \$20,000-\$30,000. Milbrath spoke with North Links Golf Course, and they are willing to let the residents go through their maintenance area to get to their homes during the replacement.
- Gravel gets applied to the roads at approximately 350 ton per mile.
- Dave Dahl had a question regarding a mailbox being hit by the road grader on Honeysuckle Lane. The current policy states that the property owner is responsible for the cost of replacing the mailbox. Olson said he was approached by Dahl previously that he wanted him to plow closer to the mailbox. Olson explained this would result in an increased risk of him hitting the mailbox. He also reminded residents that there are extreme conditions that he plows in. The roads are very slippery and why they try to stay away from the mailboxes. Dahl responded that it is 30 feet. Olson said it was 3-4 feet. Large equipment is hard to maneuver around the cul-de-sac in question. Smith explained also it is challenging for our plow drivers.
- Milbrath added some reminders about how residents can help maintain the roads and ditches.

- Michels stated fines may be imposed on residents who push snow across the roads.

Town Shop – Craig Smith

- Smith explained the need to improve the shop and/or add on. We need to consider a septic system and well. It could also have a town hall to hold township meetings. Milbrath added that equipment must sometimes be stored outside due to space constraints. Untiedt/Olson move/second to begin the process of exploring options to expand/renovate the shop and report back to the residents at the next annual meeting, approved.

Proposed Budget for 2022 – Andy Goettlicher

- Goettlicher presented the proposed budget request for the levy to be set at \$360,700 which is the same as the previous year. Untiedt asked where the \$25,000 for the new fire department equipment would come from. She suggested we increase that line item to accommodate the added expense. Edward Olson asked about deciding on the levy later this year and see how the year progresses.

Goettlicher/Smith move/second to continue the annual meeting on Tuesday, August 10, 2021, at 6:30 p.m., approved.

**Date: August 10, 2021**

**Place: Nicollet County Human Services Office, North Mankato**

Present: Chair Cheryl Michels, Supervisor Gerri Krueger, Supervisor Mary Milbrath, and Supervisor Craig Smith along with Town Clerk Joan Untiedt, Town Treasurer Ashley Hanley, Employee Harlan Olson, Nicollet County Deputy Sheriff, Attorney Bob Ruppe, and 26 Belgrade Township residents (that were signed in).

Meeting was reconvened by Chair Michels at 8:00 p.m. (could not start meeting before 8:00 p.m. due to primary election day). She turned the meeting over to moderator Edward Olson who was elected at the March 9<sup>th</sup> meeting.

Olson reminded all those in attendance of township meeting etiquette.

Smith requested an addition to the agenda under roads – Township 287/130 cartway/spillway discussion.

Proposed Budget for 2022 and request for levy

- Smith suggested the levy be left the same at \$360,700 and what was proposed at the first meeting. Milbrath proposed an increase of 1.5%.
- Karen Anderson – question if the township gets a percentage of increase in home appraised values from Nicollet County – no, the township receives the levy amount requested.
- Steve Michels – question if the \$25,000 for the fire department equipment is in the equipment replacement fund. This fund is used to repair or replace equipment as needed.
- Some townships in Minnesota have asked for a 2-3% levy increase.
- Wallace Michels – when is the last time the township put money in the equipment replacement fund – it is done every year with the levy received.
- Gary Lindsay – what is the purpose of the equipment replacement fund and when was it set up – discussed use earlier and part of levy if anyone remembers.
- Equipment replacement fund was used this past year to replace one-half of the frame on the Freightliner. Cost was approximately \$20,000. The other half of the frame still needs to be done.

- Charles Smith Jr. – why does the frame on the Freightliner need to be replaced – Harlan Olson answered the question. The Freightliner is 20 years old and needs repairs due to weather conditions it is used in that has caused rust and erosion.
- Milbrath/Michels move/second to increase the levy by 1.5% to \$366,110. Hand count was taken. Yes – 12 No – 15 votes. Levy will remain at \$360,700 for 2022.

#### Other Business – Township 287/130 Cartway

- Smith said 3 supervisors voted to abandon the cartway in April after it has been maintained for many years with the spillway also cleaned out. Smith cited names of people who worked on the cartway/spillway.
- Jim Johnson – at the meeting about a year ago when the road was discussed. Town Board (Board) members said they would not maintain as other cartways are not.
- Road was not closed. Cartways are not funded by the township. It must be maintained by the landowners.
- Sandy Howe – asked what road is in question – cartway off the Judson Bottom Road where landowners have access to their land.
- Linda Johnson – if the supervisors voted to not maintain the road, they should have told the landowners. What does it mean to abandon the road?
- Michels cited the Minnesota Statute 164.08, subsections 2 and 3, for legal cartways.
- Smith also cited that elector (residents) have a say in the decision.
- Deb Gintner – cannot abandon a road, it must go through the county.
- Craig Smith Jr. – the cartway has been maintained over 100 years, how can that be changed now?
- As an example, Cartway 193 (east of Highway 169) asked for repairs to the cartway. The Board said they do not maintain cartways due to cost.
- Smith said Cartway 130 is different than Cartway 193. The resident asked to have it abandoned and maintain themselves. They had 200 tillable acres to access.
- Gary Gintner – he said he maintained the road as an employee of the township. It was done 3 times per year.
- Jim Johnson – asked for maintenance to continue as before and if there was a change to the maintenance, the landowners should have been notified.
- Wallace Michels – what is defined as maintenance?
- Response by Bob Ruppe, attorney (Smith went on record, as a supervisor, he was not informed the attorney would be attending the meeting):
  - Under Minnesota Statutes, a cartway or road not maintained for 25 years or more, even if open to the public, cannot have township funds expended to maintain the cartway/road.
  - The question is whether there has been maintenance done on the road in the last 25 years. If it has been maintained, it is considered a town road and this statute is not triggered.
  - Discussion on what constitutes maintenance on a road. At some time, this cartway was treated as a minimum maintenance road and not like other town roads.
  - In the past, the Board has expressed the concern of limited funds to maintain the road.
  - Prior Board and maintenance records will need to be reviewed to determine if the road had work done on it.
  - In a different case two years ago, it was stated that towns are not allowed to spend money on a minimum maintenance road unless the residents request and funding is authorized.
  - If a town road is vacated, it would have to be maintained at a minimum standard. Is the road safe and passable? Emergency vehicles need to use the road if necessary.
  - The disagreement between the Board and residents is whether maintenance has been done on the road. If it has been done, the statute is not triggered. Electors would have to authorize the Board to spend the money, but it is not required.

