

Eureka Township

Dakota County

State of Minnesota

Special Town Board Meeting
September 18, 2006

Call to Order

Chair Cory Behrendt called the special meeting of Eureka Township to order at 7:00 PM. Present were Supervisors Cory Behrendt, Gloria Belzer, Gary Smith, Cheryl Monson, Dan Rogers and Clerk/Treasurer Nanett Champlain, to record the minutes.

Citizens present: Butch Hansen, Dick Wagaman, Andrea Krapu, Rich Stevens.

The road maintenance contractor, Chris Nielsen, and his attorney, Carol Sheppard Cooper, were also present.

The meeting opened with the Pledge of Allegiance.

Agenda

Contractor/ Road Supervisor Communication Issues
Blacktopping Town Hall Parking Lot

Contractor/ Road Supervisor Communication Issues

Chair Corey Behrendt reminded the public that this is not a public hearing. It is not a matter of determining personal opinions. The meeting is to review and establish what the correct responsibilities are for road supervisors and the road contractor. The issue has risen out of concern on how communication happens between supervisors and the road maintenance contractor.

Chris Nielsen of Farm Road Services, LLP presented a letter to the Eureka Town Board at the September 11, 2006 Town Board meeting. *See attached letter dated September 11, 2006.*

Chris Nielsen was given the opportunity to represent his letter. He declined at this time.

Road Supervisor, Gary Smith, presented a letter to the Town Board at the special meeting in response to Mr. Nielsen's letter. Supervisor Gary Smith read his letter to the Town Board. *See attached letter dated September 18, 2006.*

Supervisor Cheryl Monson stated that she has never called in and complained about her road being rough, because she likes her road rough. It slows people down. She feels it is graded too much.

Chair Corey Behrendt led the discussion on road supervisor responsibilities as listed in the contract. The road supervisors are appointed at the Reorganizational meeting of the Town Board. It is their responsibility to identify and consolidate needed maintenance, to compile a list for the Town Board to approve expenditures, to get quotes for road projects, answer questions about roads and to track road projects, etc. They do not have decision making powers, except in the case of emergencies.

Standard communication should include regular reporting. Feedback should be very specific on what is needed and what needs improvement. Opinions and thoughts should not be included.

The reports should include what the contractor is responsible for: grading and graveling for projects, and misc., snow removal and emergency maintenance.

What are the expectations:

Grading roads: Contractor- keep Township roads graded per attached schedule

Supervisor/ Town Board- Review roads for proper grade, quality, method, frequency. This needs to be done in conjunction with the Planning Commission. As a group they have been assigned to different sections of the road and have been asked to report on a regular basis on the condition of the roads.

Gravel Spreading: Contractor- keeping the roads properly graveled, in safe travel condition, graveling roads, when requested by the Town Board. (gravel projects)

Town Board- Coordinated with the Town Board agreed upon and approved projects by the Town Board. Certain dollar amount, written communication documenting quantity, where- what areas.

Road Supervisors- Calling to make sure work is completed and done to specifications. Differences and deviations should be worked out through the Town Board.

Road Repair- Culverts and soft spots in roads should be done in conjunction with the Planning Commission. Documented, approved and defined how work will be done and provided with quotes the Town Board approved.

Road Supervisors follow up for completeness.

Misc. Maintenance- tree trimming, brush cutting, grass, sign placement, barricades. Need to be compiled maintenance items from road maintenance, road supervisors, all supervisors and Planning Commission. What needs to be done should be gathered, compiled and documented and the work should be completed.

The tree removal form to be used to document tree removal, should include a clear list of work to be done.

Pick up trash/ disposal- It is the responsibility of the Town Board and Planning Commissions to point out, along with individuals from the Township. Written communication through the clerk will document the request.

Snow removal/ sanding- Contractor- If less than 3" the snow will be plowed within 12 hours. If more than 3",. The snow will be plowed within 24 hours or in agreement with the Board/ Supervisors. (Discussion and prioritization will need to happen.)

Sanding- Typical where sanding needs to occur, when, what type of material should be used for a particular situation would need to be discussed. Communication should be followed up with written communication of what was asked and discussed.

Emergency Maintenance- Maintenance that can not wait for Board approval. Issue must be mitigated as best as possible to make travel safe, even if it means closing a road. Approval by at least two supervisors or call an emergency meeting to deal with issues, if there is going to be a significant cost.

