

THURSDAY, JULY 10, 2014

**APPROVED MINUTES OF THE
CONCORD TOWNSHIP IMPASSABLE ROAD PUBLIC HEARING HELD REGARDING 540TH STREET**

**STATE OF MINNESOTA)
DODGE COUNTY)**

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2014-01 PUBLIC HEARING

The Dodge County Board of Commissioners met in a Concord Township Impassable Road public hearing July 10, 2014, at the Concord Town Hall, West Concord, MN, at 6:00 p.m. CDT to regarding 540th Street. Rodney Peterson, Chair called the meeting and public hearing to order at 6:00 p.m. CDT.

Meeting Convened

The Chair acknowledged those present and established that there was a quorum::

Those Present

Members Present:	Rodney Peterson	District #3
	David Erickson	District #4
	Steve Gray	District #5
Members Absent:	John Allen	District #1
	Tim Tjosaas	District #2
Also Present:	Guy Kohlnhofer	County Engineer
	Lisa Kramer	Finance Director
	Donny Avery	Concord Township Supervisor
	Craig Dahms	Concord Township Supervisor
	Dan Rabe	Concord Township Chair
	Teri Streiff	Concord Township Clerk
	Thomas Turner	Concord Township Treasure

Motion by Erickson seconded by Gray to establish agenda as presented. *Motion adopted unanimously.*

Agenda Approved

The Chair opened the floor for public comment and testimony.

Meeting Opened to
the Public

The following citizens discussed impassable road issues with the Board:

Public Comment
Regarding
Impassable Road
Complaint

Jeff Martin explained the history behind bringing forth the petition to the commissioners. Mr. Martin testified that he believes the road is unfit for travel at 55 mph with potholes, loose gravel, and slimy conditions when wet as the primary reasons. Mr. Martin also expressed concerns over liability on behalf of the township citing several statutes and news articles. Mr. Martin interprets reasonably passable to mean able to drive at the posted speed limit or 55 mph when not posted as stated by Minnesota Law.

Greg Horsman testified that potholes and wash boarding on the road makes the road impassable. Mr. Horsman believes the road to be dangerous to motorcyclist especially when meeting other vehicles or farm equipment. Mr. Horsman has had to pull over and stop to allow vehicles to pass.

Corky Buckingham presented photos of 540th Street from the spring of 2013 and of semis and other trucks traveling the road. Mr. Buckingham testified that he personally paid Stussy Construction \$500 to fill in potholes near his property that were missed by the township. Mr. Buckingham acknowledged that the road is most problematic in the spring during thawing. Mr. Buckingham also mentioned the bridge downhill is often riddled with potholes and covered in slimy debris. Mr. Buckingham reported that in the spring of 2014, he used his personal blade to scrape and remove some of the slime debris from the bridge deck. Mr. Buckingham cited concern over the bridge elevation with regard to flooding. Mr. Buckingham thought it may be necessary to remove some rock before adding new to maintain proper elevation.

Public Comment
Regarding
Impassable Road
Complaint -
Continued

Adeline Schletty attests that she slid on 200th Avenue with her 4-wheel drive vehicle due to the slimy condition of the road. Ms. Schletty's vehicle has been coated with the road slime.

James Crowson stated that the road becomes soft and there is a risk of vehicles sinking into the road. Mr. Crowson acknowledged the road has improved since 2013 and the spring.

Thomas Turner informed the public that the township does not make a practice of grading through the areas that received chloride/dust control. Mr. Turner reported that the chloride is one contributing factor in making the roads slimy when wet.

Dan Rabe noted that the township receives complaints from property owners when they do grade through the areas treated with chloride/dust control.

Steve Malueg stated that spring thawing creates conditions that does not allow for cars to go through. Mr. Malueg informed the Board that he has a repair bill for removing dust and hardened road slime build-up from his vehicles.

Commissioner Erickson asked attendees if they have brought these issues before the Township Board annual meeting in March or if they have done anything else to work with the township in resolving this matter.