- Ruppe represents cities and towns. A cartway is misunderstood many times. It is a path for landlocked property or a generic term for a town road.
- Again, if this cartway has been maintained over 100 years, the statute is not triggered. The biggest questions are whether this road has been maintained. He recognizes the road exists, but the residents can maintain the road.
- Ruth Craig – find proof of maintenance on the road and then vote on asking for continued maintenance.
- Karen Smith – how can the maintenance record be found? If the road is not maintained in the last 25 years, it does not have to be maintained going forward.
- Smith (Supervisor) – hired an attorney to investigate the maintenance on the road. They found evidence in 2020 authorized by the board. (Evidence not presented)
- Craig Smith Jr. – ramifications to the supervisors if they are lying to the residents. They are only showing documents to support their position.
- Loren Lindsay – was on the Board for many years when this same topic came up. He went to the courthouse, and they said it was a township road, when the Board said it was not. As an employee of the township, he did maintenance on the road, poured the cement pad, and trimmed trees. He maintains that this road is a town road and should continue to be maintained.
- The Board makes the final decision. A petition or request at an annual town meeting needs to be handed to the Town Clerk to verify. The Board has 30 days to set a hearing. Landowners need to be given notice to attend the hearing.
- Loren Lindsay – worried about losing roads to City of North Mankato through annexation and taxes continuing to rise. Taxes are calculated by total township road miles. When you lose roads, there is reduced funding through the gas tax. However, Ruppe responded with the township does not receive much from this tax. The cost would be significantly higher to maintain the road.
- Michels – question on who has the voice in the decision – only the residents who reside on the property? What about the other residents who pay the same tax?
- Farms are located along the cartway.
- Harlan Olson (employee) – the road is one mile, and he has never graded the road from the spillway and back. It has not been plowed either.
- Steve Michels – it would cost more to bring a lawsuit to than to just maintain the road. It is landlocked for the property owners.
- Ruth Craig – if the residents are asking for more money to maintain the road, how do we know what the costs are if the road is not maintained now?
- Linda Johnson – not asking for the road to be paved, just gravel to allow equipment to go back into their land for farming.
- Michels – the landowners are to pay for the maintenance on the cartway.
- Deb Gintner – all residents pay for all the roads to be maintained in the township. (She started verbally attacking the supervisors.)
- Smith (Supervisor) called for the resignations of the other supervisors.
- Milbrath stated the road is dangerous and difficult to get equipment through the waterway/spillway.
- Ruppe asked Smith if the entire road is maintained. Smith repeated that maintenance has been done on the road (did not detail). He said it was township employees who did all the work.
- Karen Smith – when she first moved there, she would drive a car to the fields. Can't get through the path anymore. Never asked for full maintenance, just to have minimum maintenance done.
- Sarah Meyer – used the road to ride horses. Have not been there for a few years due to the flooding. Also asked City of North Mankato Mayor Mark Dehen for help on another part but was denied due to no funding.

Residents are asking for access to their properties and should have the basic maintenance to remain a viable access to their land.

- Loren Lindsay (assisted by Gary Lindsay)/Wallace Michels move/second to cease the discussion and recommend maintaining the road as it is now, and the board would have to have a different reason to not maintain. Jessica Smith informed the Clerk that is not what Lindsay meant to say. Motion was not approved.
- Karen Smith/Deb Gintner move/second to start maintenance on the road like it was 10 years ago. Discussion – Harlan Olson was asked if he maintained the record book on all roads done, day by day which he does. Karen Smith said people can attest that maintenance was done less than 20 years ago. Wallace Michels asked for presentation of records to verify maintenance. Motion passed.
- Ruppe comments:
  - The motion has authorization to maintain the road if the Board wishes.
  - If the road has been maintained within the last 25 years, maintenance must continue on the road.
  - Board still makes the final decision to recommend keeping the road in a passable and safe condition.
  - If the Board does not agree to maintain the road, the residents could bring a lawsuit against the Board.
- Karen Smith – worried about the fact on whether the road is maintained in the past or not.
- Ruth Craig – question on looking at other roads with this discussion in a series of decisions about cartways. Cartways are recorded in county records. Milbrath answered with a description of all the other cartways listed in the county records.
- Smith – again stated the cartway 193 was a resident’s choice to maintain.

The 2022 annual meeting will be held on Tuesday, March 9, 2022, at 7:00 p.m. Wallace Michels/Milbrath move/second to accept the date and time, approved.

Michels/Krueger move/second to adjourn the meeting at 9:30 p.m.

  
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Edward Olson, Moderator

3/8/22  
Date

  
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Joan Untiedt, Town Clerk

3-8-22  
Date