The Maintenance Contractor, road supervisors and supervisors need to work closely together using MAT documents and State Statutes as guidelines.

The Town Board needs to move forward to set a policy that everything is in writing including road repair projects, tree trimming, etc. Monthly reports in writing, consciously look at projects, where they are at, how grading is going, is there extra grading needed, road repair projects, misc. maintenance needed or done, tree trimming. Good documentation on monthly bill on projects completed. Structured feedback is required, leaving out personal opinions on how someone is doing. Specifically talk about what additional things need to be completed or done differently.

Chair Corey Behrendt asked Chris Nielsen, Road Maintenance Contractor, if his concerns were addressed and satisfied. Chris Nielsen stated that Supervisor Gary Smith has a personal problem with him and that is not going to go away, and he is asking him to be removed from the position as Road Supervisor.

Supervisor Gary Smith stated that he does not have any personal grudges against Mr. Nielsen. He would like to see the Township get the most for their money; he wants the roads to be shaped properly and the ditches cleaned out.

Road Supervisors should not be communicating with the road contractor unless sharing and following up with decisions from the Board. There should be little discussion out in the field regarding additional questions, comments or concerns. Requests for additional grading and trash pick up should come through written communication from the clerk.

Chair Cory Behrendt asked Chris Nielsen if he would have a problem working this contract if he was asked to communicate with Road Supervisor Gary Smith.

Chris Nielsen stated that in May he had asked Supervisor Gary Smith to put all requests into writing because he lost trust in him, he does not trust him to deal with him on a day to day basis.

The Town Board asked that written communication be used between the road supervisors and the road contractor for the next 2 months, with evaluation of the situation at the end of the two month period.

There was no motion from the Town Board for Supervisor Gary Smith to step down. If Mr. Nielsen does not feel that he cannot do this, he can give notice to withdraw the contract.

There were hands up in the audience, Supervisor Dan Rogers acknowledged them but the Town Board did not take audience comments.

Road Contractor, Chris Nielsen, took a few minutes to discuss the proposal with his attorney. The Town Board discussed paving of the Town hall parking lot while this discussion took place.

Carol Sheppard Cooper, Chris Nielsen's attorney stated that improved communication in written documents and more Board involvement in giving direction to the road contractor are really important. If those two things could be done, then Road Contractor, Chris Nielsen, will agree to a two month trial. All communications would be done in writing. Chris asked that e-mails be sent by 7:00 am to complete a project the same day.

Paving of Town Hall Parking Lot

At the September 11, 2006, Town Board meeting, after review of the MAT manual regarding the transfer of funds, it was thought that it took a unanimous vote to spend funds from the General Fund to complete the blacktopping of the parking lot. The clerk contacted Eric Hedtke, MAT Attorney for clarification. The funds are not being transferred from one fund to another fund, so it only takes a majority of supervisor votes for the motion to pass.

The Town Board discussed the blacktopping of the parking lot and what was required for handicap parking. Supervisor Gloria Belzer had concerns of blacktopping the Town Hall parking lot when there are road projects that we do not have funding for.

Chair Corey Behrendt stated: Let the minutes reflect that the Board feels that the motion made at the September 11, 2006 Town Board meeting does support the decision to move forward on the Town hall blacktop project.

Supervisor Gloria Belzer stated her reasons for voting no: We did not have a full discussion on the requirements of the handicap parking in order to make a decision. She did not see anything in writing regarding what is required by the Building Code, chapter 1341, to determine the surface requirements for handicap parking compliance. She did not believe that the Township had researched alternatives to asphalt as hard surface options and had not conducted comparative costs. Per her discussion with Curt Wiley, State of MN., gravel can also meet hard surface requirements if compaction is maintained. She is not aware of any complaints received by the Township on parking lot complaints. It appears the Road Contractor maintains the parking lot according to expectations. There are road projects in Eureka, such as the Chub Lake Road ditch project, projected cost of \$16,000, Granada Ditch at 225th St & Essex and the boat landing at Chub Lake which should have priority over paving the Town Hall parking lot. If she knew that we were going to discuss transferring monies from the General Fund for blacktopping the parking lot, she would have liked to have had a Board discussion regarding options, priorities and handicap parking requirements before transferring the money for the asphalt parking lot.

A motion by Supervisor Cheryl Monson: To adjourn. Motion seconded by Supervisor Gloria Belzer.

Meeting adjourned at 8:25 pm.