Jeff Martin reported that he was not available during the March meeting but believes they have been talking to the township about this matter.

Donny Avery encouraged the public to attend the township meetings and to talk to the Township Officials, noting that he has seen very few people attend these meetings. Mr. Avery informed the public that the township has met with the County Engineer and County Maintenance Superintendent to remedy the problem. Mr. Avery acknowledged that the roads were bad in 2013 but no worse than any other road in the county. Mr. Avery noted that improvements have been made but it will take years to complete.

Commissioner Erickson asked if budgetary constraints were an issue.

Dan Rabe stated that \$115,000 was spent on aggregate in 2013. Total revenues for the township were \$190,000 with total expenses being \$230,000 for 2013. The township raised the tax levy by 10% for 2015. 15 miles of roads received rock in 2013, 12 miles in 2014, and expects another 12 miles in 2015. Mr. Rabe also noted that he has not received any phone calls from the public so far this year.

Public Comment
Regarding
Impassable Road
Complaint -
Continued

Commissioner Erickson asked the township if the roads have ever been scarified.

Mr. Rabe stated that the roads have not been scarified.

A brief discussion regarding scarifying the road followed.

Thomas Turner mentioned that Hodgman's road was completely impassable several years ago. Mr. Turner does not believe that the road in question has been impassable.

Mr. Rabe informed the public that the township has been testing their aggregates based upon MnDOT specifications. The township has been working with the County Engineer to make improvements and repeated that the process will take 3-5 years.

Dori Greene complemented the Township Board on listening to the public and making the improvements that they have.

Comments from the County Engineer, Guy Kohlhofer included the following:

- Suggested to the township to grade and maintain roads regardless if the road has received chloride/dust control. Noted that this is the practice of the county and it states on the chloride application that the county will maintain the roads as needed.
- Acknowledge the slimy road conditions in 2013. Has been working with the township to help improve their practices. Has noticed an improvement in the road conditions from these efforts. Expects it to take at least 3 years before a significant improvement is made due to the amount of poor aggregates currently on the road.
- Responding to Mr. Buckingham about the bridge, the township has already requested a mill and overlay to be performed. Will consider the road elevations at that time.
- Encouraged the public to attend the annual meetings and vote.
- Explained the process for moving forward with the petition. The County Commissioners will discuss the hearing when it is brought forward at a Board meeting and make a determination at that time. If the commissioners decide the county should take over maintenance of the road, the township will be billed for the work.

Motion by Gray to close the public hearing seconded by Erickson. *Motion adopted unanimously.*

Meeting Closed to
the Public

The following comments were heard from the Commissioners:

Comments from
the County Board

Commissioner Erickson stated that this is a new situation to the Board as in most cases township matters are held at the township level.

Commissioner Peterson reported that if the county takes over maintenance of the road, the costs will be billed back to the township and to understand that the money will have to be taken out of the township's budget.

Commissioner Gray noted that he compared the roads to other gravel roads in the region and found them to be similar.

Mr. Gray stated that MnDOT does not define an impassable road and does not make a road passable to any particular vehicle.

Commissioner Gray commented that the speed laws suggest that just because a road is posted at a certain speed that it does not mean the road it is always drivable at that speed; drivers must set their speeds to the conditions of the road.

Mr. Gray reported that the base should be evaluated when making maintenance decision.

Commissioner Gray pointed out that applying chloride does affect the condition of the road by sequestering the fines into the roadbed, reducing the natural erosion and creating an imbalance of aggregate to fines.

Mr. Gray informed those present that it is against state laws for the public to alter or maintain the road, cautioned against doing this in the future.

Motion by Gray to adjourn seconded by Erickson. *Motion adopted unanimously.* Meeting Adjourned

ATTEST:

RODNEY PETERSON
CHAIR, COUNTY BOARD

JESSICA BRENNAN
ADMINISTRATIVE ASSISTANT

DATED: